

By: Representative Ward

To: Transportation

HOUSE BILL NO. 1215

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 LOWER THE MINIMUM PERCENTAGE OF LIGHT TRANSMITTANCE REQUIRED FOR
3 THE WINDOW OF A MOTOR VEHICLE THAT HAS BEEN TINTED AFTER FACTORY
4 DELIVERY; AND FOR RELATED PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-7-59, Mississippi Code of 1972, is
7 amended as follows:

8 63-7-59. (1) No person shall drive any motor vehicle
9 required to be registered in this state upon the public roads,
10 streets or highways in this state with any sign or poster, or with
11 any glazing material which causes a mirrored effect, upon the
12 front windshield, side wings or side or rear windows of such
13 vehicle, other than a certificate or other paper required or
14 authorized to be so displayed by law. No person shall drive any
15 motor vehicle required to be registered in this state upon the
16 public roads, streets or highways in this state with any tinted
17 film, glazing material or darkening material of any kind on the
18 windshield of a motor vehicle except material designed to replace
19 or provide a sun shield in the uppermost area as authorized to be
20 installed by manufacturers of vehicles under federal law.

21 * * *

22 (2) From and after July 1, 2006, no person shall drive any
23 motor vehicle required to be registered in this state upon the
24 public roads, streets or highways in this state with any window
25 tinted or darkened, by tinted film or otherwise, unless:

26 (a) Each window of the vehicle upon which tinted or
27 darkening material has been applied has affixed to it a label as

28 provided under subsection (6) of this section certifying that the
29 window:

30 (i) Has a luminous reflectance not exceeding
31 twenty percent (20%); and

32 (ii) Has a light transmittance of twenty-eight
33 percent (28%) or more; or

34 (b) The person has a certificate of medical exemption
35 issued under subsection (4) of this section.

36 (3) The prohibitions of subsection (2) of this section shall
37 not apply to (a) school buses, other buses used for public
38 transportation, any bus or van owned or leased by a nonprofit
39 organization duly incorporated under the laws of this state or any
40 funeral home services, any limousine owned or leased by a private
41 or public entity; or (b) any other motor vehicle the windows of
42 which have been tinted or darkened before factory delivery as
43 permitted by federal law or federal regulations.

44 (4) Notwithstanding the provisions of subsection (2) * * *
45 of this section, it shall be lawful for any person who has been
46 diagnosed by a licensed physician in this state as having a
47 physical condition or disease which is seriously aggravated by
48 minimum exposure to sunlight to place or have placed upon the
49 windshield or windows of any motor vehicle which he owns or
50 operates or within which he regularly travels as a passenger
51 tinted film or other darkening material which would otherwise be
52 in violation of this section. However, any such vehicle, in order
53 to be exempt under this subsection, shall have prominently
54 displayed on the vehicle dashboard a certificate of medical
55 exemption on a form prepared by the Commissioner of Public Safety
56 and signed by the person on whose behalf the certificate is
57 issued. The special certificate authorized by this subsection (4)
58 shall be issued free of charge to the applicants through the
59 offices of the tax collectors of the counties. Each applicant
60 shall present to the issuing official (a) an affidavit signed

61 personally by the applicant and signed and attested by a physician
62 which states the applicant's physical condition or disease which
63 entitles him to an exemption under this subsection, and (b) proof
64 of ownership of the motor vehicle by the applicant, or a signed
65 affidavit by the owner of a motor vehicle operated for the use of
66 the applicant, for which he is obtaining the certificate.

67 (5) The windshield on every motor vehicle shall be equipped
68 with a device for cleaning rain, snow or other moisture from the
69 windshield, which device shall be so constructed as to be
70 controlled or operated by the driver of the vehicle.

71 (6) From and after July 1, 2005, the Department of Public
72 Safety shall issue labels to official motor vehicle inspection
73 stations for affixing to every motor vehicle required to be
74 inspected in this state with a window therein which has been
75 tinted or darkened with any tinted film or other darkening
76 material after factory delivery. The label shall be affixed to
77 the lower left corner of each such window, shall be legible from
78 outside the vehicle, and shall indicate the label registration
79 number, a certification of compliance with Mississippi law, and
80 such other information as the Commissioner of Public Safety deems
81 appropriate. The labels shall be of a type which is
82 pressure-sensitive, self-destructive upon removal, and no larger
83 than one (1) inch square in size. Before affixing the label, the
84 inspection station shall conduct a test to determine that the
85 window complies with the luminous reflectance and light
86 transmittance requirements prescribed under subsection (2) * * *
87 of this section. The test shall be conducted using such methods
88 or devices as may be approved and certified not less often than
89 annually by the Department of Public Safety. For conducting such
90 tests, motor vehicle inspection stations shall charge and collect
91 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee
92 shall be retained by the inspection station, and Three Dollars
93 (\$3.00) of the fee shall be remitted to the Department of Public

94 Safety and may be expended, upon legislative appropriation, for
95 the operational expenses of the department. No fee shall be
96 charged unless a test is actually performed under this subsection.
97 The presence of such label upon the window of a motor vehicle
98 shall indicate that the person who affixed the label certifies
99 that the window meets the restrictions of subsection (2) * * * of
100 this section as to luminous reflectance and light transmittance.

101 (7) No person shall install any tinted film, darkening
102 material, glazing material or any other material upon the
103 windshield or any window of a motor vehicle which, after the
104 installation thereof, would result in such vehicle being in
105 violation of subsection (2) * * * of this section.

106 (8) No motor vehicle inspection certificate shall be issued
107 from and after July 1, 2005, for a vehicle on which the windshield
108 or any window of the vehicle has been darkened by the installation
109 of tinted film or by other means, except as authorized under this
110 section. Inspection certificates may be issued for motor vehicles
111 which have labels affixed pursuant to subsection (6) of this
112 section and for motor vehicles for which a certificate of medical
113 exemption has been issued pursuant to subsection (4) of this
114 section.

115 (9) It shall be unlawful for any person to alter or
116 reproduce any label or certificate of medical exemption approved
117 by the Commissioner of Public Safety under this section for the
118 purpose of misleading law enforcement officers or motor vehicle
119 inspection stations, or to knowingly use any approved label or
120 certificate except as authorized by this section.

121 (10) Any person violating subsection (7), (8) or (9) of this
122 section, upon conviction, shall be punished by a fine of not more
123 than One Thousand Dollars (\$1,000.00), or imprisonment in the
124 county jail for not more than three (3) months, or by both such
125 fine and imprisonment.

126 (11) Any violation of this section other than a violation of
127 subsection (7), (8) or (9) of this section shall be punishable
128 upon conviction as provided in Section 63-7-7.

129 (12) Violations of this section shall be enforced only by
130 law enforcement officers of the Mississippi Department of Public
131 Safety and municipal law enforcement officers of municipalities
132 having a population of two thousand (2,000) or more on the public
133 roads, streets and highways under their jurisdiction.

134 (13) The Department of Public Safety shall initiate a public
135 awareness program designed to inform and educate persons of the
136 provisions of this section. Funds for such public awareness
137 program shall be available through the office of the Governor's
138 representative for highway safety programs.

139 **SECTION 2.** This act shall take effect and be in force from
140 and after July 1, 2006.