

By: Representatives Ward, Buck

To: Transportation

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1215

1 AN ACT TO AMEND SECTION 63-7-59, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT THE WINDSHIELD OF A MOTOR VEHICLE THAT HAS ANY WINDOW
3 THAT HAS BEEN DARKENED OR TINTED AFTER FACTORY DELIVERY SHALL HAVE
4 AFFIXED THERETO A LABEL INDICATING THAT SUCH WINDOWS COMPLY WITH
5 THE PROVISIONS OF THIS ACT; TO DELETE CERTAIN PROVISIONS THAT
6 RESTRICT THE PERCENTAGE OF LUMINOUS REFLECTANCE THAT MAY APPEAR ON
7 THE WINDOW OF ANY MOTOR VEHICLE; TO LOWER THE MINIMUM PERCENTAGE
8 OF LIGHT TRANSMITTANCE REQUIRED FOR THE WINDOW OF A MOTOR VEHICLE
9 THAT HAS BEEN TINTED AFTER FACTORY DELIVERY; TO EXEMPT CERTAIN
10 VEHICLES FROM THE PROHIBITIONS OF THIS ACT; TO PROVIDE THAT A
11 MOTOR VEHICLE INSPECTION STATION SHALL NOT BE REQUIRED BY THE
12 DEPARTMENT OF PUBLIC SAFETY TO ENTER INTO SEPARATE BOND FOR THE
13 PURPOSE OF AUTHORIZING THE INSPECTION STATION TO PERFORM
14 INSPECTIONS OF THE WINDOWS OF MOTOR VEHICLES THAT HAVE BEEN TINTED
15 OR DARKENED AFTER FACTORY DELIVERY; TO PROVIDE THAT NO INSPECTION
16 STATION SHALL BE REQUIRED TO PERFORM A TEST TO DETERMINE IF THE
17 WINDOWS OF A MOTOR VEHICLE HAVE BEEN TINTED OR DARKENED AFTER
18 FACTORY DELIVERY IF THE INSPECTION STATION DOES NOT ISSUE A MOTOR
19 VEHICLE INSPECTION CERTIFICATE FOR THE VEHICLE; AND FOR RELATED
20 PURPOSES.

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

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

24 63-7-59. (1) No person shall drive any motor vehicle
25 required to be registered in this state upon the public roads,
26 streets or highways in this state with any sign or poster, or with
27 any glazing material which causes a mirrored effect, upon the
28 front windshield, side wings or side or rear windows of such
29 vehicle, other than a certificate or other paper required or
30 authorized to be so displayed by law. No person shall drive any
31 motor vehicle required to be registered in this state upon the
32 public roads, streets or highways in this state with any tinted
33 film, glazing material or darkening material of any kind on the
34 windshield of a motor vehicle except material designed to replace
35 or provide a sun shield in the uppermost area as authorized to be
36 installed by manufacturers of vehicles under federal law.

37 * * *

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

42 (a) The windshield of the vehicle * * * has * * *
43 affixed to it a label as provided under subsection (6) of this
44 section certifying that all the windows of the vehicle have a
45 light transmittance of twenty-eight percent (28%) or more; or

46 (b) The owner or operator of the vehicle has a
47 certificate of medical exemption issued under subsection (4) of
48 this section.

49 (3) The prohibitions of subsection (2) of this section shall
50 not apply to (a) school buses, other buses used for public
51 transportation, any bus or van owned or leased by a nonprofit
52 organization duly incorporated under the laws of this state or any
53 funeral home services vehicle, any limousine owned or leased by a
54 private or public entity, or any law enforcement vehicle; (b) any
55 window behind the front two (2) side windows, including the rear
56 window, of any pickup truck, van, motor home, recreational
57 vehicle, sport utility vehicle or multipurpose vehicle that has
58 been tinted or darkened after factory delivery to the extent that
59 the light transmittance of the window meets the minimum light
60 transmittance requirements authorized to be installed for that
61 window and for that vehicle under federal law or regulations
62 before factory delivery; or (c) any other motor vehicle the
63 windows of which have been tinted or darkened before factory
64 delivery as permitted by federal law or federal regulations.

65 (4) Notwithstanding the provisions of subsection (2) * * *
66 of this section, it shall be lawful for any person who has been
67 diagnosed by a licensed physician in this state as having a
68 physical condition or disease which is seriously aggravated by
69 minimum exposure to sunlight to place or have placed upon the

70 windshield or windows of any motor vehicle which he owns or
71 operates or within which he regularly travels as a passenger
72 tinted film or other darkening material which would otherwise be
73 in violation of this section. However, any such vehicle, in order
74 to be exempt under this subsection, shall have prominently
75 displayed on the vehicle dashboard a certificate of medical
76 exemption on a form prepared by the Commissioner of Public Safety
77 and signed by the person on whose behalf the certificate is
78 issued. The special certificate authorized by this subsection (4)
79 shall be issued free of charge to the applicants through the
80 offices of the tax collectors of the counties. Each applicant
81 shall present to the issuing official (a) an affidavit signed
82 personally by the applicant and signed and attested by a physician
83 which states the applicant's physical condition or disease which
84 entitles him to an exemption under this subsection, and (b) proof
85 of ownership of the motor vehicle by the applicant, or a signed
86 affidavit by the owner of a motor vehicle operated for the use of
87 the applicant, for which he is obtaining the certificate.

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

92 (6) * * * The Department of Public Safety shall issue labels
93 to official motor vehicle inspection stations for affixing to the
94 windshield of every motor vehicle required to be inspected in this
95 state with a window therein which has been tinted or darkened with
96 any tinted film or other darkening material after factory
97 delivery. The label shall be affixed to the lower left corner of
98 the windshield directly above the certificate of inspection, shall
99 be legible from outside the vehicle, and shall indicate the label
100 registration number, a certification of compliance with
101 Mississippi law, and such other information as the Commissioner of
102 Public Safety deems appropriate. The labels shall be of a type

103 which is pressure-sensitive, self-destructive upon removal, and no
104 larger than one (1) inch square in size. Before affixing the
105 label, the inspection station shall conduct a test to determine
106 that the window complies with the * * * light transmittance
107 requirements prescribed under subsection (2) * * * of this
108 section. The test shall be conducted using such methods or
109 devices as may be approved and certified not less often than
110 annually by the Department of Public Safety. An inspection
111 station shall not be required by the department to enter into a
112 bond separate and apart from any bond required for official
113 inspection stations as provided under Section 63-13-5, but the
114 bond required under Section 63-13-5 shall be considered entirely
115 sufficient for the purposes of this section. For conducting such
116 tests, motor vehicle inspection stations shall charge and collect
117 a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of such fee
118 shall be retained by the inspection station, and Three Dollars
119 (\$3.00) of the fee shall be remitted to the Department of Public
120 Safety and may be expended, upon legislative appropriation, for
121 the operational expenses of the department. No fee shall be
122 charged unless a test is actually performed under this subsection
123 and no inspection station shall be required to perform a test to
124 determine if the windows of a motor vehicle have been tinted or
125 darkened with any tinted film or other darkening material after
126 factory delivery so long as the inspection station does not issue
127 a motor vehicle inspection certificate for any such vehicle. The
128 presence of such label upon the windshield of a motor vehicle
129 shall indicate that the person who affixed the label certifies
130 that the windows of the vehicle meet the restrictions of
131 subsection (2) * * * of this section as to * * * light
132 transmittance.

133 (7) No person shall install any tinted film, darkening
134 material, glazing material or any other material upon the
135 windshield or any window of a motor vehicle which, after the

136 installation thereof, would result in such vehicle being in
137 violation of subsection (2) * * * of this section.

138 (8) No motor vehicle inspection certificate shall be
139 issued * * * for a vehicle on which the windshield or any window
140 of the vehicle has been darkened by the installation of tinted
141 film or by other means, except as authorized under this section.
142 Inspection certificates may be issued for motor vehicles which
143 have labels affixed pursuant to subsection (6) of this section and
144 for motor vehicles for which a certificate of medical exemption
145 has been issued pursuant to subsection (4) of this section.

146 (9) It shall be unlawful for any person to alter or
147 reproduce any label or certificate of medical exemption approved
148 by the Commissioner of Public Safety under this section for the
149 purpose of misleading law enforcement officers or motor vehicle
150 inspection stations, or to knowingly use any approved label or
151 certificate except as authorized by this section.

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

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

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

165 (13) The Department of Public Safety shall initiate a public
166 awareness program designed to inform and educate persons of the
167 provisions of this section. Funds for such public awareness

168 program shall be available through the office of the Governor's
169 representative for highway safety programs.

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