

By: Representatives Ward, Buck

To: Transportation

HOUSE BILL NO. 1215
(As Sent to Governor)

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; TO AMEND SECTION
20 63-7-19, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A WHITE STROBE
21 LIGHT TO MARK A RURAL MAIL CARRIER'S VEHICLE; AND FOR RELATED
22 PURPOSES.

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

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

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

37 or provide a sun shield in the uppermost area as authorized to be
38 installed by manufacturers of vehicles under federal law.

39 * * *

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

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

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

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

67 (4) Notwithstanding the provisions of subsection (2) * * *
68 of this section, it shall be lawful for any person who has been
69 diagnosed by a licensed physician in this state as having a

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

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

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

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

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

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

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

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

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

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

167 (13) The Department of Public Safety shall initiate a public
168 awareness program designed to inform and educate persons of the
169 provisions of this section. Funds for such public awareness
170 program shall be available through the office of the Governor's
171 representative for highway safety programs.

172 SECTION 2. Section 63-7-19, Mississippi Code of 1972, is
173 amended as follows:

174 63-7-19. (1) Except as otherwise provided for unmarked
175 vehicles under Section 19-25-15 and Section 25-1-87, every police
176 vehicle shall be marked with blue lights. Every ambulance and
177 special use EMS vehicle as defined in Section 41-59-3 shall be
178 marked with red lights front and back and also may be marked with
179 white and amber lights in addition to red lights. Every emergency
180 management/civil defense vehicle, including emergency response
181 vehicles of the Department of Environmental Quality, shall be
182 marked with blinking, rotating or oscillating red lights.
183 Official vehicles of a 911 Emergency Communications District may
184 be marked with red and white lights. Every wrecker or other
185 vehicle used for emergency work, except vehicles authorized to use
186 blue or red lights, shall be marked with blinking, oscillating or
187 rotating amber colored lights to warn other vehicles to yield the
188 right-of-way, as provided in Section 63-3-809. Only police
189 vehicles used for emergency work may be marked with blinking,
190 oscillating or rotating blue lights to warn other vehicles to
191 yield the right-of-way. Only law enforcement vehicles, fire
192 vehicles, private or department-owned vehicles used by firemen of
193 volunteer fire departments which receive funds pursuant to Section
194 83-1-39 when responding to calls, emergency management/civil
195 defense vehicles, emergency response vehicles of the Department of
196 Environmental Quality, ambulances used for emergency work, and 911
197 Emergency Communications District vehicles may be marked with
198 blinking, oscillating or rotating red lights to warn other
199 vehicles to yield the right-of-way. This section shall not apply

200 to school buses carrying lighting devices in accordance with
201 Section 63-7-23.

202 (2) Any vehicle referred to in subsection (1) of this
203 section also shall be authorized to use alternating flashing
204 headlights when responding to any emergency.

205 (3) Any vehicle operated by a United States rural mail
206 carrier for the purpose of delivering United States mail may be
207 marked with two (2) amber colored lights on front top of the
208 vehicle and two (2) red colored lights on rear top of the vehicle
209 and alternatively or additionally may be marked with a white,
210 flashing strobe light on the roof of the vehicle so as to warn
211 approaching travelers to decrease their speed because of danger of
212 colliding with the mail carrier as he stops and starts along the
213 edge of the road, street or highway.

214 **SECTION 3.** This act shall take effect and be in force from
215 and after its passage.