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## HOUSE BILL NO. 2373

Offered January 16, 2017

A *BILL to amend and reenact § 46.2-1052 of the Code of Virginia, relating to tinting of windows of vehicles used in the course of business by bail bondsmen and private investigators.*

Patrons—Holcomb and Cole

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1052 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.

A. As used in this article, unless the context requires a different meaning:

"Front side window" means any window located adjacent to and forward of the driver's seat.

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed.

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use.

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angle.

"Rear side window" means any vehicle window that is located to the rear of the driver's seat and that is approximately perpendicular to the windshield.

"Rear window" means any vehicle window that is located to the rear of the passenger compartment of a motor vehicle and that is approximately parallel to the windshield.

B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading material, or other colored material on the windshield, front or rear side windows, or rear windows of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the windshield at a location designated by the Superintendent.

~~B.~~ C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or stickers, regardless of size; or

3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or windows is otherwise obstructed.

~~C.~~ D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or tinting film is applied or affixed in accordance with the following:

1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce the total light transmittance of such window to less than 35 percent;

2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window to less than 50 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that

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59 (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

60 Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading  
61 or tinting films that ~~(i)~~ (a) have a total light transmittance less than that required by subdivisions 1 and  
62 2, ~~(ii)~~ (b) have a reflectance of light exceeding 20 percent, or ~~(iii)~~ (c) produce holographic or prism  
63 effects is guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner  
64 for the violation.

65 Any person or firm ~~who~~ that applies or affixes to the windows of any motor vehicle in Virginia  
66 sun-shading or tinting films that ~~(i)~~ (1) reduce the light transmittance to levels less than that allowed in  
67 subdivisions 1 and 2, ~~(ii)~~ (2) have a reflectance of light exceeding 20 percent, or ~~(iii)~~ (3) produce  
68 holographic or prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2  
69 misdemeanor for any subsequent offense.

70 ~~D.~~ E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper  
71 standards for equipment or devices used to measure light transmittance through windows of motor  
72 vehicles. Law-enforcement officers shall use only such equipment or devices to measure light  
73 transmittance through windows that meet the standards established by the Division. Such measurements  
74 made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

75 ~~E.~~ F. No film or darkening material may be applied on the windshield except to replace the  
76 sunshield in the uppermost area as installed by the manufacturer of the vehicle.

77 ~~F.~~ G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a  
78 single sticker no larger than 20 square inches if such sticker is totally contained within the lower five  
79 inches of the glass of the rear window, nor shall subsection B apply to a motor vehicle to which but one  
80 such sticker is so affixed.

81 ~~G.~~ H. *Where a person is convicted within one year of a second or subsequent violation of this*  
82 *section involving the operation of the same vehicle having a tinted or smoked windshield, the court, in*  
83 *addition to any other penalty, may order the person so convicted to remove such tinted or smoked*  
84 *windshield from the vehicle.*

85 *1. The provisions of this section shall not apply to the following:*

86 *Nothing in this section shall prohibit applying 1. Applying to the rear side windows or rear window*  
87 *of any multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total*  
88 *light transmittance of such window or windows below 35 percent.*

89 *H. As used in this article:*

90 *"Front side windows" means those windows located adjacent to and forward of the driver's seat;*

91 *"Holographic effect" means a picture or image that may remain constant or change as the viewing*  
92 *angle is changed;*

93 *"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than*  
94 *10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road*  
95 *use;*

96 *"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various*  
97 *colored components that may change depending on viewing angle;*

98 *"Rear side windows" means those windows located to the rear of the driver's seat;*

99 *"Rear window" or "rear windows" means those windows which are located to the rear of the*  
100 *passenger compartment of a motor vehicle and which are approximately parallel to the windshield.*

101 *I. Notwithstanding the foregoing provisions of this section, sun-shading 2. Sun-shading material*  
102 *which that was applied or installed prior to July 1, 1987, in a manner and on which windows not then*  
103 *in violation of Virginia the law of the Commonwealth, shall continue to be lawful, provided that it can*  
104 *be shown by appropriate receipts that such material was installed prior to July 1, 1987.*

105 *J. Where a person is convicted within one year of a second or subsequent violation of this section*  
106 *involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition*  
107 *to any other penalty, may order the person so convicted to remove such tinted or smoked windshield*  
108 *from the vehicle.*

109 *K. The provisions of this section shall not apply to law-enforcement 3. Law-enforcement vehicles.*

110 *L. The provisions of this section shall not apply to the 4. The rear windows or rear side windows of*  
111 *any emergency medical services vehicle used to transport patients.*

112 *5. The front side, rear side, and rear windows of any vehicle utilized in the course of business by*  
113 *private investigators licensed pursuant to § 9.1-139, bail bondsmen licensed pursuant to § 9.1-185.5, or*  
114 *bail enforcement agents licensed pursuant to § 9.1-186.5. However, no sun-shading or tinting films may*  
115 *be applied to such windows that reduce the total light transmittance of such windows to less than 20*  
116 *percent.*

117 *M. J. The provisions of subdivision C D 1 shall not apply to sight-seeing carriers as defined in*  
118 *§ 46.2-2000 and contract passenger carriers as defined in § 46.2-2000.*