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HOUSE BILL NO. 2026

Offered January 13, 2021

Prefiled January 12, 2021

A *BILL to amend and reenact §§ 46.2-1052, as it is effective and as it shall become effective, and 46.2-1053 of the Code of Virginia, relating to vehicle window tinting.*

Patron—Tyler

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1052, as it is effective and as it shall become effective, and 46.2-1053 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1052. (Effective until March 1, 2021) 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 windows" means those windows 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 windows" means those windows located to the rear of the driver's seat;

"Rear window" or "rear windows" means those windows that are located to the rear of the passenger compartment of a motor vehicle and that are 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.

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.

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~~ *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

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59 window to less than 50 35 percent;

60 3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that
61 (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

62 Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading
63 or tinting films that (i) have a total light transmittance less than that required by subdivisions 4 and
64 subdivision 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism
65 effects is guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner
66 for the violation.

67 Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia
68 sun-shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in
69 subdivisions 4 and subdivision 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce
70 holographic or prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2
71 misdemeanor for any subsequent offense.

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

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

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

83 H. ~~Nothing in this section shall prohibit applying to the rear side windows or rear window of any~~
84 ~~multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light~~
85 ~~transmittance of such window or windows below 35 percent.~~

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

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

94 K. J. The provisions of this section shall not apply to law-enforcement vehicles.

95 L. K. The provisions of this section shall not apply to the rear windows or rear side windows of any
96 emergency medical services vehicle used to transport patients.

97 M. L. The provisions of subdivisions D 4, 2, and 3 shall not apply to vehicles operated in the
98 performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed
99 in accordance with § 9.1-139.

100 N. ~~The provisions of subdivision D 4 shall not apply to sight-seeing carriers as defined in §—~~
101 ~~46.2-2000 and contract passenger carriers as defined in § 46.2-2000.~~

102 O. M. For any summons issued for a violation of this section, the court may, in its discretion,
103 dismiss the summons, where proof of compliance with this section is provided to the court on or before
104 the court date.

105 **§ 46.2-1052. (Effective March 1, 2021) Tinting films, signs, decals, and stickers on windshields,**
106 **etc.; penalties.**

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

108 "Front side windows" means those windows located adjacent to and forward of the driver's seat.

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

111 "Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than
112 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road
113 use.

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

116 "Rear side windows" means those windows located to the rear of the driver's seat.

117 "Rear window" or "rear windows" means those windows that are located to the rear of the passenger
118 compartment of a motor vehicle and that are approximately parallel to the windshield.

119 B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for
120 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.

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.

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~~ *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~~ 35 percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

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

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

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

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

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

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

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

182 ~~I. I.~~ Where a person is convicted within one year of a second or subsequent violation of this section
183 involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition
184 to any other penalty, may order the person so convicted to remove such tinted or smoked windshield
185 from the vehicle.

186 ~~K. J.~~ The provisions of this section shall not apply to law-enforcement vehicles.

187 ~~L. K.~~ The provisions of this section shall not apply to the rear windows or rear side windows of any
188 emergency medical services vehicle used to transport patients.

189 ~~M. L.~~ The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the
190 performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed
191 in accordance with § 9.1-139.

192 ~~N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in §—~~
193 ~~46.2-2000 and contract passenger carriers as defined in § 46.2-2000.~~

194 ~~O. M.~~ For any summons issued for a violation of this section, the court may, in its discretion,
195 dismiss the summons, where proof of compliance with this section is provided to the court on or before
196 the court date.

197 ~~P. N.~~ No law-enforcement officer shall stop a motor vehicle for a violation of this section. No
198 evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence
199 discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other
200 proceeding.

201 **§ 46.2-1053. Equipping certain motor vehicles with sun-shading or tinting films or applications.**

202 Notwithstanding the provisions of § 46.2-1052, a motor vehicle operated by or regularly used to
203 transport any person with a medical condition which renders him susceptible to harm or injury from
204 exposure to sunlight or bright artificial light may be equipped, on its windshield ~~and any or all of its~~
205 ~~windshields~~, with sun-shading or tinting films or applications which reduce the transmission of light into
206 the vehicle to levels not less than 35 percent. Such sun-shading or tinting film when applied to the
207 windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level less
208 than 70 percent except for the upper five inches of such windshield or the AS-1 line, whichever is
209 closer to the top of the windshield. Vehicles equipped with such sun-shading or tinting films shall not
210 be operated on any highway unless, while being so operated, the driver or an occupant of the vehicle
211 has in his possession a written authorization issued by the Commissioner of the Department of Motor
212 Vehicles authorizing such operation. The Commissioner shall issue such written authorization only upon
213 receipt of a signed statement from a licensed physician or licensed optometrist (i) identifying with
214 reasonable specificity the person seeking the written authorization and (ii) stating that, in the physician's
215 or optometrist's professional opinion, the equipping of a vehicle with sun-shading or tinting films or
216 applications is necessary to safeguard the health of the person seeking the written authorization. Written
217 authorizations issued by the Commissioner under this section shall be valid so long as the condition
218 requiring the use of sun-shading or tinting films or applications persists or until the vehicle is sold,
219 whichever first occurs. Such written authorizations shall permit the approval of any such vehicle upon
220 its safety inspection as required by this chapter if such vehicle otherwise qualifies for inspection
221 approval. In the discretion of the Commissioner, one or more written authorizations may be issued to an
222 individual or a family. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine
223 the proper standards for equipment or devices used to measure light transmittance through ~~windows~~
224 ~~windshields~~ of motor vehicles. Law-enforcement officers shall use only such equipment or devices to
225 measure light transmittance through ~~windows~~ ~~windshields~~ that meet the standards established by the
226 Division. Such measurements made by law-enforcement officers shall be given a tolerance of minus
227 seven percentage points.

228 For any summons issued for a violation of this section, the court may, in its discretion, dismiss the
229 summons, where proof of compliance with this section is provided to the court on or before the court
230 date.