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HOUSE BILL NO. 1437

Offered January 22, 1996

A BILL to amend and reenact § 46.2-1052 of the Code of Virginia, relating to motor vehicle windshield stickers.

Patrons—Bloxom and Weatherholtz

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. Signs, decals, and stickers on windshields, etc.; penalties.

A. 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 *and their placement on motor vehicle windshields* shall be in compliance with regulations promulgated by the Superintendent. ~~At the option of the motor vehicle's owner, such stickers shall be affixed either at the upper edge of the center of the windshield or at some other place which may be designated by the Superintendent.~~

B. 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 eighteen inches in diameter in the case of a circular lens or not exceeding eleven inches by fourteen 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. 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 this Commonwealth that reduces the total light transmittance of such window to less than thirty-five 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 this Commonwealth that reduces total light transmittance of such window to less than fifty percent;

3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that has a reflectance of light exceeding twenty percent;

4. Any person who operates a motor vehicle on the highways of this Commonwealth with sun-shading or tinting films that has a total light transmittance less than that required by subdivisions 1 and 2 of this subsection or a reflectance of light exceeding twenty percent shall be guilty of a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation;

5. Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or tinting films that reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2 of this subsection or that have a reflectance of light exceeding twenty percent shall be guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense;

D. The Division of Purchases and Supply, pursuant to § 2.1-446, shall determine the proper standards

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60 for equipment or devices used to measure light transmittance through windows of motor vehicles.
61 Law-enforcement officers shall use only such equipment or devices to measure light transmittance
62 through windows that meet the standards established by the Division. Such measurements made by
63 law-enforcement officers shall be given a tolerance of minus seven percentage points.

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

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

70 G. As used in this article: "front side windows" means those windows located adjacent to and
71 forward of the driver's seat; "rear side windows" means those windows located to the rear of the driver's
72 seat; "rear window" or "rear windows" means those windows which are located to the rear of the
73 passenger compartment of a motor vehicle and which are approximately parallel to the windshield.

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

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

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

83 § 46.2-1053. Equipping certain motor vehicles with sun-shading or tinting films or applications.

84 Notwithstanding the provisions of § 46.2-1052, a motor vehicle operated by or regularly used to
85 transport any person with a medical condition which renders him susceptible to harm or injury from
86 exposure to sunlight or bright artificial light may be equipped, on its windshield and any or all of its
87 windows, with sun-shading or tinting films or applications which reduce the transmission of light into
88 the vehicle to levels not less than thirty-five percent. Such sun-shading or tinting film when applied to
89 the windshield of a motor vehicle shall not cause the total light transmittance to be reduced to any level
90 less than seventy percent except for the upper five inches of such windshield or the AS-1 line,
91 whichever is closer to the top of the windshield. Vehicles equipped with such sun-shading or tinting
92 films shall not be operated on any highway unless, while being so operated, the driver or an occupant of
93 the vehicle has in his possession a certificate issued by the Superintendent of State Police authorizing
94 such operation. The Superintendent shall issue such certificate only upon receipt of a signed statement
95 from a licensed physician or licensed optometrist (i) identifying with reasonable specificity the person
96 seeking the certificate and (ii) stating that, in the physician's or optometrist's professional opinion, the
97 equipping of a vehicle with sun-shading or tinting films or applications is necessary to safeguard the
98 health of the person seeking the certificate. Certificates issued by the Superintendent under this section
99 shall be valid so long as the condition requiring the use of sun-shading or tinting films or applications
100 persists or until the vehicle is sold, whichever first occurs. Such certificates shall permit the approval of
101 any such vehicle upon its safety inspection as required by this chapter if such vehicle otherwise qualifies
102 for inspection approval. In the discretion of the Superintendent, one or more certificates may be issued
103 to an individual or a family. The Division of Purchases and Supply, pursuant to § 2.1-446, shall
104 determine the proper standards for equipment or devices used to measure light transmittance through
105 windows of motor vehicles. Law-enforcement officers shall use only such equipment or devices to
106 measure light transmittance through windows that meet the standards established by the Division. Such
107 measurements made by law-enforcement officers shall be given a tolerance of minus seven percentage
108 points.