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HOUSE BILL NO. 2885

House Amendments in [] — January 30, 1997

A BILL to amend and reenact § 46.2-1052 of the Code of Virginia, relating to sun-shading or tinting films on motor vehicle windows; exemptions.

Patrons—Hall, Behm, Crittenden, Drake, Guest, Heilig, Keating, Melvin, Nelms, Phillips, Robinson, Spruill, Stump and Tate; Senators: Benedetti, Couric, Edwards, Houck, Lambert, Potts, Quayle and Williams

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 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~~ *reduce* 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~~ *reduce* 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~~ *have* 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~~ *have* 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

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60 subsequent offense ; .

61 D. The Division of Purchases and Supply, pursuant to § 2.1-446, shall determine the proper standards
62 for equipment or devices used to measure light transmittance through windows of motor vehicles.
63 Law-enforcement officers shall use only such equipment or devices to measure light transmittance
64 through windows that meet the standards established by the Division. Such measurements made by
65 law-enforcement officers shall be given a tolerance of minus seven percentage points.

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

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

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

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

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

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

85 K. *The provisions of subdivision C 1 of this section shall not apply to sight-seeing carriers as*
86 *defined in § 46.2-2200 [; ~~special or charter party carriers as defined in § 46.2-2300,~~] and limousine*
87 *and executive sedan carriers as defined in § 46.2-2500.*