

HOUSE BILL NO. 29
INTRODUCED BY KIMBERLEY

IN THE HOUSE

DECEMBER 27, 1990 INTRODUCED AND REFERRED TO COMMITTEE
 ON HIGHWAYS & TRANSPORTATION.

JANUARY 7, 1991 FIRST READING.

FEBRUARY 13, 1991 COMMITTEE RECOMMEND BILL
 DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 14, 1991 PRINTING REPORT.

FEBRUARY 15, 1991 SECOND READING, DO PASS AS AMENDED.

FEBRUARY 16, 1991 ENGROSSING REPORT.

FEBRUARY 18, 1991 THIRD READING, PASSED.
 AYES, 91; NOES, 7.

 TRANSMITTED TO SENATE.

IN THE SENATE

FEBRUARY 19, 1991 INTRODUCED AND REFERRED TO COMMITTEE
 ON HIGHWAYS & TRANSPORTATION.

 FIRST READING.

MARCH 15, 1991 COMMITTEE RECOMMEND BILL BE
 CONCURRED IN AS AMENDED. REPORT
 ADOPTED.

MARCH 16, 1991 SECOND READING, CONCURRED IN.

MARCH 18, 1991 THIRD READING, CONCURRED IN.
 AYES, 46; NOES, 3.

 RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

MARCH 18, 1991 RECEIVED FROM SENATE.

MARCH 21, 1991 ON MOTION, PASSED CONSIDERATION.

APRIL 8, 1991 SECOND READING, AMENDMENTS
 CONCURRED IN.

APRIL 9, 1991

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

APRIL 15, 1991

REPORTED CORRECTLY ENROLLED.

APRIL 16, 1991

SIGNED BY PRESIDENT.

SIGNED BY SPEAKER.

DELIVERED TO GOVERNOR.

APRIL 19, 1991

RETURNED FROM GOVERNOR WITH
RECOMMENDED AMENDMENTS.

APRIL 20, 1991

SECOND READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.

APRIL 22, 1991

THIRD READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.

IN THE SENATE

APRIL 23, 1991

SECOND READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.

APRIL 24, 1991

THIRD READING, GOVERNOR'S
AMENDMENTS CONCURRED IN.

IN THE HOUSE

APRIL 24, 1991

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 HOUSE BILL NO. 29
2 INTRODUCED BY KIMBERLEY

3
4 A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING THE USE OF
5 REFLECTIVE OR DARKENING MATERIAL ON THE SIDE OR REAR WINDOWS
6 OF A MOTOR VEHICLE; AND AMENDING SECTION 61-9-405, MCA."

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

9 Section 1. Section 61-9-405, MCA, is amended to read:

10 "61-9-405. Windshields to be unobstructed and equipped
11 with wipers -- darkening of side or rear windows prohibited.

12 (1) No A person shall may not drive any a motor vehicle with
13 any sign, poster, or other nontransparent material upon the
14 front windshield, side wings, or side or rear windows of
15 such the vehicle which that obstructs the driver's clear
16 view of the highway or any intersecting highway.

17 (2) The windshield on every each motor vehicle shall
18 must be equipped with a device for clearing rain, snow, or
19 other moisture from the windshield, which and the device
20 shall must be so constructed as to be controlled or operated
21 by the driver of the vehicle.

22 (3) Every Each windshield wiper upon a motor vehicle
23 shall must be maintained in good working order.

24 (4) A person may not operate a motor vehicle with
25 reflective or darkening material on the side or rear windows

1 that prevents a person outside the vehicle from seeing
2 clearly into the interior of the vehicle."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 29

INTRODUCED BY KIMBERLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RESTRICTING
THE USE OF REFLECTIVE-OR-DARKENING TINTING OR SUNSCREENING
MATERIAL ON THE SIDE OR REAR WINDOWS OF A MOTOR VEHICLE; AND
AMENDING SECTION 61-9-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields to be unobstructed and equipped
with wipers -- ~~darkening-of-side-or-rear-windows--prohibited~~
~~WINDOW TINTING AND SUNSCREENING -- RESTRICTIONS --~~
~~EXEMPTIONS.~~ (1) No A person shall may not drive any a motor
vehicle with any sign, poster, or other nontransparent
material upon the front windshield, side wings, or side or
rear windows of such the vehicle which that obstructs the
driver's clear view of the highway or any intersecting
highway.

(2) The windshield on every each motor vehicle shall
must be equipped with a device for clearing rain, snow, or
other moisture from the windshield; which and-the device
shall must be-so-constructed-as-to-be-controlled-or-operated
by-the-driver-of-the-vehicle.

(3) Every Each windshield wiper upon a motor vehicle

shall must be maintained in good working order.

(4) A EXCEPT AS PROVIDED IN SUBSECTION (6), A person
may not operate a motor vehicle ~~with-reflective-or-darkening~~
~~material-on-the-side-or-rear-windows-that-prevents-a--person~~
~~outside-the-vehicle-from-seeing-clearly-into-the-interior-of~~
~~the-vehicle;~~ THAT IS REQUIRED TO BE REGISTERED IN THIS STATE
UPON A HIGHWAY IF:

(A) THE WINDOWS ARE TINTED SO THAT THE DRIVER'S CLEAR
VIEW THROUGH THE SIDE OR REAR WINDOWS IS REDUCED OR THE
ABILITY TO SEE INTO THE MOTOR VEHICLE IS SUBSTANTIALLY
IMPAIRED;

(B) THE FRONT SIDE WINDOWS HAVE ANY SUNSCREENING OR
OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE
OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 35%;

(C) THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT
SEAT HAVE SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT
HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT
TRANSMISSION OF LESS THAN 20%, EXCEPT FOR THE REAR WINDOW OR
SIDE WINDOWS BEHIND THE FRONT SEAT ON A MULTIPURPOSE
VEHICLE, VAN, OR BUS; OR

(D) THE WINDOWS OF A CAMPER, MOTOR HOME, PICKUP COVER,
SLIDE-IN CAMPER, OR OTHER MOTOR VEHICLE DO NOT MEET THE
STANDARDS FOR SAFETY GLAZING MATERIAL SPECIFIED BY FEDERAL
LAW IN 49 CFR 571.205.

(5) AS USED IN [SECTIONS 2 AND 3] AND THIS SECTION, THE

SECOND READING

1 FOLLOWING DEFINITIONS APPLY:

2 (A) "CAMPER" MEANS A STRUCTURE DESIGNED TO BE MOUNTED
 3 IN THE CARGO AREA OF A TRUCK OR ATTACHED TO AN INCOMPLETE
 4 VEHICLE FOR THE PURPOSE OF PROVIDING SHELTER FOR PERSONS.

5 (B) "GLASS-PLASTIC GLAZING MATERIAL" MEANS A LAMINATE
 6 OF ONE OR MORE LAYERS OF GLASS AND ONE OR MORE LAYERS OF
 7 PLASTIC IN WHICH A PLASTIC SURFACE OF THE GLAZING FACES
 8 INWARD WHEN THE GLAZING IS INSTALLED IN A VEHICLE.

9 (C) "LIGHT TRANSMISSION" MEANS THE RATIO OF THE AMOUNT
 10 OF TOTAL LIGHT, EXPRESSED IN PERCENTAGES, THAT IS ALLOWED TO
 11 PASS THROUGH THE SUNSCREENING OR TRANSPARENT MATERIAL TO THE
 12 AMOUNT OF TOTAL LIGHT FALLING ON THE MOTOR VEHICLE WINDOW.

13 (D) "LUMINOUS REFLECTANCE" MEANS THE RATIO OF THE
 14 AMOUNT OF TOTAL LIGHT, EXPRESSED IN PERCENTAGES, THAT IS
 15 REFLECTED OUTWARD BY THE SUNSCREENING OR TRANSPARENT
 16 MATERIAL TO THE AMOUNT OF TOTAL LIGHT FALLING ON THE MOTOR
 17 VEHICLE WINDOW.

18 (E) "MOTOR HOME" MEANS A MULTIPURPOSE PASSENGER VEHICLE
 19 THAT PROVIDES LIVING ACCOMMODATIONS.

20 (F) "MULTIPURPOSE VEHICLE" MEANS A MOTOR VEHICLE
 21 DESIGNED TO CARRY 10 OR FEWER PASSENGERS THAT IS CONSTRUCTED
 22 ON A TRUCK CHASSIS OR WITH SPECIAL FEATURES FOR OCCASIONAL
 23 OFF-ROAD USE.

24 (G) "PICKUP COVER" MEANS A CAMPER HAVING A ROOF AND
 25 SIDES BUT WITHOUT A FLOOR DESIGNED TO BE MOUNTED ON AND

1 REMOVABLE FROM THE CARGO AREA OF A PICKUP TRUCK BY THE USER.

2 (H) "SLIDE-IN CAMPER" MEANS A CAMPER HAVING A ROOF,
 3 FLOOR, AND SIDES DESIGNED TO BE MOUNTED ON AND REMOVABLE
 4 FROM THE CARGO AREA OF A TRUCK BY THE USER.

5 (I) "SUNSCREENING MATERIAL" MEANS A FILM MATERIAL,
 6 TINT, OR DEVICE APPLIED TO MOTOR VEHICLE WINDOWS FOR THE
 7 PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

8 (6) SUBSECTION (4) DOES NOT APPLY TO A VEHICLE THAT IS
 9 EQUIPPED WITH TINTED WINDOWS OF THE TYPE AND SPECIFICATIONS
 10 THAT WERE INSTALLED BY THE MANUFACTURER OF THE VEHICLE OR TO
 11 ANY HEARSE, AMBULANCE, GOVERNMENT VEHICLE, OR ANY OTHER
 12 VEHICLE TO WHICH A CURRENTLY VALID CERTIFICATE OF WAIVER IS
 13 AFFIXED AS SPECIFIED UNDER [SECTION 2]. A CERTIFICATE OF
 14 WAIVER MUST BE ISSUED BY THE DEPARTMENT FOR A VEHICLE THAT
 15 IS REGISTERED IN THIS STATE ON [THE EFFECTIVE DATE OF THIS
 16 ACT] AND IS EQUIPPED WITH A SUNSCREENING DEVICE OR OTHER
 17 MATERIAL PROHIBITED UNDER SUBSECTION (4) ON [THE EFFECTIVE
 18 DATE OF THIS ACT]."

19 NEW SECTION. SECTION 2. WINDOW TINTING AND
 20 SUNSCREENING -- WAIVER -- CONDITIONS. THE HIGHWAY PATROL OR
 21 A LOCAL LAW ENFORCEMENT AGENCY MAY GRANT A WAIVER OF THE
 22 STANDARDS OF 61-9-405(4) FOR REASONS OF SAFETY OR SECURITY
 23 OR FOR MEDICAL REASONS BASED ON AN AFFIDAVIT SIGNED BY A
 24 LICENSED PHYSICIAN. THE WAIVER MUST BE IN WRITING AND MUST
 25 INCLUDE THE VEHICLE IDENTIFICATION NUMBER, REGISTRATION

1 NUMBER, OR OTHER DESCRIPTION TO CLEARLY IDENTIFY THE MOTOR
2 VEHICLE TO WHICH THE WAIVER APPLIES AND THE DATE ISSUED, THE
3 NAME OF THE OWNER OF THE VEHICLE, THE REASON FOR GRANTING
4 THE WAIVER, THE DATES THE WAIVER IS EFFECTIVE, AND THE
5 SIGNATURE OF THE HEAD OF THE LAW ENFORCEMENT AGENCY GRANTING
6 THE WAIVER. THE AGENCY SHALL KEEP A COPY OF THE WAIVER UNTIL
7 THE WAIVER EXPIRES.

8 NEW SECTION. SECTION 3. WINDOW TINTING AND
9 SUNSCREENING -- PENALTY. (1) A PERSON WHO OWNS OR OPERATES A
10 MOTOR VEHICLE IN VIOLATION OF 61-9-405(4) IS GUILTY OF A
11 MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN 46-18-212.

12 (2) A PERSON WHO APPLIES A SUNSCREENING MATERIAL OR A
13 GLASS-PLASTIC GLAZING MATERIAL IN A MANNER THAT RESULTS IN A
14 MOTOR VEHICLE HAVING A WINDOW THAT VIOLATES THE REQUIREMENTS
15 OF 61-9-405(4) IS GUILTY OF A MISDEMEANOR AND IS PUNISHABLE
16 AS PROVIDED IN 46-18-212.

17 NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
18 [SECTIONS 2 AND 3] ARE INTENDED TO BE CODIFIED AS AN
19 INTEGRAL PART OF TITLE 61, CHAPTER 9, PART 4, AND THE
20 PROVISIONS OF TITLE 61, CHAPTER 9, PART 4, APPLY TO
21 [SECTIONS 2 AND 3].

-End-

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12 with wipers -- ~~darkening-of-side-or-rear-windows--prohibited~~
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14 EXEMPTIONS. (1) No ~~A~~ person ~~shall~~ may not drive any ~~a~~ motor
15 vehicle with any sign, poster, or other nontransparent
16 material upon the front windshield, side wings, or side or
17 rear windows of such ~~the~~ vehicle which ~~that~~ obstructs the
18 driver's clear view of the highway or any intersecting
19 highway.

20 (2) The windshield on every ~~each~~ motor vehicle ~~shall~~
21 ~~must~~ be equipped with a device for clearing rain, snow, or
22 other moisture from the windshield, ~~which and-the~~ device
23 ~~shall must~~ be ~~so-constructed-as-to-be-controlled-or-operated~~
24 ~~by-the-driver-of-the-vehicle.~~

25 (3) Every ~~Each~~ windshield wiper upon a motor vehicle1 ~~shall~~ must be maintained in good working order.

2 (4) A EXCEPT AS PROVIDED IN SUBSECTION (6), A person
3 may not operate a motor vehicle with-reflective-or-darkening
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6 the-vehicle, THAT IS REQUIRED TO BE REGISTERED IN THIS STATE
7 UPON A HIGHWAY IF:

8 ~~(A) -- THE -- WINDOWS -- ARE -- TINTED -- SO -- THAT -- THE -- DRIVER'S -- CLEAR~~
9 ~~VIEW -- THROUGH -- THE -- SIDE -- OR -- REAR -- WINDOWS -- IS -- REDUCED -- OR -- THE~~
10 ~~ABILITY -- TO -- SEE -- INTO -- THE -- MOTOR -- VEHICLE -- IS -- SUBSTANTIALLY~~
11 ~~IMPAIRED;~~

12 ~~(B)(A) THE FRONT SIDE WINDOWS HAVE ANY SUNSCREENING OR~~
13 ~~OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE~~
14 ~~OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 35%;~~

15 ~~(C)(B) THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT~~
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19 ~~SIDE WINDOWS BEHIND THE FRONT SEAT ON A MULTIPURPOSE~~
20 ~~VEHICLE, VAN, OR BUS; OR~~

21 ~~(D)(C) THE WINDOWS OF A CAMPER, MOTOR HOME, PICKUP~~
22 ~~COVER, SLIDE-IN CAMPER, OR OTHER MOTOR VEHICLE DO NOT MEET~~
23 ~~THE STANDARDS FOR SAFETY GLAZING MATERIAL SPECIFIED BY~~
24 ~~FEDERAL LAW IN 49 CFR 571.205.~~

25 (5) AS USED IN [SECTIONS 2 AND 3] AND THIS SECTION, THE

THIRD READING
HB 29

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 3 IN THE CARGO AREA OF A TRUCK OR ATTACHED TO AN INCOMPLETE
 4 VEHICLE FOR THE PURPOSE OF PROVIDING SHELTER FOR PERSONS.

5 (B) "GLASS-PLASTIC GLAZING MATERIAL" MEANS A LAMINATE
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 7 PLASTIC IN WHICH A PLASTIC SURFACE OF THE GLAZING FACES
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 12 VEHICLE TO WHICH A CURRENTLY VALID CERTIFICATE OF WAIVER IS
 13 AFFIXED AS SPECIFIED UNDER [SECTION 2]. A CERTIFICATE OF
 14 WAIVER MUST BE ISSUED BY THE DEPARTMENT FOR A VEHICLE THAT
 15 IS REGISTERED IN THIS STATE ON [THE EFFECTIVE DATE OF THIS
 16 ACT] AND IS EQUIPPED WITH A SUNSCREENING DEVICE OR OTHER
 17 MATERIAL PROHIBITED UNDER SUBSECTION (4) ON [THE EFFECTIVE
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2 VEHICLE TO WHICH THE WAIVER APPLIES AND THE DATE ISSUED, THE
3 NAME OF THE OWNER OF THE VEHICLE, THE REASON FOR GRANTING
4 THE WAIVER, THE DATES THE WAIVER IS EFFECTIVE, AND THE
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20 PROVISIONS OF TITLE 61, CHAPTER 9, PART 4, APPLY TO
21 [SECTIONS 2 AND 3].

-End-

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 15, 1991

MR. PRESIDENT:

We, your committee on Highways and Transportation having had under consideration House Bill No. 29 (third reading copy as amended -- blue), respectfully report that House Bill No. 29 be amended and as so amended be concurred in:

1. Title, line 6.

Following: "THE"

Insert: "WINDSHIELD OR"

2. Page 2, line 2.

Strike: "EXCEPT AS PROVIDED IN SUBSECTION (6), A"

Insert: "A"

3. Page 2, line 12.

Following: line 11

Insert: "(a) the windshield has any sunscreening material that is not clear and transparent below the AS-1 line or if it has a sunscreening material that is red, yellow, or amber in color above the AS-1 line;"

Renumber: subsequent subsections

4. Page 4, lines 8 through 18.

Strike: subsection (6) in its entirety

5. Page 5, line 5.

Strike: "OF THE HEAD"

Strike: "AGENCY"

Insert: "officer"

6. Page 5, line 6.

Following: second "THE"

Insert: "highway patrol or the local law enforcement"

Signed: _____

Betty Bruski
Betty Bruski, Vice Chairman

JAN 3-15-91
And. Coord.

SB 3-15 12:30
Sec. of Senate

SENATE

HB 29

HOUSE BILL NO. 29

INTRODUCED BY KIMBERLEY

A BILL FOR AN ACT ENTITLED: "AN ACT ~~PROHIBITING~~ RESTRICTING THE USE OF ~~REFLECTIVE-OR-DARKENING~~ TINTING OR SUNSCREENING MATERIAL ON THE WINDSHIELD OR SIDE OR REAR WINDOWS OF A MOTOR VEHICLE; AND AMENDING SECTION 61-9-405, MCA."

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(2) The windshield on ~~every each~~ every each motor vehicle ~~shall~~ must be equipped with a device for clearing rain, snow, or other moisture from the windshield; ~~which and--the~~ which and--the device ~~shall must be so constructed as to be controlled or operated by the driver of the vehicle.~~

(3) Every Each windshield wiper upon a motor vehicle

~~shall~~ must be maintained in good working order.

(4) ~~A EXCEPT-AS-PROVIDED-IN-SUBSECTION-(6)}~~ A person may not operate a motor vehicle ~~with-reflective-or-darkening material-on-the-side-or-rear-windows-that-prevents-a-person outside-the-vehicle-from-seeing-clearly-into-the-interior-of the-vehicle;~~ THAT IS REQUIRED TO BE REGISTERED IN THIS STATE UPON A HIGHWAY IF:

~~(A) THE WINDOWS ARE TINTED SO THAT THE DRIVER'S CLEAR VIEW THROUGH THE SIDE OR REAR WINDOWS IS REDUCED OR THE ABILITY TO SEE INTO THE MOTOR VEHICLE IS SUBSTANTIALLY IMPAIRED;~~

(A) THE WINDSHIELD HAS ANY SUNSCREENING MATERIAL THAT IS NOT CLEAR AND TRANSPARENT BELOW THE AS-1 LINE OR IF IT HAS A SUNSCREENING MATERIAL THAT IS RED, YELLOW, OR AMBER IN COLOR ABOVE THE AS-1 LINE;

~~(B)(A)(B)~~ THE FRONT SIDE WINDOWS HAVE ANY SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 35%;

~~(B)(B)(C)~~ THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT SEAT HAVE SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 20%, EXCEPT FOR THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT SEAT ON A MULTIPURPOSE VEHICLE, VAN, OR BUS; OR

1 ~~(B)+(E)~~(D) THE WINDOWS OF A CAMPER, MOTOR HOME, PICKUP
2 COVER, SLIDE-IN CAMPER, OR OTHER MOTOR VEHICLE DO NOT MEET
3 THE STANDARDS FOR SAFETY GLAZING MATERIAL SPECIFIED BY
4 FEDERAL LAW IN 49 CFR 571.205.

5 (5) AS USED IN [SECTIONS 2 AND 3] AND THIS SECTION, THE
6 FOLLOWING DEFINITIONS APPLY:

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8 IN THE CARGO AREA OF A TRUCK OR ATTACHED TO AN INCOMPLETE
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10 (B) "GLASS-PLASTIC GLAZING MATERIAL" MEANS A LAMINATE
11 OF ONE OR MORE LAYERS OF GLASS AND ONE OR MORE LAYERS OF
12 PLASTIC IN WHICH A PLASTIC SURFACE OF THE GLAZING FACES
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4 (G) "PICKUP COVER" MEANS A CAMPER HAVING A ROOF AND
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9 FROM THE CARGO AREA OF A TRUCK BY THE USER.

10 (I) "SUNSCREENING MATERIAL" MEANS A FILM, MATERIAL,
11 TINT, OR DEVICE APPLIED TO MOTOR VEHICLE WINDOWS FOR THE
12 PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

13 ~~{6}--SUBSECTION--{4}--DOES--NOT--APPLY--TO--A--VEHICLE--THAT--IS~~
14 ~~EQUIPPED--WITH--TINTED--WINDOWS--OF--THE--TYPE--AND--SPECIFICATIONS~~
15 ~~THAT--WERE--INSTALLED--BY--THE--MANUFACTURER--OF--THE--VEHICLE--OR--TO~~
16 ~~ANY--HEARSE,--AMBULANCE,--GOVERNMENT--VEHICLE,--OR--ANY--OTHER~~
17 ~~VEHICLE--TO--WHICH--A--CURRENTLY--VALID--CERTIFICATE--OF--WAIVER--IS~~
18 ~~APPLIED--AS--SPECIFIED--UNDER--{SECTION-2}.--A--CERTIFICATE--OF~~
19 ~~WAIVER--MUST--BE--ISSUED--BY--THE--DEPARTMENT--FOR--A--VEHICLE--THAT~~
20 ~~IS--REGISTERED--IN--THIS--STATE--ON--{THE--EFFECTIVE--DATE--OF--THIS~~
21 ~~ACT}--AND--IS--EQUIPPED--WITH--A--SUNSCREENING--DEVICE--OR--OTHER~~
22 ~~MATERIAL--PROHIBITED--UNDER--SUBSECTION--{4}--ON--{THE--EFFECTIVE~~
23 ~~DATE--OF--THIS--ACT}."~~

24 NEW SECTION. SECTION 2. WINDOW TINTING AND
25 SUNSCREENING -- WAIVER -- CONDITIONS. THE HIGHWAY PATROL OR

1 A LOCAL LAW ENFORCEMENT AGENCY MAY GRANT A WAIVER OF THE
 2 STANDARDS OF 61-9-405(4) FOR REASONS OF SAFETY OR SECURITY
 3 OR FOR MEDICAL REASONS BASED ON AN AFFIDAVIT SIGNED BY A
 4 LICENSED PHYSICIAN. THE WAIVER MUST BE IN WRITING AND MUST
 5 INCLUDE THE VEHICLE IDENTIFICATION NUMBER, REGISTRATION
 6 NUMBER, OR OTHER DESCRIPTION TO CLEARLY IDENTIFY THE MOTOR
 7 VEHICLE TO WHICH THE WAIVER APPLIES AND THE DATE ISSUED, THE
 8 NAME OF THE OWNER OF THE VEHICLE, THE REASON FOR GRANTING
 9 THE WAIVER, THE DATES THE WAIVER IS EFFECTIVE, AND THE
 10 SIGNATURE OF THE HEAD OF THE LAW ENFORCEMENT AGENCY OFFICER
 11 GRANTING THE WAIVER. THE HIGHWAY PATROL OR THE LOCAL LAW
 12 ENFORCEMENT AGENCY SHALL KEEP A COPY OF THE WAIVER UNTIL THE
 13 WAIVER EXPIRES.

14 NEW SECTION. SECTION 3. WINDOW TINTING AND
 15 SUNSCREENING -- PENALTY. (1) A PERSON WHO OWNS OR OPERATES A
 16 MOTOR VEHICLE IN VIOLATION OF 61-9-405(4) IS GUILTY OF A
 17 MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN 46-18-212.

18 (2) A PERSON WHO APPLIES A SUNSCREENING MATERIAL OR A
 19 GLASS-PLASTIC GLAZING MATERIAL IN A MANNER THAT RESULTS IN A
 20 MOTOR VEHICLE HAVING A WINDOW THAT VIOLATES THE REQUIREMENTS
 21 OF 61-9-405(4) IS GUILTY OF A MISDEMEANOR AND IS PUNISHABLE
 22 AS PROVIDED IN 46-18-212.

23 NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.
 24 [SECTIONS 2 AND 3] ARE INTENDED TO BE CODIFIED AS AN
 25 INTEGRAL PART OF TITLE 61, CHAPTER 9, PART 4, AND THE

1 PROVISIONS OF TITLE 61, CHAPTER 9, PART 4, APPLY TO
 2 [SECTIONS 2 AND 3].

-End-

GOVERNOR'S AMENDMENTS TO
HOUSE BILL 29
(REFERENCE COPY, AS AMENDED)
April 19, 1991

1. Page 4, line 13.
Following: line 12
Insert: "(6) Subsection (4) does not apply to a vehicle that is equipped with tinted windows of the type and specifications that were installed by the manufacturer of the vehicle or to any hearse, ambulance, government vehicle, or any other vehicle to which a currently valid certificate of waiver is affixed as specified under [section 2]. a certificate of waiver must be issued by the department for a vehicle that is registered in this state on [the effective date of this act] and is equipped with a sunscreening device or other material prohibited under subsection (4) on [the effective date of this act]."

*Gov. Amend.
HB 29*

HOUSE BILL NO. 29

INTRODUCED BY KIMBERLEY

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING RESTRICTING THE USE OF REFLECTIVE OR DARKENING TINTING OR SUNSCREENING MATERIAL ON THE WINDSHIELD OR SIDE OR REAR WINDOWS OF A MOTOR VEHICLE; AND AMENDING SECTION 61-9-405, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-9-405, MCA, is amended to read:

"61-9-405. Windshields to be unobstructed and equipped with wipers -- darkening-of-side-or-rear-windows-prohibited WINDOW TINTING AND SUNSCREENING -- RESTRICTIONS -- EXEMPTIONS. (1) No A person shall may not drive any a motor vehicle with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such the vehicle which that obstructs the driver's clear view of the highway or any intersecting highway.

(2) The windshield on every each motor vehicle shall must be equipped with a device for clearing rain, snow, or other moisture from the windshield, which and--the device shall must be-so-constructed-as-to-be-controlled-or-operated by-the-driver-of-the-vehicle.

(3) Every Each windshield wiper upon a motor vehicle

shall must be maintained in good working order.

(4) A EXCEPT-AS-PROVIDED-IN-SUBSECTION-(6)-A A person may not operate a motor vehicle with-reflective-or-darkening material--on-the-side-or-rear-windows-that-prevents-a-person outside-the-vehicle-from-seeing-clearly-into-the-interior-of the-vehicle; THAT IS REQUIRED TO BE REGISTERED IN THIS STATE UPON A HIGHWAY IF:

(A)--THE-WINDOWS-ARE-TINTED-SO-THAT-THE--DRIVER'S--CLEAR VIEW--THROUGH--THE--SIDE--OR--REAR-WINDOWS-IS-REDUCED-OR-THE ABILITY-TO-SEE--INTO--THE--MOTOR--VEHICLE--IS--SUBSTANTIALLY IMPAIRED;

(A) THE WINDSHIELD HAS ANY SUNSCREENING MATERIAL THAT IS NOT CLEAR AND TRANSPARENT BELOW THE AS-1 LINE OR IF IT HAS A SUNSCREENING MATERIAL THAT IS RED, YELLOW, OR AMBER IN COLOR ABOVE THE AS-1 LINE;

(B)(A)(B) THE FRONT SIDE WINDOWS HAVE ANY SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 35%;

(C)(B)(C) THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT SEAT HAVE SUNSCREENING OR OTHER TRANSPARENT MATERIAL THAT HAS A LUMINOUS REFLECTANCE OF MORE THAN 35% OR HAS LIGHT TRANSMISSION OF LESS THAN 20%, EXCEPT FOR THE REAR WINDOW OR SIDE WINDOWS BEHIND THE FRONT SEAT ON A MULTIPURPOSE VEHICLE, VAN, OR BUS; OR



1 ~~(D)~~(D) THE WINDOWS OF A CAMPER, MOTOR HOME, PICKUP
 2 COVER, SLIDE-IN CAMPER, OR OTHER MOTOR VEHICLE DO NOT MEET
 3 THE STANDARDS FOR SAFETY GLAZING MATERIAL SPECIFIED BY
 4 FEDERAL LAW IN 49 CFR 571.205.

5 (5) AS USED IN [SECTIONS 2 AND 3] AND THIS SECTION, THE
 6 FOLLOWING DEFINITIONS APPLY:

7 (A) "CAMPER" MEANS A STRUCTURE DESIGNED TO BE MOUNTED
 8 IN THE CARGO AREA OF A TRUCK OR ATTACHED TO AN INCOMPLETE
 9 VEHICLE FOR THE PURPOSE OF PROVIDING SHELTER FOR PERSONS.

10 (B) "GLASS-PLASTIC GLAZING MATERIAL" MEANS A LAMINATE
 11 OF ONE OR MORE LAYERS OF GLASS AND ONE OR MORE LAYERS OF
 12 PLASTIC IN WHICH A PLASTIC SURFACE OF THE GLAZING FACES
 13 INWARD WHEN THE GLAZING IS INSTALLED IN A VEHICLE.

14 (C) "LIGHT TRANSMISSION" MEANS THE RATIO OF THE AMOUNT
 15 OF TOTAL LIGHT, EXPRESSED IN PERCENTAGES, THAT IS ALLOWED TO
 16 PASS THROUGH THE SUNSCREENING OR TRANSPARENT MATERIAL TO THE
 17 AMOUNT OF TOTAL LIGHT FALLING ON THE MOTOR VEHICLE WINDOW.

18 (D) "LUMINOUS REFLECTANCE" MEANS THE RATIO OF THE
 19 AMOUNT OF TOTAL LIGHT, EXPRESSED IN PERCENTAGES, THAT IS
 20 REFLECTED OUTWARD BY THE SUNSCREENING OR TRANSPARENT
 21 MATERIAL TO THE AMOUNT OF TOTAL LIGHT FALLING ON THE MOTOR
 22 VEHICLE WINDOW.

23 (E) "MOTOR HOME" MEANS A MULTIPURPOSE PASSENGER VEHICLE
 24 THAT PROVIDES LIVING ACCOMMODATIONS.

25 (F) "MULTIPURPOSE VEHICLE" MEANS A MOTOR VEHICLE

1 DESIGNED TO CARRY 10 OR FEWER PASSENGERS THAT IS CONSTRUCTED
 2 ON A TRUCK CHASSIS OR WITH SPECIAL FEATURES FOR OCCASIONAL
 3 OFF-ROAD USE.

4 (G) "PICKUP COVER" MEANS A CAMPER HAVING A ROOF AND
 5 SIDES BUT WITHOUT A FLOOR DESIGNED TO BE MOUNTED ON AND
 6 REMOVABLE FROM THE CARGO AREA OF A PICKUP TRUCK BY THE USER.

7 (H) "SLIDE-IN CAMPER" MEANS A CAMPER HAVING A ROOF,
 8 FLOOR, AND SIDES DESIGNED TO BE MOUNTED ON AND REMOVABLE
 9 FROM THE CARGO AREA OF A TRUCK BY THE USER.

10 (I) "SUNSCREENING MATERIAL" MEANS A FILM, MATERIAL,
 11 TINT, OR DEVICE APPLIED TO MOTOR VEHICLE WINDOWS FOR THE
 12 PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

13 ~~(6) SUBSECTION (4) DOES NOT APPLY TO A VEHICLE THAT IS~~
 14 ~~EQUIPPED WITH TINTED WINDOWS OF THE TYPE AND SPECIFICATIONS~~
 15 ~~THAT WERE INSTALLED BY THE MANUFACTURER OF THE VEHICLE OR TO~~
 16 ~~ANY HEARSE, AMBULANCE, GOVERNMENT VEHICLE, OR ANY OTHER~~
 17 ~~VEHICLE TO WHICH A CURRENTLY VALID CERTIFICATE OF WAIVER IS~~
 18 ~~AFFIXED AS SPECIFIED UNDER SECTION 2, A CERTIFICATE OF~~
 19 ~~WAIVER MUST BE ISSUED BY THE DEPARTMENT FOR A VEHICLE THAT~~
 20 ~~IS REGISTERED IN THIS STATE ON THE EFFECTIVE DATE OF THIS~~
 21 ~~ACT AND IS EQUIPPED WITH A SUNSCREENING DEVICE OR OTHER~~
 22 ~~MATERIAL PROHIBITED UNDER SUBSECTION (4) ON THE EFFECTIVE~~
 23 ~~DATE OF THIS ACT.~~

24 (6) SUBSECTION (4) DOES NOT APPLY TO A VEHICLE THAT IS
 25 EQUIPPED WITH TINTED WINDOWS OF THE TYPE AND SPECIFICATIONS

1 THAT WERE INSTALLED BY THE MANUFACTURER OF THE VEHICLE OR TO
 2 ANY HEARSE, AMBULANCE, GOVERNMENT VEHICLE, OR ANY OTHER
 3 VEHICLE TO WHICH A CURRENTLY VALID CERTIFICATE OF WAIVER IS
 4 AFFIXED AS SPECIFIED UNDER [SECTION 2]. A CERTIFICATE OF
 5 WAIVER MUST BE ISSUED BY THE DEPARTMENT FOR A VEHICLE THAT
 6 IS REGISTERED IN THIS STATE ON [THE EFFECTIVE DATE OF THIS
 7 ACT] AND IS EQUIPPED WITH A SUNSCREENING DEVICE OR OTHER
 8 MATERIAL PROHIBITED UNDER SUBSECTION (4) ON [THE EFFECTIVE
 9 DATE OF THIS ACT]."

10 NEW SECTION. SECTION 2. WINDOW TINTING AND
 11 SUNSCREENING -- WAIVER -- CONDITIONS. THE HIGHWAY PATROL OR
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 19 NAME OF THE OWNER OF THE VEHICLE, THE REASON FOR GRANTING
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-End-