

HOUSE BILL 47

Introduced by Grady, et al.

12/29	Introduced
12/29	Referred to Highways & Transportation
1/07	First Reading
1/10	Hearing
2/13	Committee Report--Bill Passed as Amended
2/15	2nd Reading Passed as Amended
2/18	3rd Reading Passed
	Transmitted to Sentate
2/19	First Reading
2/19	Referred to Highways & Transportation
3/07	Hearing
3/14	Tabled in Committee

1 HOUSE BILL NO. 47
2 INTRODUCED BY GRADY
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROHIBIT THE USE OF
5 REFLECTIVE OR DARKENING MATERIAL ON THE WINDSHIELD OR SIDE
6 WINDOWS OF A MOTOR VEHICLE; AND AMENDING SECTION 61-9-405,
7 MCA."
8

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

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

11 "61-9-405. Windshields to be unobstructed and equipped
12 with wipers -- darkening prohibited. (1) No A person shall
13 may not drive any a motor vehicle with any a sign, poster,
14 or other nontransparent material upon the front windshield,
15 side wings, or side or rear windows of such the vehicle
16 which that obstructs the driver's clear view of the highway
17 or any an intersecting highway.

18 (2) A person may not operate a motor vehicle with
19 reflective or darkening material on the front windshield or
20 side windows that prevents other persons from seeing into
21 the driver's portion of the vehicle.

22 {2}{3} The windshield on every a motor vehicle shall
23 must be equipped with a device for clearing rain, snow, or
24 other moisture from the windshield, which and the device
25 shall must be so constructed as--to--be so that it is

1 controlled or operated by the driver of the vehicle.
2 {3}{4} Every Each windshield wiper upon a motor vehicle
3 shall must be maintained in good working order."

-End-

APPROVED BY COMMITTEE
ON HIGHWAYS & TRANSPORTATION

HOUSE BILL NO. 47

INTRODUCED BY GRADY, CLARK, HARPER, GALVIN, SCHYE

A BILL FOR AN ACT ENTITLED: "AN ACT ~~TO PROHIBIT~~ RESTRICTING
THE USE OF REFLECTIVE-OR-DARKENING TINTING OR SUNSCREENING
MATERIAL ON THE WINDSHIELD OR SIDE 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--prohibited~~ WINDOW TINTING AND
SUNSCREENING -- RESTRICTIONS -- EXEMPTIONS. (1) No A person
shall may not drive any a motor vehicle with any a 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 an intersecting highway.

(2) A EXCEPT AS PROVIDED IN SUBSECTION (6), A person
may not operate a motor vehicle with-reflective-or-darkening
material-on-the--front--windshield--or--side--windows--that
prevents-other-persons-from-seeing-into-the-driver's-portion
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 WINDSHIELD OR SIDE WINDOWS IS REDUCED OR
THE ABILITY TO SEE INTO THE MOTOR VEHICLE IS SUBSTANTIALLY
IMPAIRED;

(B) 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;

(C) 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%;

(D) THE 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 SIDE WINDOWS
BEHIND THE FRONT SEAT ON A MULTIPURPOSE VEHICLE, VAN, OR
BUS; OR

(E) 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.

~~(2)~~(3) The windshield on every a 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 so--that--it--is
controlled-or-operated-by-the-driver-of-the-vehicle.

SECOND READING



1 ~~(3)~~(4) Every Each windshield wiper upon a motor vehicle
 2 shall ~~must~~ be maintained in good working order.

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

5 (A) "AS-1 LINE" MEANS A LINE EXTENDING FROM THE LETTERS
 6 AS-1, FOUND ON MOST MOTOR VEHICLE WINDSHIELDS, RUNNING
 7 PARALLEL TO THE TOP OF THE WINDSHIELD OR A LINE 5 INCHES
 8 BELOW AND PARALLEL TO THE TOP OF THE WINDSHIELD, WHICHEVER
 9 IS CLOSER TO THE TOP OF THE WINDSHIELD.

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

13 (C) "GLASS-PLASTIC GLAZING MATERIAL" MEANS A LAMINATE
 14 OF ONE OR MORE LAYERS OF GLASS AND ONE OR MORE LAYERS OF
 15 PLASTIC IN WHICH A PLASTIC SURFACE OF THE GLAZING FACES
 16 INWARD WHEN THE GLAZING IS INSTALLED IN A VEHICLE.

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

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

1 (F) "MOTOR HOME" MEANS A MULTIPURPOSE PASSENGER VEHICLE
 2 THAT PROVIDES LIVING ACCOMMODATIONS.

3 (G) "MULTIPURPOSE VEHICLE" MEANS A MOTOR VEHICLE
 4 DESIGNED TO CARRY 10 OR FEWER PASSENGERS THAT IS CONSTRUCTED
 5 ON A TRUCK CHASSIS OR WITH SPECIAL FEATURES FOR OCCASIONAL
 6 OFF-ROAD USE.

7 (H) "PICKUP COVER" MEANS A CAMPER HAVING A ROOF AND
 8 SIDES BUT WITHOUT A FLOOR DESIGNED TO BE MOUNTED ON AND
 9 REMOVABLE FROM THE CARGO AREA OF A PICKUP TRUCK BY THE USER.

10 (I) "SLIDE-IN CAMPER" MEANS A CAMPER HAVING A ROOF,
 11 FLOOR, AND SIDES DESIGNED TO BE MOUNTED ON AND REMOVABLE
 12 FROM THE CARGO AREA OF A TRUCK BY THE USER.

13 (J) "SUNSCREENING MATERIAL" MEANS A FILM, MATERIAL,
 14 TINT, OR DEVICE APPLIED TO MOTOR VEHICLE WINDOWS FOR THE
 15 PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

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

1 DATE OF THIS ACT}.

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

16 NEW SECTION. SECTION 3. WINDOW TINTING AND
 17 SUNSCREENING -- PENALTY. (1) A PERSON WHO OWNS OR OPERATES A
 18 MOTOR VEHICLE IN VIOLATION OF 61-9-405(2) IS GUILTY OF A
 19 MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN 46-18-212.

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

25 NEW SECTION. SECTION 4. CODIFICATION INSTRUCTION.

1 [SECTIONS 2 AND 3] ARE INTENDED TO BE CODIFIED AS AN
 2 INTEGRAL PART OF TITLE 61, CHAPTER 9, PART 4, AND THE
 3 PROVISIONS OF TITLE 61, CHAPTER 9, PART 4, APPLY TO
 4 [SECTIONS 2 AND 3].

-End-

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INTRODUCED BY GRADY, CLARK, HARPER, GALVIN, SCHYE

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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--prohibited WINDOW TINTING AND SUNSCREENING -- RESTRICTIONS -- EXEMPTIONS. (1) No A person shall may not drive any a motor vehicle with any a 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 an intersecting highway.

(2) A EXCEPT AS PROVIDED IN SUBSECTION (5), A person may not operate a motor vehicle with-reflective-or-darkening material-on-the-front-windshield--or--side--windows--that prevents-other-persons-from-seeing-into-the-driver's-portion 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 WINDSHIELD OR SIDE WINDOWS IS REDUCED OR THE ABILITY TO SEE INTO THE MOTOR VEHICLE IS SUBSTANTIALLY IMPAIRED;

(B) 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;

(C) 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%;

(D) THE 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 SIDE WINDOWS BEHIND THE FRONT SEAT ON A MULTIPURPOSE VEHICLE, VAN, OR BUS; OR

(E) 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.

(2)(3) The windshield on every a 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 so--that-it-is controlled-or-operated-by-the-driver-of-the-vehicle.

THIRD READING



1 ~~(3)~~(4) Every Each windshield wiper upon a motor vehicle
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10 (B) "CAMPER" MEANS A STRUCTURE DESIGNED TO BE MOUNTED
11 IN THE CARGO AREA OF A TRUCK OR ATTACHED TO AN INCOMPLETE
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15 PURPOSE OF REDUCING THE EFFECTS OF THE SUN.

16 (6) SUBSECTION (2) DOES NOT APPLY TO A VEHICLE THAT IS
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AS AMENDED

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19 MOTOR VEHICLE IN VIOLATION OF 61-9-405(2) IS GUILTY OF A
20 MISDEMEANOR AND IS PUNISHABLE AS PROVIDED IN 46-18-212.

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

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

-End-