

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 52nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON HIGHWAYS & TRANSPORTATION**

**Call to Order:** By CHAIRMAN BARRY STANG, on January 10, 1991, at 3:00 p.m.

#### **ROLL CALL**

##### **Members Present:**

Barry "Spook" Stang, Chair (D)  
Floyd "Bob" Gervais, Vice-Chair (D)  
Ernest Bergsagel (R)  
Robert Clark (R)  
Jane DeBruycker (D)  
Alvin Ellis, Jr. (R)  
Gary Feland (R)  
Mike Foster (R)  
Patrick Galvin (D)  
Dick Knox (R)  
Don Larson (D)  
Scott McCulloch (D)  
Jim Madison (D)  
Linda Nelson (D)  
Don Stepler (D)  
Howard Toole (D)  
Rolph Tunby (R)

**Staff Present:** Valencia Lane, Legislative Council  
Claudia Johnson, Secretary

**Please Note:** These are summary minutes. Testimony and discussion are paraphrased and condensed.

**Announcements/Discussion:** Chairman Stang welcomed the Committee Members and went through the organizational procedure. He asked each member to introduce themselves and tell a little about their lives outside of Legislature.

#### **HEARING ON HB 98**

##### **Presentation and Opening Statement by Sponsor:**

REP. EDWARD J. DOLEZAL, House District 34, said his bill is for special license plates for the Pearl Harbor survivors. He distributed an amendment. EXHIBIT 1

##### **Proponents' Testimony:**

REP. JERRY DRISCOLL, House District 92, supported HB 98.

REP. BOB PAVLOVICH, House District 70, supported HB 98.

George Poston, Helena, spoke in support of HB 98.

REP. BOB BACHINI, House District 14, supported HB 98.

John Den Herder, Legislative Director, Department of Montana Disabled American Veterans, stated the disabled veterans support of HB 98. He also suggested that if there are any additional tax fees, that they be applied towards the Veterans Administration Cemetery which needs funding.

Edwin Johnson, Pearl Harbor Veteran of Scoffield Barracks, supported HB 98.

Mr. Parr, Pearl Harbor Survivor, President of Big Sky Chapter #1, asked for support in the passage of this bill for the 56 survivors of Pearl Harbor that are residing in Montana.

Bill Emerson, Secretary/Treasurer of Big Sky Chapter #1, would like to see the passage of HB 98. EXHIBIT 2

REP. BERV KIMBERLEY, House District 90, supported HB 98.

Hal Manson, American Legion of Montana, said that the American Legion feels very strongly about this issue. A number of the members that were at Pearl Harbor the time of the bombing, feel they deserve the recognition that is provided in this bill.

Opponents' Testimony: None.

Informational Testimony:

Dan Russell, Administrator of the Corrections Division, informed the committee that his dept. is in charge of the license plate factory at the State Prison. He stated that the fiscal impact is so small that it would not require any additional cost and could be absorbed. It is about \$100, but would like to know ahead of time how many license they need to prepare.

Rich Brown, Administrator, Montana Veterans Affairs Division, said they were in support of the Pearl Harbor bill, but would be bringing in two more bills concerning veterans and veterans license plates and thought these could be consolidated. He stated that one is for the 50th anniversary World War II veterans, and the 50th anniversary of the bombing of Pearl Harbor. He would like to see a surcharge on the license plates to fund the State Veterans Cemetery Program. He has also been contacted by the members of the Military Order of the Purple Heart that wish to have veterans license plates.

Questions From Committee Members:

REP. BERGSAGEL asked REP. DOLEZAL what the distinguishing

difference would be on these plates. REP. DOLEZAL replied that on a corner of the plate it would read "Pearl Harbor Survivors".

REP. LARSON asked REP. DOLEZAL if a problem could be made from this, with WW II and other veterans coming forth wanting plates how would the prison handle this. REP. DOLEZAL replied that it does exist, but would like each plate to be considered on its' own merit. REP. DOLEZAL said he believes these people should be allowed this special privilege and not to let this get tied up in a what-if situation.

CHAIRMAN STANG had to leave to present a bill in another committee and left REP. LINDA NELSON in charge.

REP. NELSON asked REP. DOLEZAL if a person would have to offer some kind of proof to show he/she is a survivor. REP. DOLEZAL stated that it is in the bill that certain criteria does have to be met.

REP. NELSON asked Mr. Russell how many variety if license plates are there at this time. Mr. Russell replied there are 29 varieties at this time, more than the state of California.

REP. DOLEZAL pointed out that in this category of special plates there are only four different types.

CHAIRMAN STANG asked Mr. Parr if he knew how his group would feel about the \$10 fee for the cemetery that Mr. Brown talked about. Mr. Parr replied that he did not have a problem with it.

**Closing by Sponsor:**

REP. DOLEZAL stated there is strong support for this bill and could not think of a more appropriate time to place this into affect. This year is the golden anniversary of Pearl Harbor, and it would allow these veterans a special privilege.

**HEARING ON HB 32**

**Presentation and Opening Statement by Sponsor:**

REP. MARY ELLEN CONNELLY, House District 8, stated this is a housekeeping bill. It was passed last session, but have received a number of calls from people to have it clarified. They felt that golf carts should not be included as an off-highway vehicle, they cannot go where motorcycles, etc., go. She wasn't sure the bill did what she wanted it to do. She wants the golf carts exempted from the sticker requirement, but not from the certificate of ownership requirement. REP. CONNELLY said it looks like this bill exempts the golf carts from certificate of ownership and this is not what she wanted.

**Proponents' Testimony:**

Linda Ellison, Land Use Coordinator for Montana Trail Riders Association, stated that golf carts do not have any business being "in the count" so to speak as far as the program goes. The reason they were originally included in the bill last session was the certificate of ownership. Ms. Ellison said they saw the need as protection to the owners of those vehicles.

**Opponents' Testimony:**       None

**Questions From Committee Members:**

CHAIRMAN STANG asked REP. CONNELLY if the \$4 fee was done away with, would she object to a one time fee for the certificate of ownership so the agency that does the bookwork be paid for their services. REP. CONNELLY replied she would not object.

CHAIRMAN STANG asked REP. CONNELLY if golf carts are taxed like snowmobiles, boats, etc., in other sections of the state. REP. CONNELLY replied that she did not know and would have to look into it.

**Closing by Sponsor:**

REP. CONNELLY said she wanted to work with the researcher more and maybe add an amendment to clarify the language.

**HEARING ON HB 29****Presentation and Opening Statement by Sponsor:**

REP. BERV KIMBERLEY, House District 90, Billings, stated his bill would make it unlawful to operate a motor vehicle with darkened material on the side and rear windows that prevents a person from outside of the vehicle from looking in. As a driver approaching a four way controlled intersection, we have all been taught to make eye contact, this goes for runners, anyone making contact with a vehicle that has tinted windows. REP. KIMBERLEY stated the main reason for this bill is for the law enforcement.

**Proponents' Testimony:**

Robert Vandermeir stated his support for HB 29.

Col. Bob Griffith, Montana Highway Patrol, said that safety is their main concern. When confronting these vehicles at night the HP cannot see. When a vehicle is making certain motions they are either; 1) changing drivers; 2) hiding something; or 3) trying to find something. Mr. Griffith said it would be nice to make eye contact and/or be able to see what they are doing.

Bill Yaeger, Montana Highway Patrolman' Association, stated his

support for HB 29 and distributed **EXHIBIT 3**. It questions if an officer can see the occupants of a vehicle and their activities clearly. If not, the tinting is too dark. **Mr. Yeager** said that any change in the law regarding the tinted windows would be a welcome change.

**Jim Manion, AAA of Montana**, is in support of HB 29. He was pleased to have this type of legislation that deals with traffic safety issues.

**Ron Ashabraner, State Farm Insurance**, said they insure approximately 185,000 vehicles in Montana. He said the insurance companies will pay to have those tinted windows removed. The insurance companies would like to have a grandfather clause placed in this bill. The grandfather clause would phase out the tinted windows in a period of time. The bill would provide: 1) if the windows are tinted at this time, they have to bear the burden of proof to show the window was installed prior to the time this bill was enacted; and 2) large vehicles like Blazers and Suburban will have some type of vandalism to get rid of the tinted windows and the insurance company would have to pay for it, thus raising rates.

**Bill Fleiner, Montana Sheriffs and Peace Officers Association**, stated his support of HB 29 as is. He would go along with a minimum of tint, but was concerned for the officers safety.

**Steve Turkiewicz, Montana Auto Dealers Association**, stated his support for the bill. He felt there are concepts that need to be addressed and resolved before the bill comes out in regards to regulating tinting and defining the darkened material. He said the committee and law enforcement need to work with this bill and find out what other states have done with the regulation of tinting. **Mr. Turkiewicz** said cars that come from the factories with tinted windows would need to be checked before a law is passed and having the people pay to remove the tint from those cars.

**Margaret Richardson, Montana Funeral Directors Association**, stated that tinted windows used by the funeral homes are used in the co-car that carries the body. The family car windows are tinted due to the sensitivity of death and the privacy of the families. **Ms Richardson** asked that the tinted windows for funeral home vehicles be exempt from this bill. **EXHIBIT 4**

#### Opponents' Testimony:

**Marvin Dagel, retired sheriff and owner of a service station**, spoke of an example where he and his wife took an elderly lady on a trip. Without the tinted windows it would have been unbearable for her.

**Informational Testimony:**

REP. BACHINI stated that he was neither a proponent nor opponent, but was here at the request of one of his constituents. REP. BACHINI passed around 4 samples of glass with the different shades of tinting so the committee members could see the different percentages of darkness and what they would be voting for. These samples will be used for the subcommittee.

Doug Smith, Professional window tinting business, stated that tinted windows are very popular and felt it would be difficult to take this away from the consumers. Mr. Smith gave several examples of the different tints and how they are used. He stated that it would be very difficult to place regulations on the tinted windows that come from the factories. Mr. Smith offered his assistance to the subcommittee and provide them the information they will need.

**Questions From Committee Members:**

REP. MIKE FOSTER asked REP. BERV KIMBERLEY why this bill does not address front windshields. REP. KIMBERLEY replied he could not see that front windshields were that much of a factor. If the windows were tinted to a certain degree, you would not be able to see out. He felt that eye contact is the main concern from the side view.

REP. DON LARSON asked REP. KIMBERLEY if he knew how many states currently have the window tinting law. REP. KIMBERLEY replied that California, Massachusetts and Illinois do. He said that every state is concerned with the tinting of car windows, and there are about 35 states working on legislation to pass the tinting law through.

REP. ALVIN ELLIS asked Valencia Lane, Legal Counsel, the definition of "clearly". He felt there should be some standard of right and wrong and it should not be a judgmental decision. Ms. Lane agreed and said it needed to be worded better in order to understand the language. She stated it would be very difficult to prove the standards in a court of law.

REP. SCOTT McCULLOCH asked Mr. Griffith, MPH, if they have taken a stand on what percentage of tinting they would go with. Mr. Griffith replied that as far as the MPH is concerned they wanted the vehicle windows clear.

REP. TUNBY asked Mr. Dagel if the sun screen shades are included in this. Mr. Dagel replied that he hadn't thought of that, but did not think they were of any concern because they did not block the back and two side windows.

REP. TOOLE asked Mr. Smith if there was any way to test the shading of the windows to see what percentage of tinting the windows have. Mr. Smith replied that there are three ways this

can be done: 1) by placing a sticker in the window before it is tinted and then apply the tint on the window to see how well it can be read; 2) a light meter placed under the window to determine how much light is getting through; and 3) a card with the percent numbers on it can be placed behind the tinted window to see which percent numbers show through, i.e. if 35% is readable through the window that is the percentage of tinting.

**REP. GALVIN** asked **Mr. Ashabraner** how he was going to implement a grandfather clause into this bill. **Mr. Ashabraner** said they could write in the bill a provision that a person who has tinted windows at the time the bill goes into effect would be able to keep them, because the tinted windows would be phased out in 4 or 5 years as the cars are traded in. **Mr. Ashabraner** said that salesmen who sell pharmaceutical supplies park in motel parking lots. He asked if there could be a provision for them so people could not just look in and see the drugs that are labeled. People will break out windows so insurance companies will have to pay to replace them. He said that the policy holders will be the ones to pay for this.

**REP. FOSTER** asked **Mr. Griffith** if the HP minded having this grandfather clause on cars that already have the tinted windows. **Mr. Griffith** replied they could live with it, but any improvement towards that direction would be of benefit to the MHP. **REP. FOSTER** asked **Mr. Griffith** if the rear window wasn't tinted would they be able to see better. **Mr. Griffith** said that would be an immense help.

**REP. CLARK** asked **Mr. Ashabraner** regarding the pharmaceutical salesmen what they did in the past when there weren't tinted windows. **Mr. Ashabraner** replied that it has always been a problem regarding thefts of drugs, but the tinted windows have cut down on this problem.

**REP. TOOLE** asked **Mr. Turkiewicz** about the national standards for cars coming out of the car factories and how could they be applied here. **Mr. Turkiewicz** replied that the 30% window tinting is factory adopted and states that have adopted legislation for window tinting laws have accepted 30% as their standard.

**CHAIRMAN STANG** asked **Mr. Turkiewicz** if there is a certain percentage of standard tinting for new cars when they come out of the factories, and if Montana would be out of line by carrying this certain standard and would it cost the consumer more to purchase a new car for this reason. **Mr. Turkiewicz** replied that there are certain models of cars that may have this problem if this bill is adopted. **Mr. Turkiewicz** stated that he understood the maximum level of tinting from the factories was 30%. He stated this is a federal standard. **Mr. Turkiewicz** replied in regards to the cost to the consumer, if they adopted the same standards as the other states it would not affect Montana cost wise.

**Informational Testimony:**

Mr. Vernon Ball offered information about mini vans, small compact trucks, etc. that come off of the assembly line and have 16% light transmission. He stated that the California law states that there are no tinted windows in the front, driver and passenger sides, but the two back windows and rear window were ok to tint, that way they were not out of order with the federal law.

**Closing by Sponsor:**

REP. KIMBERLEY closed stating there are a lot of concerns for safety reasons, but he said, that however the bill turns out it should read what the bill states and that is to see clearly into the interior of the vehicle. He did not know how to handle the vandalism of the tinted windows that are in place at this time if the bill went through. REP. KIMBERLEY said if a grandfather clause were implemented in the bill it would be defeating the purpose of the bill. He felt that the funeral vehicles could be excluded from this bill.

**HEARING ON HB 47****Presentation and Opening Statement by Sponsor:**

REP. ED GRADY, HOUSE DISTRICT 47, Canyon Creek, opened by saying the main intent of his bill is for the law officers and eye contact. He said he has discussed his bill with REP. KIMBERLEY because they are both alike in regards to safety. REP. GRADY stated that he was going to turn this over to the proponents who would be testifying to enlighten the committee with percentages. REP. GRADY mentioned that the windshield device (wiper) was also included in this bill to be operated by the driver only. He stated there are some types of cars and trucks where the passenger side of the windshield is operated by a vacuum and is controlled by the passenger. He stated that he had an amendment drafted that would take the windshield wipers out of this bill which has nothing to do with the main intent of what he was trying to do. REP. GRADY informed the committee it is already a federal law that big trucks cannot go over the 30% level for tinted windows.

**Proponents' Testimony:**

Chuck O'Reilly, Sheriff, Lewis and Clark County, gave a demonstration with a box made from tinted glass that keeps out 86% light or 14% window. He gave a scenario of being a law enforcement officer in uniform; alone in a patrol car at 2:30 a.m. after the bars have closed, you see a car of suspicious nature ahead of you and call in the license plate number into the National Crime Information Center (NCIC), it comes back as a vehicle involved in an armed robbery in Pocatello, Idaho. The windows are tinted including the back window, you pull the car



over using the normal stops, you are behind the vehicle and do not want to approach the vehicle being alone, you get on the PA system and offer the driver the opportunity to exit that vehicle, you do not know how many people are in the vehicle because of the tinted windows at night. There is no response from the driver, there is no back-up, the driver still refuses to get out of the vehicle, so you have to approach the vehicle, you shine a flashlight into the vehicle, but the flashlight only sees through the 14% window and the rest of the light is reflected back to you. All of a sudden the door opens and a gun is pointed back at you. (At this time, Sheriff O'Reilly pulled a gun out of a box, which could not be seen.) Sheriff O'Reilly said the issue of this demonstration was to show that the gun was not visible through the tinted windows and urged the committee's support in the passage of HB 47.

**Gail Gray, Office of Public Instruction**, stood in support and on behalf of Nancy Keenan, Superintendent of OPI, on the passage of HB 47. She stated the need for eye contact with the children who are crossing the streets on their way to school or playing on the sidewalks and urged the committee to pass this bill. EXHIBIT 5

**Col. Bob Griffith**, stated his support on behalf of the Montana Highway Patrol and urged passage of this HB 47.

**Margaret Richardson, Montana Funeral Homes of Montana**, stood in support of Hb 47, but asked that the committee exempt the funeral home vehicles from the piece of legislation.

**Ben Havdahl, Montana Motor Carriers**, stated his support for HB 47. He said that Montana by reference of the Department of Transportation, has adopted a law for tinted windows on all commercial vehicles over 10,000 lbs for motor safety. He said the regulation on all motor vehicles states "not less than 70% luminescent on side windows and no tint on the windshields".

**Bill Fleiner, Sheriff, Lewis and Clark Sheriff Dept./Board member of the Peace Officers Association**, stated his support of HB 47, and the importance of being able to look into a vehicle to know what is taking place.

**Vernon Ball, Owner of Tint Shop in Billings**, gave his support for HB 47 and distributed samples of window tinting. He said that a national standard does need to be adopted. EXHIBIT 6

**Jackie Terrell, Legal Council, representing American Insurance Association**, said the AIA is a trade association that is comprised of 200 property and casualty insurers, many who write property and casualty insurance in the state of Montana support the concept of HB 47.

**Lorna Frank, Montana Farm Bureau**, stated their interest in HB 47 is for the safety factor. She said maybe HB 29 and HB 47 could be combined.

**Ron Ashabraner, State Farm Insurance**, is in support of HB 47. He said the windshield should not be tinted at all, but felt there should be some kind of light transmission percentage for tinted windows that are in place at this time. **Mr. Ashabraner** said some guidelines need to be written into the bill to allow for some light transmission if a grandfather clause could not be implemented into the bill. He said with the tinted windows that are in the cars at this time could be self inflicted with vandalism and insurance companies would be forced to pay claims.

**Jim Manion, AAA Montana**, spoke in support of the concept.

**Bill Yeager, Association of Highway Patrol**, said they were in support of legislation adopting any concept of HB 47.

**Steve Turkiewicz, Montana Auto Dealers Association**, offered their support to the committee to help find a standard for HB 47.

**Doug Smith, Owner of Tint Shop in Billings**, stated his support for HB 47. He would like to see the 35% tint for the windshield, passenger and drivers windows, and 20% tint for the rear and two back passenger windows.

**George Larson, Private Citizen**, stated his support for HB 47.

**Opponents' Testimony:**      None

**Questions From Committee Members:**

**REP. ELLIS** asked **Doug Smith** about the mural on the back of vans and if they blocked the view as bad as the tinted windows do. **Mr. Smith** said that was not a problem.

**REP. KNOX** asked **Sheriff O'Reilly** if he thought the 36% tint would be good for the window all around. **Sheriff O'Reilly** replied that he would prefer that the 36% tint were all the way around and not just the 20% tint on the rear and two back passenger windows.

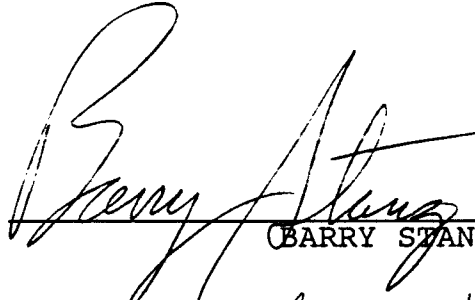
**CHAIRMAN STANG** informed the committee that he was going to place this bill along with HB 29 and the other tinted window bills into a subcommittee to work with law enforcement officials. He asked **Steve Turkiewicz** and **Doug Smith** to check with other states to see how they legislated tinted windows.


**Closing by Sponsor:**

**REP. GRADY** said he should amend his bill. He stressed the need of safety for: 1) law enforcement; 2) pedestrians for eye contact; and 3) safety. He urged the committee to work towards the passage of HB 47.

ADJOURNMENT

Adjournment: 4:45 p.m.

  
BARRY STANG, Chair

  
CLAUDIA JOHNSON, Secretary

BS/cj

# HOUSE OF REPRESENTATIVES

## HIGHWAYS AND TRANSPORTATION COMMITTEE

ROLL CALL

DATE 1-10-91

NAME	PRESENT	ABSENT	EXCUSED
REP. BARRY "SPOOK" STANG, CHAIRMAN	✓		
REP. FLOYD "BOB" GERVAIS, V. CHAIRMAN	✓		
REP. ERNEST BERGSAGEL	✓		
REP. ROBERT CLARK	✓		
REP. JANE DEBRUYCKER	✓		
REP. ALVIN ELLIS, JR.	✓		
REP. GARY FELAND	✓		
REP. MIKE FOSTER	✓		
REP. PATRICK GALVIN	✓		
REP. DICK KNOX	✓		
REP. DON LARSON	✓		
REP. SCOTT MCCULLOCH	✓		
REP. JIM MADISON	✓		
REP. LINDA NELSON	✓		
REP. DON STEPPLER	✓		
REP. HOWARD TOOLE	✓		
REP. ROLPH TUNBY	✓		

EXHIBIT 1  
DATE 1-10-91  
HB 98

Amendments to House Bill No. 98  
First Reading Copy

Requested by Representative Dolezal  
For the Committee on Highways and Transportation

Prepared by Paul Verdon  
January 8, 1991

1. Title, line 5.

Following: "ATTACK"

Insert: "; PROVIDING FOR RETENTION OF SPECIAL LICENSE PLATES; AND  
AMENDING SECTION 61-3-446, MCA"

2. Page 2, line 10.

Following: line 9

Insert: " **Section 2.** Section 61-3-446, MCA, is amended to read:

"**61-3-446. Retention of special license plates.** If during a registration year the holder of special license plates issued under 61-3-444, 61-3-445, 61-3-447, ~~or~~ 61-3-451, or [section 1] disposes of the vehicle to which the plates are affixed, he shall retain the plates and may affix them to another vehicle.""

Renumber: subsequent section

EXHIBIT 2  
DATE 1-10-91  
HB 98

# Remember Pearl Harbor



10 JANUARY 1991

HEARING BEFORE HIGHWAY COMMITTEE OF MONTANA HOUSE 10 JAN 1991

THE PEARL HARBOR SURVIVORS ASSOCIATION WAS FOUNDED IN LOS ANGELES CALIFORNIA ON 7 DEC 1933 BY ELEVEN MEN WHO MET TO REMEMBER AND HONOR THEIR FRIENDS WHO DIED IN THE ATTACK ON PEARL HARBOR ON 7 DECEMBER 1941.

MEMBERSHIP IS OPEN TO ALL MEN AND WOMEN WHO WERE MEMBERS OF THE ARMED FORCES ON THE ISLAND OF OAHU OR WITHIN THE 3-MILE LIMIT DURING THE ATTACK FROM 0735 TO 0945.

THE ASSOCIATION IS INCORPORATED IN MISSOURI AND THE FEDERAL CHARTER WAS GRANTED IN 1985. BIG SKY CHAPTER #1 (MONTANA) WAS GRANTED CHARTER #99 ON 7 DECEMBER 1972 AND NOW HAS A MEMBERSHIP OF 56. SINCE BEING ELECTED SECRETARY-TREASURER IN DECEMBER, 1989, I HAVE REPORTED THREE DEATHS OF SURVIVORS TO THE NATIONAL OFFICE, OF MEMBERS WHO DID NOT BELONG EITHER TO THE NATIONAL OR THE STATE ASSOCIATIONS. POSSIBLY, THEY DID NOT KNOW OF THE EXISTENCE OF P.H.A.

# Keep America Alert

EXHIBIT 2  
DATE 1-10-91  
HB 98

Remember

Pearl

Harbor



--2--

WICHITANS COMMITTEE HEARING  
ING 10 JAN 1991 ON PUSA  
LICENSE PLATES.

Our 56 members are scattered throughout the state of Montana including one member who resides at the Montana Veterans Home in Columbia Falls.

It is my earnest hope that a license plate can be granted to our members in order to keep the memory of Pearl Harbor alive in the eyes of the public and to possibly generate membership as it has done in every one of the 34 states now authorizing special plates for PUSA. Washington State, for example, had a membership of about 300 until their plates were issued - they have now issued over 900 license plates with that many survivors formed into several chapters.

We have tried to keep the design of the plate simple - yet we hope to get the message across that the owner/operator of the vehicle survived the attack on Pearl Harbor and in this way keep our motto before the public: "REMEMBER PEARL HARBOR - KEEP AMERICA ALERT."

THANK YOU VERY MUCH.

BILL EMERSON, Secy. T.

Keep

America

Alert

EXHIBIT 2  
DATE 1-10-91  
HB 29

January 10, 1991

3:00 p.m.

Testimony on behalf of HB 29

Testimony by Bill Yaeger before House Highways and Transportation Committee

The Association of Montana Highway Patrolmen applauds any change to the Law that will contribute to the safety of Patrol Officers. HB 29 most closely meets that goal. The Association would recommend a simple, common sense test for automobile window tinting. Can the Officer see the occupants of a vehicle and their activities clearly? If not, the tinting is too dark.



EXHIBIT 4  
DATE 1-10-91  
HB 29

**HOUSE BILLS 29 AND 47**

**TESTIMONY SUBMITTED BY THE MONTANA FUNERAL DIRECTORS  
ASSOCIATION**

**JANUARY 10,1990**

**CONTACT : MARGARET RICHARDSON**

Vehicles used by many of the funeral homes in Montana use darkening material on the rear and side windows of the first call cars. These are the vehicles that transport the body from the place of death to the funeral home. Darkening material is also used on the family car during the funeral. Because the funeral directors feel that it is important to protect the general public from the sensitive issue of death, as well as preserve the family's privacy, we respectfully request that funeral homes in Montana be exempt from HB 29 & 47.

*State Motor Vehicle*

## State Glass Glazing Laws\*

EXHIBIT  
DATE 12-10-91

State / Year of Enactment or Last Amendment	Front Windshield Light Transmittance / Reflectance	Light Side Windows Light Transmittance / Reflectance	Rear Windows Light Transmittance / Reflectance	HB Other Provisions
Alabama §32-5-215 §32-5-211 (1980) Helen 780 X-17 (5-1-91)	Allows tinting on the uppermost 6" and is not red or amber in color.	22%, or more light transmittance. 20%, or less light reflectance.	22%, or more light transmittance. 20%, or less light reflectance.	Does not apply to motor vehicle driving on right-hand side of the roadway, except for the windows to the right and left of the driver, or windows not registered in this state. Provides for medical exceptions. Requires a label on certificate which meets specified guidelines.
Arizona §29-639.01 (1983)	Allows tinting on the uppermost portion. If the bottom edge is at least 29" above the undepressed driver's seat, when measured from a point 5" in front of the bottom of the backrest with the driver's seat in its rearmost and lowestmost position with the vehicle on a level surface. Prohibits the use of material which is red or amber in color.	33 ± 3% light transmittance. 35 ± 3% luminous reflectance.	35 ± 3%, or less, luminous reflectance. Allows any tinting, if the vehicle is equipped with outside mirrors, both on the left and right sides, with a viewing distance of at least 200 feet.	Provides for medical exceptions. Each manufacturer shall certify to the director that the product or material manufactured or represented in compliance with tinting requirements.
Arkansas §27-37-308 (1987)	Allows any tinting along top 5".	9, 1" (auto tint) 25 or 35%, or more, light transmittance.	Any tint designated as "A, 1" (auto tint).	Requires a label which meets specified guidelines.
California §26209 et seq. (1987)	Allows tinting on the uppermost portion. If the bottom edge is at least 29" above the undepressed driver's seat, when measured from a point 5" in front of the bottom of the backrest with the driver's seat in its rearmost and lowestmost position with the vehicle on a level surface. Prohibits the use of material which is red or amber in color.	No provision.	Allows any tinting. If the vehicle is equipped with outside mirrors, both on the left and right sides with a viewing distance of at least 200 ft.	Provides for medical exceptions.
Colorado §42-4-224 (1988)	20% light transmittance. The bottom edge of the material must extend no more than 4" measured from the top of the windshield down and cannot be red or amber in color, affect perception of primary colors or reflect sunlight or headlights more than a windshield without the material.	20% light transmittance. If rear windows have 27%, or less, light transmittance.	27%, or less, light reflectance. Glass front side windows and the windshield must have 70% light transmittance.	Does not apply to motor vehicle driving only licensed by the manufacturer.
Connecticut §14-65g (1989)	Allows tinting on the uppermost portion. If the bottom edge is at least 29" above the undepressed driver's seat, when measured from a point 5" in front of the bottom of the backrest with the driver's seat in its rearmost and lowestmost position with the vehicle on a level surface. Prohibits the use of material which is red or amber in color.	73 ± 3% light transmittance. 27 ± 3% luminous reflectance.	35 ± 3%, or less, luminous reflectance. Allows any tinting, if the vehicle is equipped with outside mirrors, both on the left and right sides, with a viewing distance of at least 200 ft.	Requires a label, after 1/1/91, which meets specified guidelines, except for heavy motor vehicles. Provides for the promulgation of regulation. Provides for medical exceptions.
Delaware 24§4313 (1989)	Allows any transparent material that does not disfigure the ASE-1 film.	No provision.	No provision.	Requires a label and certificate which meets specified guidelines.
Florida §318.29(5) et seq. (1984)	Allows any transparent material that does not encroach upon the ASE-1 film.	25 ± 3%, or less, solar reflectance. 35 ± 3%, or more, light transmittance.	35 ± 3%, or less, solar reflectance. 18 ± 3%, or more, light transmittance.	§874s may have a minimum rear window light transmittance of 8 ± 3% and a solar reflectance of not more than 35 ± 3%. Requires a label which meets specified guidelines. Does not apply to motor vehicle driving only by the state.
Georgia §60-404.1 (40-4-73.1) (1989)	Allows any transparent material which is placed on the uppermost 6" and is not red or amber in color.	No provision.	22%, or more, light transmittance. 20%, or less, light reflectance.	Does not apply to the rear windshield and windows of MPVs, school buses, limousines, factory delivered vehicles and vehicles not delivered in this state. Requires a label which meets specified guidelines. Does not apply to motor vehicles driving only as established by a manufacturer. Provides for medical exceptions. Provides for the promulgation of rules.

\* These laws are exceptions to the general prohibition, state-wide, of glass glazing or tinting materials upon motor vehicles.

# Scotchint<sup>TM</sup> Window Film

NR20SMARL

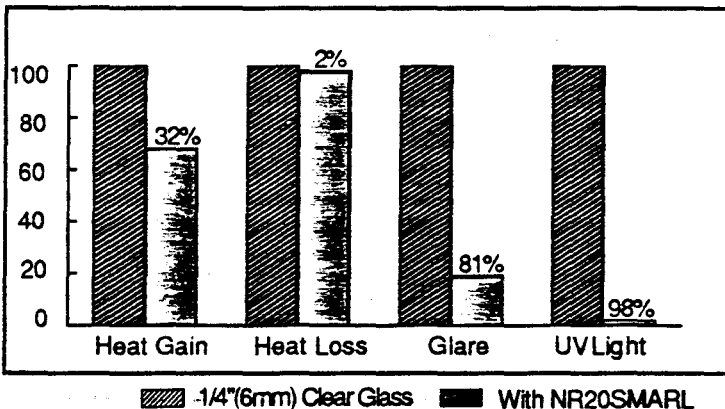
## Product Benefits

EXHIBIT 6

DATE 1-10-91

- Stay cooler by ~~reducing excessive heat~~ <sup>47</sup> in warmer months.
- Reduces glare and eye discomfort.
- Furniture and fabrics have a longer acceptable life.
- Increase personal safety from flying glass.

## Product Performance (Percent Reduction Noted)



## Technical Data

Glass Type	Applied Product	Shading Coefficient	Total Solar Energy			Visible Light		UV Light	Embossing	"U" Value	
			Reflected	Absorbed	Transmitted	Reflected	Transmitted				
Single Pane	Clear	None	.94	8%	15%	77%	8%	88%	<68%	.84	1.08
	NR20SMARL	.63	7%	54%	39%	5%	18%	< 1%	.87	1.08	
	Clear	None	.68	5%	50%	45%	5%	50%	<29%	.84	1.06
	NR20SMARL	.50	6%	71%	23%	5%	8%	< 1%	.87	1.08	
Insulated Pane	Clear	None	.81	14%	26%	60%	14%	78%	<46%	.84	.50
	NR20SMARL	.67	12%	58%	30%	12%	14%	< 1%	.87	.50	
	Clear	None	.55	8%	54%	36%	8%	45%	<21%	.84	.50
	NR20SMARL	.46	6%	78%	18%	6%	8%	< 1%	.87	.50	

Scotchint Sun Control  
Window Film NR20SMARL

Setting the standard.

70-0701-0619-3

M Energy Control Products

t. Paul, MN 55144



.VISITORS' REGISTER

Heways

COMMITTEE

BILL NO.

HB 98

DATE

1-10-91

SPONSOR

Doherty

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
John DeWilder	DAV-AT - Helena	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Edwin Johnson	DAV & VFW Helena	<input type="checkbox"/>	<input type="checkbox"/>
Dennis Bishop	Great Falls	<input type="checkbox"/>	<input type="checkbox"/>
Ken Durrell	GREAT FALLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Emerson	Great Falls	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mr. [Signature]	" "	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mack Emerson	" "	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Roy Bergman	Belgrade Mt.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Robert Schibler	GREAT FALLS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
George Foster	Helena	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leslie Driscoll	Bliss	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ray Carbone	Butte	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Joe Adams	American Legion	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Strizich	Gt. Falls	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE

SPONSOR

NAME (please print)

RESIDENCE

SUPPORT

OPPOSE

NO OPPONENTS OR PROPONENTS

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

COMMITTEE

BILL NO.

HB 29

DATE

1-10-91

SPONSOR

Kimberley

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Steve Turkiewicz	2016 8th Helena	✓	
MARVIN W. DAGE	601 422, Browning		X
John Decker	2. Helena		
Pat G. Des Voe	Helena	X	
R. J. Griffith	HELENA	X	
R. C. Helton	Helena	X	
Margaret Richardson	Helena		X
Bill YAEGER	HELENA	x	
Reguline N. Serrell	American Mx. Assoc.	x w/andtz	
Bill FLEINTER	Mont Sher & P.O. Assoc		
Steve Browning	Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

## VISITORS' REGISTER

COMMITTEE

BILL NO.

HB 47

DATE

1-10-91

SPONSOR

Grady

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Steve Twineciewicz	2016 8 <sup>th</sup> Helena	✓	
Robert Finkbeiner	Helena	X	
Dennis Besko			
Chuck O'Reilly	Helena		
R. Ashby	Helena		
M. Richardson	Helena		X
B.G. Hauduhn, MTHM	Helena	X	
R.D. Budy	Helena	X	
Rip Carlout	Burke	X	
Sal Jay	OPS - Helena	X	
Lorna Frank	Farm Bureau	X	
Doug Phelps	Helena	X	
Mariline N. Jurell	American Ins. Assoc	X w/amdt	
R. D. FLEISCHER	Mont <del>Assoc</del> D Assoc	✓	
Steve Browning	Stat Farm - Helena	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.