

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1058

BY: MITCHELL

AS INTRODUCED

AN ACT RELATING TO MOTOR VEHICLES; RESTRICTING USE OF CERTAIN MATERIALS ON WINDOWS AND WINDSHIELDS; PROVIDING EXCEPTIONS; DEFINING TERMS; PROVIDING PENALTY; REQUIRING CERTAIN ACTIONS BY MANUFACTURERS, SELLERS, AND INSTALLERS; REPEALING SECTION 11, CHAPTER 338, O.S.L. 1985 (47 O.S. SUPP. 1990, SECTION 12-421), WHICH RELATES TO RESTRICTIONS ON TINTED WINDSHIELDS AND WINDOWS; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-422 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Glass coating material" or "sun screening devices" means materials or devices which are designed to be used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of sun;

2. "Light transmission" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material, including the glazing, to the amount of total light falling on the product or material and the glazing;

3. "Luminous reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material to the amount of total light falling on the product or material; and

4. "Manufacturer" means:

a. a person who engages in the manufacturing or assembling of sun screening devices, or

b. a person who fabricates, laminates, or tempers glazing materials, incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process.

B. It is unlawful for a person to sell, install, or to operate a motor vehicle with any object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows, or with any object or material so placed, displayed, installed, affixed, or applied in or upon the motor vehicle so as to obstruct or reduce a driver's clear view through the windshield or side or rear windows, except as provided by this section.

C. It is unlawful for any person to place, install, affix, or apply any transparent material upon the windshield or side or rear windows of any motor vehicle if such material alters the color or reduces the light transmittance of such windshield or side or rear windows except as provided in this section.

D. This section shall not apply to:

1. Front side wing vents and windows that have a substance or material in conjunction with glazing material that have a light transmission of not less than thirty-five percent (35%) plus or

minus three percent (3%) and a luminous reflectance of not more than thirty-five percent (35%) plus or minus three percent (3%);

2. Front side wing vents and windows that have a substance or material not attached in conjunction with glazing material which is used by a vehicle operator on a moving vehicle during daylight hours;

3. Rearview mirrors;

4. Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glass;

5. Signs, stickers, or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a five-inch square in the lower corner of the windshield nearest the driver;

6. Direction, designation, or termination signs on buses, if the signs do not interfere with the driver's clear view of approaching traffic;

7. Rear window wiper motors;

8. Rear window defrosters or defoggers;

9. Rear truck lid handle or hinges;

10. Side windows to the rear of the driver or back windows that have a substance or material in conjunction with glazing material that have a light transmission of not less than twenty percent (20%) plus or minus three percent (3%) and a luminous reflectance of not more than twenty percent (20%) plus or minus three percent (3%), if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle that are so located as to reflect to the driver a view of the highway through each mirror for a distance of at least two hundred (200) feet to the rear of the motor vehicle;

11. Transparent material which is installed, affixed, or applied to the topmost portion of the windshield if:

- a. the bottom edge of the material is at least twenty-nine (29) inches above the undepressed driver's seat when measured from a point five (5) inches in front of the bottom of the backrest with the driver's seat in its rearmost and lowermost position with the vehicle on a level surface, and
- b. the material is not red or amber in color; and

12. Vehicles not subject to registration in the State of Oklahoma.

E. This section shall not prohibit the use and placement of federal, state, or political subdivision certificates on any window as are required by applicable laws.

F. Louvered materials, when installed as designed, shall not reduce the area of the driver's visibility below fifty percent (50%) as measured on a horizontal plane. When such materials are used in conjunction with the rear window, the measurement shall be made based upon the driver's view from inside the rearview mirror.

G. Each manufacturer shall certify to the Commissioner of Public Safety that the product or material he manufactures or assembles is in compliance with the reflectivity and transmittance requirements of this section.

H. A person who sells or installs objects or materials regulated by this section shall set forth in a written statement, which shall be a part of the contract for sale or installation, that the installation of such object or material to the driver's or passenger's side window may be illegal in some states. Such notice shall be in bold-face type.

I. Each manufacturer shall provide a legible label which shall be installed permanently between the material and each glazing surface of materials or devices authorized by this section, that contains the following information:

1. That the material or device complies with Oklahoma state law; and

2. The manufacturer's name.

Each manufacturer shall include instructions with the product or material for proper installation including the affixing of the label. The labeling shall be placed in the lower right hand corner on the driver's side and the lower left corner of the passenger's side of each vehicle glass glazing surface required to be labeled when facing the vehicle from the outside.

J. The Commissioner of Public Safety, upon application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of the Oklahoma Statutes, may issue an exemption from the provisions of this section for a motor vehicle belonging to such person or in which such person is a habitual passenger. Any person may operate a vehicle or alter the color or reduce the light transmitted through the side or rear windows of a vehicle in accordance with an exemption issued by the Commissioner.

K. Any person who violates any provision of this section, upon conviction, shall be guilty of a misdemeanor and shall be punished as provided for in Section 17-101 of Title 47 of the Oklahoma Statutes.

L. The provisions of this section shall apply to all new or unused vehicles and all used vehicles, as defined by Section 1102 of Title 47 of the Oklahoma Statutes, on and after September 1, 1991. The provisions of this section shall not apply to vehicles on which glass coating material or sun screening devices were installed prior to September 1, 1991, until January 1, 1993. Furthermore, the provisions of this section shall not apply to implements of husbandry.

SECTION 2. REPEALER Section 11, Chapter 338, O.S.L. 1985
(47 O.S. Supp. 1990, Section 12-421), is hereby repealed.

SECTION 3. This act shall become effective September 1, 1991.

43-1-5356 DDL