

ENROLLED HOUSE
BILL NO. 1280

By: Mitchell, Hamilton,
Smith (Bill), Pope (Tim)
and Fields of the House

and

Long (Ed) of the Senate

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 12-422, which relates to tinted windshields; modifying definitions; adding definitions; modifying exceptions; adding exception; modifying percentages for light transmission and luminous reflectance; eliminating label requirement; modifying scope of application of law; modifying exceptions; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 12-422, is amended to read as follows:

Section 12-422. A. As used in this section:

1. "Glass coating material" or "sunscreening devices" means materials, films, applications 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~~ percentage of total light, ~~expressed in percentages,~~ which is allowed to pass through ~~the product or material,~~ to the amount of ~~total light falling on the product or material~~ a window;

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

4. "Manufacturer" means:

- a. a person who engages in the manufacturing or assembling of sunscreening 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;

5. "Multipurpose vehicle" means any vehicle capable of carrying goods or persons and which is manufactured on a truck frame; and

6. "Window" means the windshield, side or rear glass of a motor vehicle, including any glazing material, glass coating or sunscreening device.

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. ~~A front side wing vent or window~~ Side or back windows that has have a sunscreening device substance or material in conjunction with glazing material that has a light transmission of ~~not less than thirty-five percent (35%)~~ at least twenty-five percent (25%) and a luminous reflectance of ~~not more than thirty-five percent (35%)~~ at most twenty-five percent (25%);

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 forty-nine-square-inch area in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a forty-nine-square-inch area 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 ~~sunscreening device~~ substance or material in conjunction with glazing material that has a light transmission of ~~not less than twenty percent (20%)~~ at least ten percent (10%) and a luminous reflectance of ~~not more than twenty percent (20%)~~ at most twenty-five percent (25%) on all vehicles manufactured prior to 1996 year models, 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. it does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield, and

b. the material is not red or amber in color; ~~and~~

12. All windows to the rear of the driver's seat in a vehicle licensed as a bus, as defined by Section 1-105 of this title, or a taxicab, as defined by Section 1-174 of this title; and

13. 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. J.~~ 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 this title.

~~L. K.~~ 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, 1994. Furthermore, the provisions of this section shall not apply to implements of husbandry as defined by this title.

~~M. L.~~ The provisions of this section shall not apply to automobile manufacturers that comply with Federal Motor Vehicle Safety Standard 205 or to multipurpose vehicles with windows that are in compliance with Federal Motor Vehicle Safety Standard 205, regardless of whether the glass coating material or sunscreening device is added by the automobile manufacturer or a manufacturer as defined by this section.

M. The provisions of this section shall not apply to law enforcement vehicles which are owned by the state or a political subdivision thereof.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of May, 1995.

Speaker of the House of
Representatives

Passed the Senate the 17th day of May, 1995.

President of the Senate