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SENATE BILL NO. 97

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on \_\_\_\_\_)

(Patron Prior to Substitute--Senator Peake)

A BILL to amend and reenact § 46.2-1052 of the Code of Virginia, relating to motor vehicles; improper windshield tinting; issuing citations.

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1052 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.**

A. As used in this article, unless the context requires a different meaning:

"Front side windows" means those windows located adjacent to and forward of the driver's seat.

"Holographic effect" means a picture or image that may remain constant or change as the viewing angle is changed.

"Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use.

"Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored components that may change depending on viewing angle.

"Rear side windows" means those windows located to the rear of the driver's seat.

"Rear window" or "rear windows" means those windows that are located to the rear of the passenger compartment of a motor vehicle and that are approximately parallel to the windshield.

B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sunshading material, or other colored material on the windshield, front or rear side windows, or rear windows

26 of such motor vehicle. This provision, however, shall not apply to any certificate or other paper required  
27 by law or permitted by the Superintendent to be placed on a motor vehicle's windshield or window.

28 The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be  
29 in compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the  
30 windshield at a location designated by the Superintendent.

31 C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped  
32 with a mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of  
33 the highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:

34 1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view  
35 lens attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case  
36 of a circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables  
37 the driver of the motor vehicle to view below the line of sight as viewed through the rear window;

38 2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker  
39 or stickers, regardless of size; or

40 3. To drive a motor vehicle when the driver's clear view of the highway through the rear window  
41 or windows is otherwise obstructed.

42 D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section,  
43 no sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such  
44 motor vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the  
45 driver of the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-  
46 shading or tinting film is applied or affixed in accordance with the following:

47 1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear  
48 window or windows of any motor vehicle operated on the highways of the Commonwealth that reduce  
49 the total light transmittance of such window to less than 35 percent;

50 2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor  
51 vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such  
52 window to less than 50 percent;

53 3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle  
54 that (i) have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.

55 Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading  
56 or tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2, (ii)  
57 have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of  
58 a traffic infraction but shall not be awarded any demerit points by the Commissioner for the violation.

59 Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-  
60 shading or tinting films that (i) reduce the light transmittance to levels less than that allowed in  
61 subdivisions 1 and 2, (ii) have a reflectance of light exceeding 20 percent, or (iii) produce holographic or  
62 prism effects is guilty of a Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for  
63 any subsequent offense.

64 E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper  
65 standards for equipment or devices used to measure light transmittance through windows of motor  
66 vehicles. Law-enforcement officers shall use only such equipment or devices to measure light  
67 transmittance through windows that meet the standards established by the Division. Such measurements  
68 made by law-enforcement officers shall be given a tolerance of minus seven percentage points.

69 F. No film or darkening material may be applied on the windshield except to replace the sunshield  
70 in the uppermost area as installed by the manufacturer of the vehicle.

71 G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a  
72 single sticker no larger than 20 square inches if such sticker is totally contained within the lower five  
73 inches of the glass of the rear window, nor shall subsection C apply to a motor vehicle to which but one  
74 such sticker is so affixed.

75 H. Nothing in this section shall prohibit applying to the rear side windows or rear window of any  
76 multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light  
77 transmittance of such window or windows below 35 percent.

78 I. Notwithstanding the foregoing provisions of this section, sun-shading material which was  
79 applied or installed prior to July 1, 1987, in a manner and on which windows not then in violation of

80 Virginia law, shall continue to be lawful, provided that it can be shown by appropriate receipts that such  
81 material was installed prior to July 1, 1987.

82 J. Where a person is convicted within one year of a second or subsequent violation of this section  
83 involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition  
84 to any other penalty, may order the person so convicted to remove such tinted or smoked windshield from  
85 the vehicle.

86 K. The provisions of this section shall not apply to law-enforcement vehicles.

87 L. The provisions of this section shall not apply to the rear windows or rear side windows of any  
88 emergency medical services vehicle used to transport patients.

89 M. The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the  
90 performance of private security duties by a security canine handler as defined in § 9.1-138 and licensed  
91 in accordance with § 9.1-139.

92 N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in § 46.2-  
93 2000 and contract passenger carriers as defined in § 46.2-2000.

94 O. For any summons issued for a violation of this section, the court may, in its discretion, dismiss  
95 the summons, where proof of compliance with this section is provided to the court on or before the court  
96 date.

97 P. ~~No~~ Except for a violation of subsection F, no law-enforcement officer shall stop a motor vehicle  
98 for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of  
99 this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible  
100 in any trial, hearing, or other proceeding.

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