

SECOND REGULAR SESSION

[CORRECTED]

HOUSE BILL NO. 1038

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES ROSS, MOORE, SECREST, FARNEN, CRAWFORD, BEHNEN, WILLOUGHBY, DOLAN (Co-sponsors), COOPER, LEGAN, MYERS, PHILLIPS, GRATZ, OSTMANN, HUNTER, ROBIRDS, NAEGER, BURTON, BARRY, GRIESHEIMER, HENDERSON, BEARDEN, REINHART, GRAHAM, McKENNA, HEGEMAN, SCHWAB, ABEL, WARD, SURFACE, HOLT, BOUCHER AND LEVIN.

Pre-filed December 3, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2458L.01I

AN ACT

To repeal section 307.173, RSMo, and to enact in lieu thereof one new section relating to tinted windows, with penalty provisions and an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 307.173, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 307.173, to read as follows:

307.173. [1. Except as provided in subsections 2 and 6 of this section, no person shall operate any motor vehicle registered in this state on any public highway or street of this state with any manufactured vision-reducing material applied to any portion of the motor vehicle's windshield, sidewings, or windows located immediately to the left and right of the driver which reduces visibility from within or without the motor vehicle. This section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in section 700.010, RSMo, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.

2. Any person may operate a motor vehicle with side and rear windows that have a sun

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

13 screening device, in conjunction with safety glazing material, that has a light transmission of
14 thirty-five percent or more plus or minus three percent and a luminous reflectance of thirty-five
15 percent or less plus or minus three percent.

16 3. A motor vehicle in violation of this section shall not be approved during any motor
17 vehicle safety inspection required pursuant to sections 307.350 to 307.390.

18 4. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that
19 is created under the authority delegated in this section shall become effective only if it complies
20 with and is subject to all of the provisions of chapter 536, RSMo, and, if applicable, section
21 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable and if any of the powers
22 vested with the general assembly pursuant to chapter 536, RSMo, to review, to delay the
23 effective date or to disapprove and annul a rule are subsequently held unconstitutional, then the
24 grant of rulemaking authority and any rule proposed or adopted after August 28, 2001, shall be
25 invalid and void.

26 5. Any person who violates the provisions of this section is guilty of a class C
27 misdemeanor.

28 6. Any vehicle licensed with a historical license plate shall be exempt from the
29 requirements of this section.]

30 **1. On or after August 28, 2001, any person may operate a motor vehicle with side**
31 **and rear windows that have manufactured tinting material applied to the windows which**
32 **has a light transmission of thirty-five percent or more plus or minus three percent and a**
33 **luminous reflectance of thirty-five percent or less plus or minus three percent.**

34 **2. Any motor vehicle with tinting on rear side windows or rear windows, regardless**
35 **of the percentage of light transmission or luminous reflectance, shall be deemed in**
36 **compliance with this section if such tinting was installed prior to August 28, 2001.**

37 **3. Any motor vehicle with tinting on front side windows or front side**
38 **windows, regardless of the percentage of light transmission or luminous reflectance, shall**
39 **be deemed in compliance with this section if such tinting was installed prior to August 28,**
40 **2001, pursuant to a physician's prescription that was permitted by law. On or after the**
41 **effective date of this section, a permit to operate a motor vehicle with side or rear windows**
42 **that have manufactured tinting material which permits less light transmission and more**
43 **luminous reflectance than allowed under the requirements of this section may be issued by**
44 **the department of public safety. This permit shall be issued to any operator of a motor**
45 **vehicle who has a serious medical condition which requires the use of a manufactured**
46 **tinting material if the operator's physician prescribes its use. The director of the**
47 **department of public safety shall promulgate rules and regulations for the issuance of**
48 **permits. Permits shall allow operation of the vehicle by any person with permission of the**

49 owner.

50 **4. This section shall not prohibit labels, stickers, decalcomania, or informational**
51 **signs on motor vehicles or the application of manufactured tinting material to recreational**
52 **vehicles as defined in section 700.010, RSMo, provided that such stickers, decalcomania,**
53 **or informational signs do not interfere with the driver's normal view of the road.**

54 **5. Any vehicle licensed with a historical license plate or vehicles which have factory**
55 **installed tinted glass, the equivalent replacement thereof, or tinting material applied to the**
56 **upper portion of the motor vehicle's windshield which is normally tinted by the**
57 **manufacturer of motor vehicle safety glass shall be exempt from the requirements of this**
58 **section.**

59 **6. The provisions of this section shall not apply to motor vehicles not registered in**
60 **this state.**

61 **7. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo,**
62 **that is created under the authority delegated in this section shall become effective only if**
63 **it complies with and is subject to all of the provisions of chapter 536, RSMo, and, if**
64 **applicable, section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable**
65 **and if any of the powers vested with the general assembly pursuant to chapter 536, RSMo,**
66 **to review, to delay the effective date or to disapprove and annul a rule are subsequently**
67 **held unconstitutional, then the grant of rulemaking authority and any rule proposed or**
68 **adopted after August 28, 2001, shall be invalid and void.**

69 **8. Any person who violates the provisions of this section is guilty of a class C**
70 **misdemeanor.**

Section B. Because immediate action is necessary to clarify the laws regarding tinted
2 windows, section A of this act is deemed necessary for the immediate preservation of the public
3 health, welfare, peace, and safety, and is hereby declared to be an emergency act within the
4 meaning of the constitution, and section A of this act shall be in full force and effect upon its
5 passage and approval.