

**H. B. 4391**

(By Delegates Longstreth, Frazier, Ellem and  
Ireland)

[Introduced February 2, 2012; referred to the  
Committee on Roads and Transportation then the Judiciary.]

A BILL to amend and reenact §17C-15-36a of the Code of West  
Virginia, 1931, as amended, relating to exempting unmarked  
law-enforcement vehicles primarily used for covert or  
undercover enforcement from sun screening restrictions.

*Be it enacted by the Legislature of West Virginia:*

That §17C-15-36a of the Code of West Virginia, 1931, as  
amended, be amended and reenacted to read as follows:

**ARTICLE 15. EQUIPMENT.**

**§17C-15-36a. Sun screening devices; penalty.**

(a) No person may operate a motor vehicle that is registered  
or required to be registered in the state on any public highway,  
road or street that has a sun screening device on the windshield,  
the front side wings and side windows adjacent to the right and  
left of the driver and windows adjacent to the rear of the driver  
that do not meet the requirements of this section: *Provided, That*

1 law-enforcement K-9 and other emergency vehicles that are designed  
2 to haul animals and unmarked law-enforcement vehicles primarily  
3 used for covert or undercover enforcement are exempt from this  
4 requirement.

5 (b) A sun screening device when used in conjunction with the  
6 windshield must be nonreflective and may not be red, yellow or  
7 amber in color. A sun screening device may be used only along the  
8 top of the windshield and may not extend downward beyond the ASI  
9 line or more than five inches from the top of the windshield  
10 whichever is closer to the top of the windshield.

11 (c) A sun screening device when used in conjunction with the  
12 automotive safety glazing materials of the side wings or side  
13 windows located at the immediate right and left of the driver shall  
14 be a nonreflective type with reflectivity of not more than twenty  
15 percent and have a light transmission of not less than thirty-five  
16 percent. The side windows behind the driver and the rear most  
17 windows may have a sun screening device that is designed to be used  
18 on automotive safety glazing materials that has a light  
19 transmission of not less than thirty-five percent and a  
20 reflectivity of not more than twenty percent. If a sun screening  
21 device is used on glazing behind the driver, one right and one left  
22 outside rear view mirror is required.

23 (d) Each manufacturer shall:

24 (1) Certify to the West Virginia State Police and Division of

1 Motor Vehicles that a sun screening device used by it is in  
2 compliance with the reflectivity and transmittance requirements of  
3 this section;

4       (2) Provide a label not to exceed one and one-half square  
5 inches in size, with a means for the permanent and legible  
6 installations between the sun screening material and each glazing  
7 surface to which it is applied that contains the manufacturer's  
8 name and its percentage of light transmission; and

9       (3) Include instructions with the product or material for  
10 proper installation, including the affixing of the label specified  
11 in this section. The labeling or marking must be placed in the  
12 left lower corner of each glazing surface when facing the vehicle  
13 from the outside.

14       (e) No person may:

15       (1) Offer for sale or for use any sun screening product or  
16 material for motor vehicle use not in compliance with this section;  
17 or

18       (2) Install any sun screening product or material on vehicles  
19 intended for use on public roads without permanently affixing the  
20 label specified in this section.

21       (f) The provisions of this section do not apply to a motor  
22 vehicle registered in this state in the name of a person, or the  
23 person's legal guardian, who has an affidavit signed by a physician  
24 or an optometrist licensed to practice in this state that states

1 that the person has a physical condition that makes it necessary to  
2 equip the motor vehicle with sun screening material which would be  
3 of a light transmittance or luminous reflectance in violation of  
4 this section. The affidavit must be in the possession of the  
5 person so afflicted, or the person's legal guardian, at all times  
6 while being transported in the motor vehicle.

7 (g) The light transmittance requirement of this section does  
8 not apply to windows behind the driver on trucks, buses, trailers,  
9 mobile homes and multipurpose passenger vehicles.

10 (h) As used in this section:

11 (1) "Bus" means a motor vehicle with motive power, except a  
12 trailer, designed for carrying more than ten persons.

13 (2) "Light transmission" means the ratio of the amount of  
14 total light to pass through a product or material to the amount of  
15 the total light falling on the product or material.

16 (3) "Luminous reflectants" means the ratio of the amount of  
17 total light that is reflected outward by the product or material to  
18 the amount of the total light falling on the product or materials.

19 (4) "Manufacturer" means any person engaged in the  
20 manufacturing or assembling of sun screening products or materials  
21 designed to be used in conjunction with vehicle glazing materials  
22 for the purpose of reducing the effects of the sun.

23 (5) "Motor homes" means vehicular units designed to provide  
24 temporary living quarters built into and an integral part of or

1 permanently attached to a self-propelled motor vehicle chassis.

2       (6) "Multipurpose passenger vehicle" means a motor vehicle  
3 with motive power, except a trailer, designed to carry ten persons  
4 or less which is constructed either on a truck chassis or with  
5 special features for occasional off-road operation.

6       (7) "Nonreflective" means a product or material designed to  
7 absorb light rather than to reflect it.

8       (8) "Passenger car" means a motor vehicle with motive power,  
9 except a multipurpose passenger vehicle, motorcycle or trailer,  
10 designed for carrying ten persons or less.

11       (9) "Sun screening device" means film material or device that  
12 is designed to be used in conjunction with motor vehicle safety  
13 glazing materials for reducing the effects of the sun.

14       (10) "Truck" means a motor vehicle with motive power, except  
15 a trailer, designed primarily for the transportation of property or  
16 special purpose equipment.

17       (i) Any person violating the provisions of this section is  
18 guilty of a misdemeanor and, upon conviction thereof, shall be  
19 fined not more than \$200.

NOTE: The purpose of this bill is to exempt unmarked law-enforcement vehicles used for covert or undercover enforcement from sun screening restrictions.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

2012R1894H