

1 **Senate Bill No. 493**

2 (By Senators Snyder, Beach and Palumbo)

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4 [Introduced February 2, 2012; referred to the Committee on
5 Transportation and Infrastructure.]

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

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

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

17 **ARTICLE 15. EQUIPMENT.**

18 **§17C-15-36a. Sun-screening devices; penalty.**

19 (a) No person may operate a motor vehicle that is registered
20 or required to be registered in the state on any public highway,
21 road or street that has a sun-screening device on the windshield,
22 the front side wings and side windows adjacent to the right and
23 left of the driver and windows adjacent to the rear of the driver

1 that do not meet the requirements of this section: *Provided, That*
2 law-enforcement K-9 and other emergency vehicles that are designed
3 to haul animals and unmarked law-enforcement vehicles primarily
4 used for covert or undercover enforcement are exempt from this
5 requirement.

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

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

24 (d) Each manufacturer shall:

1 (1) Certify to the West Virginia State Police and Division of
2 Motor Vehicles that a sun-screening device used by it is in
3 compliance with the reflectivity and transmittance requirements of
4 this section;

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

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

15 (e) No person may:

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

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

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

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

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

11 (h) As used in this section:

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

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

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

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

24 (5) "Motor homes" means vehicular units designed to provide

1 temporary living quarters built into and an integral part of or
2 permanently attached to a self-propelled motor vehicle chassis.

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

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

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

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

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

18 (i) Any person violating the provisions of this section is
19 guilty of a misdemeanor and, upon conviction thereof, shall be
20 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.)