

**ENROLLED**

**Senate Bill No. 493**

(BY SENATORS SNYDER, BEACH AND PALUMBO)

---

[Passed March 10, 2012; in effect ninety days from passage.]

---

AN ACT to amend and reenact §17C-15-36a of the Code of West Virginia, 1931, as amended, relating to exempting certain vehicles from sun-screening restrictions; exempting certain law-enforcement vehicles and vehicles with manufacturer installed sun-screening devices from state standards; and prohibiting unmarked law-enforcement vehicles with sun-screening exemption from making routine traffic stops.

*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.**

1 (a) No person may operate a motor vehicle that is  
2 registered or required to be registered in the state on any  
3 public highway, road or street that has a sun-screening  
4 device on the windshield, the front side wings and side  
5 windows adjacent to the right and left of the driver and  
6 windows adjacent to the rear of the driver that do not meet  
7 the requirements of this section: *Provided*, That law-  
8 enforcement K-9 and other emergency vehicles that are  
9 designed to haul animals, unmarked law-enforcement

10 vehicles primarily used for covert or undercover enforcement  
11 and automobiles that have sun-screening devices installed at  
12 the factory by the manufacturer are exempt from this  
13 requirement. No unmarked law-enforcement vehicle, herein  
14 exempted, may engage in routine traffic stops.

15 (b) A sun-screening device when used in conjunction  
16 with the windshield must be nonreflective and may not be  
17 red, yellow or amber in color. A sun-screening device may be  
18 used only along the top of the windshield and may not  
19 extend downward beyond the ASI line or more than five  
20 inches from the top of the windshield whichever is closer to  
21 the top of the windshield.

22 (c) A sun-screening device when used in conjunction  
23 with the automotive safety glazing materials of the side  
24 wings or side windows located at the immediate right and  
25 left of the driver shall be a nonreflective type with reflec-  
26 tivity of not more than twenty percent and have a light  
27 transmission of not less than thirty-five percent. The side  
28 windows behind the driver and the rear most windows may  
29 have a sun-screening device that is designed to be used on  
30 automotive safety glazing materials that has a light trans-  
31 mission of not less than thirty-five percent and a reflectivity  
32 of not more than twenty percent. If a sun-screening device is  
33 used on glazing behind the driver, one right and one left  
34 outside rear view mirror is required.

35 (d) Each manufacturer shall:

36 (1) Certify to the West Virginia State Police and Division  
37 of Motor Vehicles that a sun-screening device used by it is in  
38 compliance with the reflectivity and transmittance require-  
39 ments of this section;

40 (2) Provide a label not to exceed one and one-half square  
41 inches in size, with a means for the permanent and legible  
42 installations between the sun-screening material and each  
43 glazing surface to which it is applied that contains the  
44 manufacturer's name and its percentage of light transmis-  
45 sion; and

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

51 (e) No person may:

52 (1) Offer for sale or for use any sun-screening product or  
53 material for motor vehicle use not in compliance with this  
54 section; or

55 (2) Install any sun-screening product or material on  
56 vehicles intended for use on public roads without perma-  
57 nently affixing the label specified in this section.

58 (f) The provisions of this section do not apply to a motor  
59 vehicle registered in this state in the name of a person, or the  
60 person's legal guardian, who has an affidavit signed by a  
61 physician or an optometrist licensed to practice in this state  
62 that states that the person has a physical condition that  
63 makes it necessary to equip the motor vehicle with sun-  
64 screening material which would be of a light transmittance  
65 or luminous reflectance in violation of this section. The  
66 affidavit must be in the possession of the person so afflicted,  
67 or the person's legal guardian, at all times while being  
68 transported in the motor vehicle.

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

73 (h) As used in this section:

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

76 (2) "Light transmission" means the ratio of the amount  
77 of total light to pass through a product or material to the  
78 amount of the total light falling on the product or material.

79 (3) "Luminous reflectants" means the ratio of the amount  
80 of total light that is reflected outward by the product or  
81 material to the amount of the total light falling on the  
82 product or materials.

83 (4) "Manufacturer" means any person engaged in the  
84 manufacturing or assembling of sun-screening products or  
85 materials designed to be used in conjunction with vehicle  
86 glazing materials for the purpose of reducing the effects of  
87 the sun.

88 (5) "Motor homes" means vehicular units designed to  
89 provide temporary living quarters built into and an integral  
90 part of or permanently attached to a self-propelled motor  
91 vehicle chassis.

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

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

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

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

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

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

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....  
*Chairman Senate Committee*

.....  
*Chairman House Committee*

Originated in the Senate.

In effect ninety days from passage.

.....  
*Clerk of the Senate*

.....  
*Clerk of the House of Delegates*

.....  
*President of the Senate*

.....  
*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the .....  
Day of ....., 2012.

.....  
*Governor*