

Senate Bill No. 493

(By Senators Snyder, Beach and Palumbo)

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

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.

- 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
8 law-enforcement K-9 and other emergency vehicles that are
9 designed to haul animals and unmarked law-enforcement
10 vehicles primarily used for covert or undercover enforcement
11 are exempt from this requirement.

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

19 (c) A sun-screening device when used in conjunction
20 with the automotive safety glazing materials of the side
21 wings or side windows located at the immediate right and
22 left of the driver shall be a nonreflective type with reflec-
23 tivity of not more than twenty percent and have a light
24 transmission of not less than thirty-five percent. The side
25 windows behind the driver and the rear most windows may
26 have a sun-screening device that is designed to be used on

27 automotive safety glazing materials that has a light trans-
28 mission of not less than thirty-five percent and a reflectivity
29 of not more than twenty percent. If a sun-screening device is
30 used on glazing behind the driver, one right and one left
31 outside rear view mirror is required.

32 (d) Each manufacturer shall:

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

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

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

48 (e) No person may:

49 (1) Offer for sale or for use any sun-screening product or
50 material for motor vehicle use not in compliance with this
51 section; or

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

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

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

70 (h) As used in this section:

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

73 (2) "Light transmission" means the ratio of the amount
74 of total light to pass through a product or material to the
75 amount of the total light falling on the product or material.

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

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

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

89 (6) "Multipurpose passenger vehicle" means a motor
90 vehicle with motive power, except a trailer, designed to carry
91 ten persons or less which is constructed either on a truck

92 chassis or with special features for occasional off-road
93 operation.

94 (7) “Nonreflective” means a product or material designed
95 to absorb light rather than to reflect it.

96 (8) “Passenger car” means a motor vehicle with motive
97 power, except a multipurpose passenger vehicle, motorcycle
98 or trailer, designed for carrying ten persons or less.

99 (9) “Sun-screening device” means film material or device
100 that is designed to be used in conjunction with motor vehicle
101 safety glazing materials for reducing the effects of the sun.

102 (10) “Truck” means a motor vehicle with motive power,
103 except a trailer, designed primarily for the transportation of
104 property or special purpose equipment.

105 (i) Any person violating the provisions of this section is
106 guilty of a misdemeanor and, upon conviction thereof, shall
107 be 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.)