

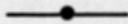
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1991



## ENROLLED

*Committee Substitute for*  
**SENATE BILL NO.** 90

(By Senator Brackenrich, et al)



**PASSED** March 9, 1991

In Effect 90 days from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 90**

(SENATORS BRACKENRICH, DITTMAR, WHITLOW  
AND FELTON, *original sponsors*)

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[Passed March 9, 1991; in effect ninety days from passage.]

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AN ACT to amend and reenact section thirty-six-a, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to sun screening devices; definitions; specifications; exceptions; and penalties.

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

That section thirty-six-a, article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 15. EQUIPMENT.**

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

- 1 (a) No person may operate a motor vehicle that is
- 2 registered or required to be registered in the state on
- 3 any public highway, road or street that has a sun
- 4 screening device on the windshield, the front side
- 5 wings and side windows adjacent to the right and left
- 6 of the driver and windows adjacent to the rear of the

7 driver that do not meet the requirements of this  
8 section.

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

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

31 (d) Each manufacturer shall:

32 (1) Certify to the division of public safety and  
33 division of motor vehicles that a sun screening device  
34 used by it is in compliance with the reflectivity and  
35 transmittance requirements of this section;

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

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

46 surface when facing the vehicle from the outside.

47 (e) No person may:

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

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

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

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

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

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

82 (4) "Manufacturer" means any person engaged in

83 the manufacturing or assembling of sun screening  
84 products or materials designed to be used in conjunc-  
85 tion with vehicle glazing materials for the purpose of  
86 reducing the effects of the sun.

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

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

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

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

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

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

110 (i) Any person violating the provisions of this section  
111 is guilty of a misdemeanor, and, upon conviction  
112 thereof, may be fined not more than two hundred  
113 dollars or be imprisoned for not more than thirty days.

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

*Homer Fleck*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Harold E. Miller*  
.....  
Clerk of the Senate

*Donald L. Hoop*  
.....  
Clerk of the House of Delegates

*Walter B. Smith*  
.....  
President of the Senate

*Bob C. Clark*  
.....  
Speaker House of Delegates

The within ~~is approved~~ this the ~~3rd~~ .....  
day of ~~April~~ ....., 1991.

*Winston Cooper*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/91

Time 4:30 PM