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OFFICE OF THE GOVERNOR

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

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# ENROLLED

HOUSE BILL No. 1029

(By Mr. Steppe.....)

— ● —

Passed March 11, 1983

In Effect Ninety Days From Passage



ENROLLED

# H. B. 1029

(By MR. STEPTOE)

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[Passed March 11, 1983; in effect ninety days from passage.]

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AN ACT to amend article fifteen, chapter seventeen-c of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-six-a, relating to traffic regulations and laws of the road; equipment; sun screening devices; penalties.

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

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

**ARTICLE 15. EQUIPMENT.**

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

1 (a) This section establishes the requirements for approved  
2 vehicle glazing materials designed to reduce the effects of  
3 the sun and for products and materials designed to be used  
4 in conjunction with vehicle glazing materials for the purpose  
5 of reducing the effects of the sun.

6 (b) No person may operate or drive a passenger car, multi-  
7 purpose passenger vehicle, truck or bus with a gross vehicle  
8 rating of ten thousand pounds or less unless in compliance  
9 with this section. This section applies to all exterior locations  
10 of glazing materials within the applicable vehicles except for  
11 roof mount locations.

12 (c) As used in this section:

13 (1) "Sun screening devices" means products or materials de-  
14 signed to be used in conjunction with approved vehicle safety  
15 glazing materials for the purpose of reducing the effects of  
16 the sun.

17 (2) "Luminous reflectance and light transmittance" means  
18 that reflectance and transmittance referred to in this section are  
19 in the visible light range.

20 (3) "Reflectance" means the ratio of the amount of total  
21 light expressed in percentages, which is reflected outward by  
22 the product or material to the amount of total light falling on  
23 the product or material.

24 (4) "Transmittance" means the ratio of the amount of total  
25 light expressed in percentages, which is allowed to pass through  
26 the product or material including the glazing to the amount of  
27 total light falling on the product or material and the glazing.

28 (5) "Manufacturer" means:

29 Any person engaged in the manufacturing or assembling of  
30 sun screening products or materials designed to be used in  
31 conjunction with vehicle glazing materials (person means  
32 every natural person, firm, copartnership, association or cor-  
33 poration); or one who fabricates, laminates or tempers the  
34 glazing material incorporating the capacity to reflect or to  
35 reduce the transmittance of light during the manufacturing  
36 process.

37 (6) "Commissioner" means the commissioner of motor ve-  
38 hicles responsible for promulgating rules and regulations gov-  
39 erning vehicle equipment approval or use of motor vehicles  
40 over the highways of the state.

41 (7) "FMVSS" means the federal motor vehicle safety stan-  
42 dards of the national highway transportation safety administra-  
43 tion.

44 (8) "Motor homes" means vehicular units designed to pro-  
45 vide temporary living quarters built into and an integral part  
46 of or permanently attached to a self-propelled motor vehicle  
47 chassis.

48 (d) Glazing Location Applicability—(1) No person may  
49 operate any motor vehicle on any public highway, road or  
50 street with the front windshield, the side windows to the im-  
51 mediate right and left of the driver, or side wings forward of  
52 and to the left and right of the driver that do not meet the  
53 requirements of FMVSS 205 in effect at the time of its manu-  
54 facture or are either covered by or treated with any product  
55 or material which would alter the glazing color, increase its  
56 reflectivity, or reduce its light transmittance.

57 Nothing in this regulation prohibits the use of any products  
58 or materials along the top edge of the windshield so long as  
59 such products or materials are transparent and do not en-  
60 croach upon the AS-1 portion of the windshield as provided  
61 by FMVSS 205 and FMVSS 128.

62 (2) All windows behind the driver—No person may oper-  
63 ate any motor vehicle on any public highway, road or street  
64 with any windows behind the driver which do not meet the  
65 requirements of FMVSS 205 at the time of manufacture or  
66 are either covered by, treated with or composed of any product  
67 or material except as specified below:

68 (A) Film materials, when tested in conjunction with glazing  
69 materials, shall have a total reflectance of  $35 \pm 3\%$  or less  
70 and transmittance of at least  $8 \pm 3\%$  or more.

71 (B) Perforated sun screening materials, when tested in  
72 conjunction with glazing materials, shall have a total reflect-  
73 ance of  $35 \pm 3\%$  or less and transmittance of no less than  
74  $30 \pm 3\%$ . For those products or materials having different  
75 levels of reflectance, the highest reflectance from the product  
76 or material will be measured by dividing the area into sixteen  
77 equal sections and averaging the overall reflectance. The  
78 measured reflectance of any of those sections shall not exceed  
79 fifty percent.

80 (C) Louvered materials, when installed as designed, may not  
81 reduce the area of driver visibility below fifty percent as  
82 measured on a horizontal plane. When such materials are used  
83 in conjunction with rear window, the measurement shall be

84 made based upon the driver's view from the inside rear view  
85 mirror.

86 (D) Glazing, where the capability to either reflect or reduce  
87 the transmittance of light is incorporated within the glazing  
88 during the manufacturing process:

89 (i) Shall have, when tested as a completed unit, a total  
90 reflectance of  $35 \pm 3\%$  or less and transmittance of at least  
91  $8 \pm 3\%$  or more; and

92 (ii) Is not required to meet the seventy percent luminous  
93 transmittance requirement as specified in Test No. 2 of ANSI  
94 Z.26 as referenced in FMVSS 205.

95 (E) Privacy drapes, curtains or blinds installed on the inte-  
96 rior of motor homes.

97 (F) Right and left outside rear view mirrors are required  
98 with the use of any sun screening device or material except  
99 when used only on the top edge of the windshield.

100 (c) Certification and Testing—Each manufacturer shall  
101 demonstrate compliance with the applicable requirements of  
102 this section. Test specimens of the products or materials shall  
103 be tested in conjunction with the glazing material of intended  
104 use. The necessary tests shall be conducted by or supervised  
105 by an approved, certified laboratory or a testing organization.

106 (1) Testing of the products or materials referred to in sub-  
107 section (d) of this section shall be conducted in accordance  
108 with the applicable provisions of the following standards:

109 (A) Transmittance — American National Standards Insti-  
110 tute (ANSI) Z26.1-1977; and

111 (B) Reflectance — ANSI/ASTM E308-73, "Spectrophoto-  
112 metry and Description of Color in CIE System," and ANSI/  
113 ASTM E179-73, "Selection of Geometric Conditions for  
114 Measurement of Reflectance and Transmittance."

115 (2) Testing of the products or materials referred to in sub-  
116 section (d) of this section shall be conducted in accordance  
117 with the applicable provisions of the following standards:

118 (A) Transmittance — ANSI Z26.1-1977. The light source  
119 beam shall be at least one-half inch in diameter or larger.

120 (B) Reflectance — ANSI/ASTM E308-73, "Spectrophoto-  
121 metry and Description of Color in CIE System," and ANSI/  
122 ASTM C523-68, "Standard Test Method for Light Reflectance  
123 of Acoustical Materials by the Integrating Sphere Reflecto-  
124 meter." The luminous reflectance shall be measured under  
125 CIE light source C with the lamp source beam being at least  
126 one-half inch in diameter or larger.

127 (3) Each manufacturer shall certify to the commissioner,  
128 the equipment approval program, or other agency designated  
129 by the commissioner that the product or material is in com-  
130 pliance with the reflectivity and transmittance requirements of  
131 this regulation.

132 (f) Labeling or marking—(1) Each manufacturer, except  
133 as specified in this subsection, shall provide a label with a  
134 means for permanent and legible installation between the ma-  
135 terial and each glazing surface to which it is applied that con-  
136 tains the following information:

137 (A) Manufacturer; and

138 (B) Statement, "Complies with VESC-20" (vehicle equip-  
139 ment safety commission).

140 (2) A manufacturer of a glazing material which meets the  
141 requirements of above shall permanently and legibly mark the  
142 glazing material with a code or symbol denoting that it meets  
143 the reflectance and luminous transmittance requirements of  
144 this regulation.

145 (3) Each manufacturer shall provide on the container or  
146 package of the product or material the information specified in  
147 this subsection and a statement that the material is permitted  
148 for automotive use where state or local laws do not prohibit  
149 such use. Such information shall be permanently and legibly  
150 affixed to the container or package.

151 (4) Each manufacturer shall include instructions with the  
152 product or material for proper installation, including the affix-  
153 ing of the label specified in this subsection. The labeling or

154 marking shall be placed in the left lower corner of each glazing  
155 surface when facing the vehicle from the outside.

156 (5) No person may offer for sale or for use any sun screen-  
157 ing product or material for motor vehicle use not in compliance  
158 with this section.

159 (6) No person may install any sun screening product or  
160 material on vehicles intended for use on public roads without  
161 permanently affixing the label specified in this subsection.

162 (g) Nothing in this section permits or prohibits the use and  
163 placement of federal, state or local certificates on any window  
164 as may be required or prohibited by applicable law, nor does  
165 it apply to public carriers.

166 (h) Anyone who violates any provision of this section is  
167 guilty of a misdemeanor, and, upon conviction thereof, shall  
168 be fined not less than twenty dollars nor more than one  
169 hundred dollars and for each subsequent offense occurring  
170 within a one-year period, shall be fined not more than two  
171 hundred dollars or imprisoned in the county jail not more than  
172 six months, or both fined and imprisoned: *Provided*, That  
173 before any penalties may be imposed under this section, the  
174 person violating any provisions of this section shall be given  
175 thirty days to correct the violation.

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

*[Signature]*  
Chairman Senate Committee

*[Signature]*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*[Signature]*  
Clerk of the Senate

*[Signature]*  
Clerk of the House of Delegates

*[Signature]*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within is approved this the 26  
day of March, 1983.

*[Signature]*  
Governor

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SECY. OF STATE