

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

ENROLLED

Committee Substitute for
SENATE BILL NO. 311

(By Senator *Hickman, et al*)

PASSED *March 9,* 1990
In Effect *90 days from* Passage

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 311

(By SENATORS WHITLOW, PARKER AND BRACKENRICH,
original sponsors)

[Passed March 9, 1990; in effect ninety days from passage.]

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 allowing tinting of side and rear windows of motor vehicles.

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

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

14 (c) As used in this section:

15 (1) "Sun screening devices" means products or
16 materials designed to be used in conjunction with
17 approved vehicle safety glazing materials for the
18 purpose of reducing the effects of the sun.

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

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

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

31 (5) "Manufacturer" means:

32 Any person engaged in the manufacturing or assem-
33 bling of sun screening products or materials designed
34 to be used in conjunction with vehicle glazing mate-
35 rials (person means every natural person, firm,
36 copartnership, association or corporation); or one who
37 fabricates, laminates or tempers the glazing material
38 incorporating the capacity to reflect or to reduce the
39 transmittance of light during the manufacturing
40 process.

41 (6) "Commissioner" means the commissioner of
42 motor vehicles responsible for promulgating rules and
43 regulations governing vehicle equipment approval or
44 use of motor vehicles over the highways of the state.

45 (7) "FMVSS" means the federal motor vehicle safety
46 standards of the national highway transportation
47 safety administration.

48 (8) "Motor homes" means vehicular units designed
49 to provide temporary living quarters built into and an
50 integral part of or permanently attached to a self-
51 propelled motor vehicle chassis.

52 (d) Glazing location applicability — (1) No person
53 may operate any motor vehicle on any public high-
54 way, road or street with the front windshield that does
55 not meet the requirements of FMVSS 205 in effect at
56 the time of its manufacture or are either covered by
57 or treated with any product or material which would
58 alter the glazing color, increase its reflectivity, or
59 reduce its light transmittance.

60 Nothing in this regulation prohibits the use of any
61 products or materials along the top edge of the
62 windshield so long as such products or materials are
63 transparent and do not encroach upon the AS-1
64 portion of the windshield as provided by FMVSS 205
65 and FMVSS 128.

66 (2) All windows beside and behind the driver — No
67 person may operate any motor vehicle on any public
68 highway, road or street with any side windows to the
69 immediate right and left of the driver, or side wings
70 forward of and to the left and right of the driver and
71 all windows behind the driver which do not meet the
72 requirements of FMVSS 205 at the time of manufac-
73 ture or are either covered by, treated with or com-
74 posed of any product or material except as specified
75 below:

76 (A) Film materials, when tested in conjunction with
77 glazing materials, shall have a total reflectance of 35 +
78 3% or less and transmittance of at least 8 + 3% or more.

79 (B) Perforated sun screening materials, when tested
80 in conjunction with glazing materials, shall have a
81 total reflectance of 35 + 3% or less and transmittance
82 of no less than 30 + 3%. For those products or materials
83 having different levels of reflectance, the highest

84 reflectance from the product or material will be
85 measured by dividing the area into sixteen equal
86 sections and averaging the overall reflectance. The
87 measured reflectance of any of those sections shall not
88 exceed fifty percent.

89 (C) Louvered materials, when installed as designed,
90 may not reduce the area of driver visibility below fifty
91 percent as measured on a horizontal plane.

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

95 (i) Shall have, when tested as a completed unit, a
96 total reflectance of $35 + 3\%$ or less and transmittance
97 of at least $8 + 3\%$ or more; and

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

101 (E) Privacy drapes, curtains or blinds installed on
102 the interior of motor homes.

103 (F) Right and left outside rearview mirrors are
104 required with the use of any sun screening device or
105 material except when used only on the top edge of the
106 windshield.

107 (e) Certification and testing — Each manufacturer
108 shall demonstrate compliance with the applicable
109 requirements of this section. Test specimens of the
110 products or materials shall be tested in conjunction
111 with the glazing material of intended use. The neces-
112 sary tests shall be conducted by or supervised by an
113 approved, certified laboratory or a testing organization.

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

118 (A) Transmittance — American National Standards
119 Institute (ANSI) Z26.1-1977; and

120 (B) Reflectance — ANSI/ASTM E308-73, "Spectro-

121 photometry and Description of Color in CIE System”,
122 and ANSI/ASTM E179-73, “Selection of Geometric
123 Conditions for Measurement of Reflectance and
124 Transmittance”.

125 (2) Testing of the products or materials referred to
126 in subsection (d) of this section shall be conducted in
127 accordance with the applicable provisions of the
128 following standards:

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

132 (B) Reflectance — ANSI/ASTM E308-73, “Spectro-
133 photometry and Description of Color in CIE System”,
134 and ANSI/ASTM C523-68, “Standard Test Method for
135 Light Reflectance of Acoustical Materials by the
136 Integrating Sphere Reflectometer”. The luminous
137 reflectance shall be measured under CIE light source
138 C with the lamp source beam being at least one-half
139 inch in diameter or larger.

140 (3) Each manufacturer shall certify to the commis-
141 sioner, the equipment approval program, or other
142 agency designated by the commissioner that the
143 product or material is in compliance with the reflec-
144 tivity and transmittance requirements of this
145 regulation.

146 (f) Labeling or marking — (1) Each manufacturer,
147 except as specified in this subsection, shall provide a
148 label with a means for permanent and legible instal-
149 lation between the material and each glazing surface
150 to which it is applied that contains the following
151 information:

152 (A) Manufacturer; and

153 (B) Statement, “Complies with VESC-20” (vehicle
154 equipment safety commission).

155 (2) A manufacturer of a glazing material which
156 meets the requirements of above shall permanently
157 and legibly mark the glazing material with a code or
158 symbol denoting that it meets the reflectance and

159 luminous transmittance requirements of this
160 regulation.

161 (3) Each manufacturer shall provide on the con-
162 tainer or package of the product or material the
163 information specified in this subsection and a state-
164 ment that the material is permitted for automotive use
165 where state or local laws do not prohibit such use.
166 Such information shall be permanently and legibly
167 affixed to the container or package.

168 (4) Each manufacturer shall include instructions
169 with the product or material for proper installation,
170 including the affixing of the label specified in this
171 subsection. The labeling or marking shall be placed in
172 the left lower corner of each glazing surface when
173 facing the vehicle from the outside.

174 (5) No person may offer for sale or for use any sun
175 screening product or material for motor vehicle use
176 not in compliance with this section.

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

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

185 (h) Anyone who violates any provision of this section
186 is guilty of a misdemeanor, and, upon conviction
187 thereof, shall be fined not less than twenty dollars nor
188 more than one hundred dollars and for each subse-
189 quent offense occurring within a one-year period, shall
190 be fined not more than two hundred dollars or
191 imprisoned in the county jail not more than six
192 months, or both fined and imprisoned: *Provided*, That
193 before any penalties may be imposed under this
194 section, the person violating any provisions of this
195 section shall be given thirty days to correct the
196 violation.

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

William L. Parker
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

David E. Sullivan
.....
Clerk of the Senate

Donald D. Kopp
.....
Clerk of the House of Delegates

Kath Smith
.....
President of the Senate

B. St. C. H.
.....
Speaker House of Delegates

The within *is disapproved* *3/9*
day of *March*, 1990.

Walter C. Robertson
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/20/90

Time 10:25am