

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

— • —

## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 311

(By Senator *Hiltner, et al*)

— • —

PASSED

*March 9,*

1990

In Effect

*90 days from*

Passage

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

1990 MAR 31 PM 4:30

RECEIVED

RECEIVED

1990 MAR 31 11 45 10

OFFICE OF THE  
CLERK OF THE SENATE

## ENROLLED

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.

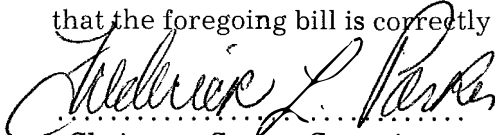
174 (5) No person may offer for sale or for use any sun  
175 screening product or material for motor vehicle use  
176 not in compliance with this section.

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.

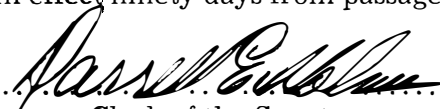
The Joint Committee on Enrolled Bills hereby certifies  
that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee

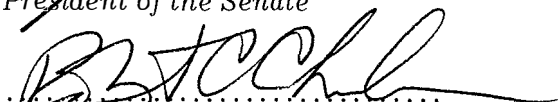
Originated in the Senate.

In effect ninety days from passage.

  
.....  
Clerk of the Senate

  
.....  
Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

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

  
.....  
Governor



PRESENTED TO THE

GOVERNOR

Date

3/20/90

Time

10:25am