ENROLLED
Committee Substitute for
SENATE BILL NO. 311
(By Senator Missoury, et al.)
PASSED March 9, 1990
In Effect 30 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 re-enacted to read as follows:

ARTICLE 15. EQUIPMENT.

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

(a) This section establishes the requirements for approved vehicle glazing materials designed to reduce the effects of the sun and for products and materials designed to be used in conjunction with vehicle glazing materials for the purpose of reducing the effects of the sun.
(b) No person may operate or drive a passenger car, multipurpose passenger vehicle, truck, or bus with a gross vehicle rating of ten thousand pounds or less unless in compliance with this section. This section applies to all exterior locations of glazing materials within the applicable vehicles except for roof mount locations.

(c) As used in this section:

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

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

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

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

(5) "Manufacturer" means:

Any person engaged in the manufacturing or assembling of sun screening products or materials designed to be used in conjunction with vehicle glazing materials (person means every natural person, firm, copartnership, association or corporation); or one who fabricates, laminates or tempers the glazing material incorporating the capacity to reflect or to reduce the transmittance of light during the manufacturing process.

(6) "Commissioner" means the commissioner of motor vehicles responsible for promulgating rules and regulations governing vehicle equipment approval or use of motor vehicles over the highways of the state.
(7) "FMVSS" means the federal motor vehicle safety standards of the national highway transportation safety administration.

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

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

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

(2) All windows beside and behind the driver — No person may operate any motor vehicle on any public highway, road or street with any side windows to the immediate right and left of the driver, or side wings forward of and to the left and right of the driver and all windows behind the driver which do not meet the requirements of FMVSS 205 at the time of manufacture or are either covered by, treated with or composed of any product or material except as specified below:

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

(B) Perforated sun screening materials, when tested in conjunction with glazing materials, shall have a total reflectance of 35 + 3% or less and transmittance of no less than 30 + 3%. For those products or materials having different levels of reflectance, the highest
reflectance from the product or material will be measured by dividing the area into sixteen equal sections and averaging the overall reflectance. The measured reflectance of any of those sections shall not exceed fifty percent.

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) Each manufacturer shall certify to the commissioner, the equipment approval program, or other agency designated by the commissioner that the product or material is in compliance with the reflectivity and transmittance requirements of this regulation.

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

(A) Manufacturer; and

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

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

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

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

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

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

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

(h) Anyone who violates any provision of this section is guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty dollars nor more than one hundred dollars and for each subsequent offense occurring within a one-year period, shall be fined not more than two hundred dollars or imprisoned in the county jail not more than six months, or both fined and imprisoned: Provided, That before any penalties may be imposed under this section, the person violating any provisions of this section shall be given thirty days to correct the 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 approved the 31st day of ..., 1990.

Governor