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OFFICE WEST VIRGINIA
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WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2004

ENROLLED

House Bill No. 4108

(By Delegates Perry, Stemple, Shaver,
Crosier, Pino, Howard and Sumner)

Passed March 8, 2004

In Effect Ninety Days from Passage

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H. B. 4108

(BY DELEGATES PERRY, STEMPLER, SHAVER,
CROSIER, PINO, HOWARD AND SUMNER)

[Passed March 8, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §17C-15-36a of the code of West Virginia, 1931, as amended, relating to motor vehicle equipment; and authorizing sun screening devices that exceed statutory limits to be used in law-enforcement K-9 and other emergency vehicles that haul animals.

Be it enacted by the Legislature of West Virginia:

That §17C-15-36a of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 15. EQUIPMENT.

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

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

5 left of the driver and windows adjacent to the rear of the driver
6 that do not meet the requirements of this section: *Provided*,
7 That law-enforcement K-9 and other emergency vehicles that
8 are designed to haul animals are exempt from this requirement.

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

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

29 (d) Each manufacturer shall:

30 (1) Certify to the West Virginia state police and division of
31 motor vehicles that a sun screening device used by it is in
32 compliance with the reflectivity and transmittance requirements
33 of this section;

34 (2) Provide a label not to exceed one and one-half square
35 inches in size, with a means for the permanent and legible
36 installations between the sun screening material and each

37 glazing surface to which it is applied that contains the manufac-
38 turer's name and its percentage of light transmission; and

39 (3) Include instructions with the product or material for
40 proper installation, including the affixing of the label specified
41 in this section. The labeling or marking must be placed in the
42 left lower corner of each glazing surface when facing the
43 vehicle from the outside.

44 (e) No person may:

45 (1) Offer for sale or for use any sun screening product or
46 material for motor vehicle use not in compliance with this
47 section; or

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

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

62 (g) The light transmittance requirement of this section does
63 not apply to windows behind the driver on trucks, buses,
64 trailers, mobile homes and multipurpose passenger vehicles.

65 (h) As used in this section:

66 (1) "Bus" means a motor vehicle with motive power, except
67 a trailer, designed for carrying more than ten persons.

68 (2) "Light transmission" means the ratio of the amount of
69 total light to pass through a product or material to the amount
70 of the total light falling on the product or material.

71 (3) "Luminous reflectants" means the ratio of the amount
72 of total light that is reflected outward by the product or material
73 to the amount of the total light falling on the product or
74 materials.

75 (4) "Manufacturer" means any person engaged in the
76 manufacturing or assembling of sun screening products or
77 materials designed to be used in conjunction with vehicle
78 glazing materials for the purpose of reducing the effects of the
79 sun.

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

84 (6) "Multipurpose passenger vehicle" means a motor
85 vehicle with motive power, except a trailer, designed to carry
86 ten persons or less which is constructed either on a truck chassis
87 or with special features for occasional off-road operation.

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

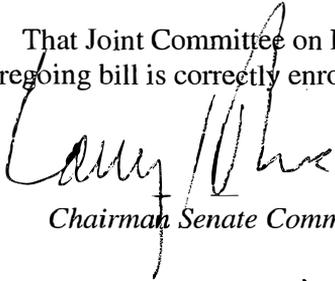
90 (8) "Passenger car" means a motor vehicle with motive
91 power, except a multipurpose passenger vehicle, motorcycle or
92 trailer, designed for carrying ten persons or less.

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

96 (10) "Truck" means a motor vehicle with motive power,
97 except a trailer, designed primarily for the transportation of
98 property or special purpose equipment.

99 (i) Any person violating the provisions of this section is
100 guilty of a misdemeanor and, upon conviction thereof, shall be
101 fined not more than two hundred dollars.

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



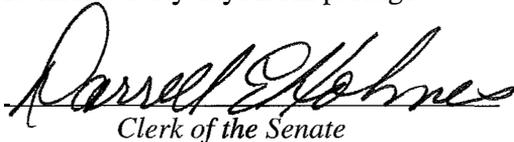
Chairman Senate Committee



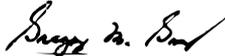
Chairman House Committee

Originating in the House.

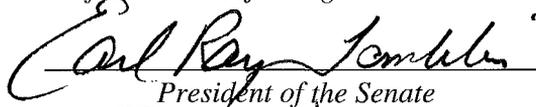
In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates

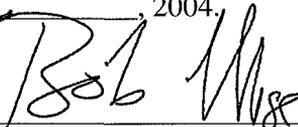


President of the Senate



Speaker of the House of Delegates

The within is approved this the 16th day of March, 2004.



Governor

PRESENTED TO THE
GOVERNOR

DATE 3/11/04
TIME 4.15 pm