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LC005212

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- NONTRANSPARENT WINDSHIELDS
AND WINDOWS

Introduced By: Representatives Ucci, Winfield, O'Brien, and McEntee

Date Introduced: March 16, 2018

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-23.3-2, 31-23.3-3, 31-23.3-4 and 31-23.3-5 of the General
2 Laws in Chapter 31-23.3 entitled "Nontransparent Windshields and Windows" are hereby
3 amended to read as follows:

4 **31-23.3-2. Windshields and windows obscured by nontransparent materials.**

5 No person shall own and operate any motor vehicle upon any public highway, road or
6 street ~~with nontransparent or sunscreen material, window application, reflective film or non-~~
7 ~~reflective film used in any way to cover or treat the front windshield, the side windows~~
8 ~~immediately adjacent to the right and left of the operator's seat, the side windows immediately to~~
9 ~~the rear of the operator's seat and the front passenger seat and the rear window unless this vehicle~~
10 ~~meets one of the criteria set forth in § 31-23.3-3.~~ to which the public shall have the right of access
11 with any of the following affixed thereto:

12 (1) A sign, poster or sticker on the front windshield, the side windows immediately
13 adjacent to the operator's seat and the front passenger seat, the side windows immediately to the
14 rear of the operator's seat and the front passenger seat and the rear window in such a manner so as
15 to obstruct, impede or distort the vision of the operator.

16 (2) Nontransparent or sunscreen material, window application, reflective film or
17 nonreflective film used in any way to cover or treat the front windshield, the side windows
18 immediately adjacent to the right and left of the operator's seat, the side windows immediately to

1 the rear of the operator's seat and the front passenger seat and the rear window, so as to make
2 such windshield and said window glass areas in any way nontransparent or obscured from either
3 the interior or exterior thereof.

4 **31-23.3-3. Rules and regulations authorized -- Administrator of the division of**
5 **motor vehicles.**

6 (a) The administrator of the division of motor vehicles shall establish rules and
7 regulations to provide standards and tests to measure the percentage of reflective and
8 transmittance of light- , and shall provide for testing of any motor vehicle glazing alleged to be in
9 violation of § 31-23.3-2. A statement from the division of motor vehicles attesting that such
10 glazing treated or covered with nontransparent or sunscreen material window application or
11 reflective film is in compliance with the provisions of this section shall be prima facie evidence of
12 such compliance in any prosecution thereof.

13 (b) Any person, firm, corporation, or other entity installing such a sunscreen device on a
14 motor vehicle shall provide and affix a label to the front window not to exceed one and one-half
15 (1 1/2) square inches in size, which contains the installer's name and the percentage of light
16 transmittance. Facing the motor vehicle from the outside, the label shall be placed in the lower
17 left corner of the front window.

18 (c) No person shall manufacture, sell, offer for sale or trade, equip or operate a motor
19 vehicle in the state of Rhode Island in violation of the provisions of this chapter; provided,
20 however, that nothing in this chapter shall be construed to prohibit the manufacture or sale of
21 reflective or nonreflective film in the state of Rhode Island.

22 **31-23.3-4. Exemptions.**

23 The provisions of this chapter shall not apply to:

24 (1) Motor vehicles manufactured with windshields and window glass areas equipped in
25 accordance with specifications of 49 CFR 571.205 as authorized by 15 U.S.C. § 1407.

26 (2) Motor vehicles owned or leased by federal, state and local law enforcement agencies,
27 private detectives or private security guards licensed under the provisions of chapters 5 and 5.1 of
28 title 5 and special police agencies appointed under the provisions of chapter 2.1 of title 12,
29 utilizing K-9 teams in a motor vehicle while in the regular performance of their duties provided
30 said motor vehicle is equipped with two (2) outside mirrors, one on each side, adjusted so that the
31 driver has a clear view of the highway behind the vehicle.

32 (3) The use of nontransparent or sunscreen material or window application on motor
33 vehicles which has a total visible light ~~transmittance~~ reflectance of not ~~less than seventy percent~~
34 ~~(70%) measured perpendicular to the surface of the glass on the windshield and~~ more than thirty-

1 five percent (35%) or a visible light transmittance of not less than thirty-five (35%) on the side
2 windows immediately adjacent to the right and left of the operator's seat, the side windows
3 immediately to the rear of the operator's seat and the front passenger seat or on the rear window if
4 the vehicle is equipped with two (2) outside mirrors, one on each side, adjusted so that the driver
5 has a clear view of the highway behind the vehicle.

6 (4) The use of any transparent material limited to the uppermost six inches (6") along the
7 top of the windshield, provided the strip does not encroach upon the driver's direct forward
8 viewing area as more particularly described and defined in applicable Federal Motor Vehicle
9 Safety Standards.

10 (5) Motor vehicles not required to be registered in this state.

11 (6) The use of nontransparent or sunscreen material on windows behind the driver in
12 trucks, buses, trailers, mobile homes, campers, multipurpose vehicles, charter buses, funeral
13 service vehicles, or limousines, provided that the vehicle is equipped with two (2) outside
14 mirrors, one on each side, if those mirrors meet federal standards adjusted so the driver has a
15 clear view of the highway behind the vehicle.

16 (7) A motor vehicle registered in this state in the name of a person, or the person's legal
17 guardian, who has an affidavit signed by a physician or an optometrist licensed to practice in this
18 state that states that the person has a physical condition that makes it necessary to equip the motor
19 vehicle with a sunscreening device which may exceed federal standards. The division of motor
20 vehicles, upon application of the individual, which shall include the affidavit, shall issue a sticker
21 to be applied to the driver's side window to identify this exemption.

22 (8) Any motor vehicle, registered and garaged within this state, whose sole purpose is to
23 provide executive security to persons within this state. The owner(s) of the vehicle shall first seek
24 and obtain written permission from the local police chief where the vehicle is garaged and
25 registered before the waiver is granted.

26 (9) The use of nontransparent or sunscreen material, window applications, reflective film
27 or nonreflective film used in any way to cover or treat the side windows immediately to the rear
28 of the operator's seat and the front passenger seat and the rear window so as to make such
29 window glass areas in any way nontransparent or obscured from either the interior or exterior
30 thereof of a private passenger motor vehicle registered under the provisions of this chapter for
31 public livery and hired for that purpose for any period of time which exclusion shall not include a
32 taxicab.

33 (10) Special window treatment or application determined necessary by a licensed
34 physician, for the protection of the owner or operator of a private passenger motor vehicle who is

1 determined to be light or photosensitive. Applications for such exemption based upon such
2 medical reason(s) shall be made in writing to the medical advisory board established under § 31-
3 10-44. All applications must be supported by a written attestation by a physician licensed to
4 practice in the state of Rhode Island of the necessity thereof. Upon granting of such exemption by
5 the board, the department of motor vehicles shall issue a sufficiently noticeable sticker to the
6 applicant which shall be affixed to the side window immediately adjacent to the operator. The
7 department of motor vehicles shall keep a record of all such exemption stickers so issued.

8 (11) The use of draperies, louvers, or other special window treatments, except those
9 specifically designated in this section, on the rear window, or a side window to the rear of the
10 driver if the vehicle is equipped with two (2) outside mirrors, one on each side, adjusted so that
11 the driver has a clear view of the highway behind the vehicle.

12 **31-23.3-5. Penalties.**

13 (a) Any person, firm, corporation, or other business entity that installs any sunscreening
14 material which is not in compliance with the provisions of this chapter shall be fined not more
15 than two hundred fifty dollars (\$250) for each offense.

16 (b) Any person who owns a motor vehicle which has installed on it any suncreening
17 device or material in violation of this chapter shall be fined not more than two hundred fifty
18 dollars (\$250).

19 (c) Upon a third or subsequent conviction of a violation of the provisions of this chapter,
20 the department of motor vehicles shall suspend the operator's license of a person so convicted for
21 a period not to exceed ninety (90) days.

22 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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RELATING TO MOTOR AND OTHER VEHICLES -- NONTRANSPARENT WINDSHIELDS
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1 This act would mirror the Massachusetts general law relating to windshields and
2 windows obscured by nontransparent materials to include signs, posters or stickers, in addition to
3 window tint. Provides for additional exclusions to include exemptions for medical reasons such
4 as light or photosensitivity; private passenger motor vehicles registered for public livery,
5 excluding taxicabs; and motor vehicles utilized by private detectives, private security guards and
6 special police agencies. Increases the penalty provisions to provide for the suspension of
7 operator's license, not to exceed ninety (90) days, for third or subsequent convictions.

8 This act would take effect upon passage.

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