

HOUSE BILL No. 5797

April 30, 1992, Introduced by Reps. Baade, Hoekman, DeMars, Dolan, Byrum, Harder, Brackenridge, Pitoniak, Anthony, Olshove, Stopczynski, DeLange, Gernaat, DeBeaussaert and Hertel and referred to the Committee on Transportation.

A bill to amend section 709 of Act No. 300 of the Public Acts of 1949, entitled as amended "Michigan vehicle code," as amended by Act No. 470 of the Public Acts of 1988, being section 257.709 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 709 of Act No. 300 of the Public Acts of
2 1949, as amended by Act No. 470 of the Public Acts of 1988, being
3 section 257.709 of the Michigan Compiled Laws, is amended to read
4 as follows:

5 Sec. 709. (1) A person shall not drive a motor vehicle with
6 any of the following:

7 (a) A sign, poster, nontransparent material, window
8 application, reflective film, or nonreflective film upon or in
9 the front windshield, the side windows immediately adjacent to

1 the driver or front passenger, or the sidewings adjacent to and
2 forward of the driver or front passenger, except that a tinted
3 film may be used along the top edge of the windshield and the
4 side windows or sidewings immediately adjacent to the driver or
5 front passenger if the material does not extend more than 4
6 inches from the top of the windshield, or lower than the shade
7 band, whichever is closer to the top of the windshield.

8 (b) A rear window or side window to the rear of the driver
9 composed of, covered by, or treated with a material that creates
10 a total solar reflectance of 35% or more in the visible light
11 range, including a silver or gold reflective film.

12 (c) A dangling ornament or other suspended object except as
13 authorized by law which obstructs the vision of the driver of the
14 vehicle.

15 (2) A person shall not drive a motor vehicle if driver visi-
16 bility through the rear window is obstructed, unless the vehicle
17 is equipped with 2 rearview mirrors, 1 on each side, adjusted so
18 that the operator has a clear view of the highway behind the
19 vehicle.

20 (3) This section shall not apply to:

21 (a) The use of draperies, louvers, or other special window
22 treatments, except those specifically designated in this section,
23 on the rear window, or a side window to the rear of the driver if
24 the vehicle is equipped with 2 outside rearview mirrors, 1 on
25 each side, adjusted so that the driver has a clear view of the
26 highway behind the vehicle.

1 (b) The use of a nonreflective, smoked or tinted glass,
2 nonreflective film, perforated window screen, or other decorative
3 window application on the rear window or a side window to the
4 rear of the driver.

5 (c) The placement of a necessary certificate or sticker that
6 does not obstruct the driver's clear view of the roadway or an
7 intersecting roadway.

8 (d) A vehicle registered in another state, territory, com-
9 monwealth of the United States, or another country or province.

10 (e) A special window treatment or application determined
11 necessary by a physician or optometrist, for the protection of a
12 person who is light or photosensitive, if the owner or operator
13 of a motor vehicle has in possession a letter signed by a physi-
14 cian or optometrist, indicating the need for the special window
15 treatment or application as a medical necessity. However, the
16 special window treatment or application shall not interfere with
17 or obstruct the driver's clear vision of the highway or an inter-
18 secting highway.

19 (4) Except as provided in subsection (5), the windshield on
20 each motor vehicle shall be equipped with a device for cleaning
21 rain, snow, or other moisture from the windshield, which device
22 shall be so constructed as to be controlled or operated by the
23 driver of the vehicle. A vehicle licensed as an historical vehi-
24 cle is exempt from this subsection if the vehicle was not origi-
25 nally equipped with such a device. Each windshield wiper upon a
26 motor vehicle shall be maintained in good working order.

1 (5) A truck with a gross weight over 10,000 pounds, truck
2 tractor, bus, or a truck regardless of weight carrying hazardous
3 materials on which a placard is required to be posted pursuant to
4 49 C.F.R. 171 parts 100 to 199 having a windshield shall be
5 equipped with not less than 2 automatically operating windshield
6 wiper blades, 1 on each side of the centerline of the windshield,
7 for cleaning rain, snow, or other moisture from the windshield.
8 The blades shall be in such condition as to provide clear vision
9 for the driver, unless 1 blade is so arranged as to clean an area
10 of the windshield extending to within 1 inch of the limit of
11 vision through the windshield at each side. However, in
12 driveaway-towaway operations, this subsection shall apply only to
13 the driven vehicle. In addition, 1 windshield wiper blade suf-
14 fices under this subsection when the driven vehicle in a
15 driveaway-towaway operation constitutes part or all of the prop-
16 erty being transported and has no provision for 2 blades. A
17 truck and truck tractor, manufactured after June 30, 1953, that
18 depends upon vacuum to operate the windshield wipers, shall be so
19 constructed that the operation of the wipers is not materially
20 impaired by change in the intake manifold pressure.

21 (6) A truck with a gross weight over 10,000 pounds, truck
22 tractor, bus, or a truck regardless of weight carrying hazardous
23 materials on which a placard is required to be ~~posed~~ POSTED
24 pursuant to 49 C.F.R. 171 parts 100 to 199 shall not be operated
25 on the highways at any time unless it is equipped with a hot air
26 windshield defroster or an electrically heated windshield or

1 other scientific method that is devised so long as the windshield
2 is heated and maintained in operable condition at all times.

3 (7) A licensed motor vehicle which is manufactured after
4 January 1, 1956, shall not be operated on the highways unless it
5 is equipped with a windshield washer maintained in operable con-
6 dition at all times and capable of cleaning the windshield so as
7 to leave the driver with a clear view of the highway or an inter-
8 secting highway.

9 (8) NOTWITHSTANDING SECTION 683, A PERSON WHO APPLIES A
10 MATERIAL TO A MOTOR VEHICLE THAT VIOLATES SUBSECTION (1)(A) OR
11 (B) IS GUILTY OF A MISDEMEANOR.

12 (9) ~~(8)~~ As used in this section:

13 (a) "Physician" means a person licensed by the state to
14 engage in the practice of medicine or the practice of osteopathic
15 medicine and surgery under article 15 of the public health code,
16 Act No. 368 of the Public Acts of 1978, being sections 333.16101
17 to 333.18838 of the Michigan Compiled Laws.

18 (b) "Optometrist" means a person licensed by the state to
19 engage in the practice of optometry under article 15 of the
20 public health code, Act No. 368 of the Public Acts of 1978.