

# HOUSE BILL No. 6008

July 22, 1992, Introduced by Rep. Sparks and referred to the Committee on Transportation.

A bill to amend sections 683 and 709 of Act No. 300 of the Public Acts of 1949, entitled as amended

"Michigan vehicle code,"

section 709 as amended by Act No. 470 of the Public Acts of 1988, being sections 257.683 and 257.709 of the Michigan Compiled Laws.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Section 1. Sections 683 and 709 of Act No. 300 of the  
2 Public Acts of 1949, section 709 as amended by Act No. 470 of the  
3 Public Acts of 1988, being sections 257.683 and 257.709 of the  
4 Michigan Compiled Laws, are amended to read as follows:

5       Sec. 683. (1) A person shall not drive or move or the  
6 owner shall not cause or knowingly permit to be driven or moved  
7 on a highway a vehicle or combination of vehicles which is in  
8 such an unsafe condition as to endanger a person, or which does

1 not contain those parts or is not at all times equipped with  
2 lamps and other equipment in proper condition and adjustment as  
3 required in sections 683 to 714a, or which is equipped in a  
4 manner in violation of sections 683 to 714a. A person shall not  
5 do an act forbidden or fail to perform an act required under sec-  
6 tions 683 to 714a.

7 (2) A police officer on reasonable grounds shown may stop a  
8 motor vehicle and inspect the motor vehicle, and if a defect in  
9 equipment is found, the officer may issue the driver a citation  
10 for a violation of a provision of sections 683 to 714a.

11 (3) Sections 683 to 714a shall not prohibit the use of addi-  
12 tional parts and accessories on a vehicle which are not inconsis-  
13 tent with those sections.

14 (4) The provisions of sections 683 to 714a with respect to  
15 equipment on vehicles shall not apply to implements of husbandry,  
16 road machinery, road rollers, or farm tractors, except as specif-  
17 ically provided in sections 683 to 714a.

18 (5) Except as otherwise provided in ~~section 698 or 707d~~  
19 SECTIONS 683 TO 714A, a person who violates a provision of sec-  
20 tions 683 to 714a with respect to equipment on vehicles is  
21 responsible for a civil infraction.

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

24 (a) A sign, poster, nontransparent material, window applica-  
25 tion, reflective film, or nonreflective film upon or in the front  
26 windshield, the side windows immediately adjacent to the driver  
27 or front passenger, or the sidewings adjacent to and forward of

1 the driver or front passenger, except that a tinted film may be  
2 used along the top edge of the windshield and the side windows or  
3 sidewings immediately adjacent to the driver or front passenger  
4 if the material ~~does not extend more than 4 inches from the top~~  
5 ~~of the windshield, or lower than the shade band, whichever is~~  
6 ~~closer to the top of the windshield~~ HAS A VISIBLE LIGHT TRANS-  
7 MISSION OF MORE THAN 35% AND A TOTAL SOLAR REFLECTANCE OF 20% OR  
8 LESS.

9 (b) A rear window or side window to the rear of the driver  
10 composed of, covered by, or treated with a TINTED material ~~that~~  
11 ~~creates a total solar reflectance of 35% or more in the visible~~  
12 ~~light range, including a silver or gold reflective film~~ IF THE  
13 MATERIAL HAS A VISIBLE LIGHT TRANSMISSION OF 35% OR LESS AND A  
14 TOTAL SOLAR REFLECTANCE OF 20% OR MORE.

15 (c) A dangling ornament or other suspended object, except as  
16 authorized by law, which obstructs the vision of the driver of  
17 the vehicle.

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

23 (3) This section shall not apply to THE FOLLOWING:

24 (a) ~~The~~ EXCEPT AS SPECIFICALLY DESIGNATED IN THIS SECTION,  
25 THE use of draperies, louvers, or other special window treatments  
26 ~~, except those specifically designated in this section,~~ on the  
27 rear window ~~,~~ or ON a side window to the rear of the driver if

1 the vehicle is equipped with 2 outside rearview mirrors, 1 on  
2 each side, adjusted so that the driver has a clear view of the  
3 highway behind the vehicle.

4 (b) The use ON THE REAR WINDOW OR ON A SIDE WINDOW TO THE  
5 REAR OF THE DRIVER of ~~a~~ nonreflective, smoked, or tinted glass;  
6 ~~—~~ nonreflective film; ~~—~~ perforated window screen; ~~—~~ or  
7 other decorative window application. ~~on the rear window or a~~  
8 ~~side window to the rear of the driver.~~

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

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

14 (e) A special window treatment or application determined  
15 necessary by a physician or optometrist ~~—~~ for the protection of  
16 a person who is light or photosensitive ~~—~~ if the owner or oper-  
17 ator of a motor vehicle has in possession a letter signed by a  
18 physician or optometrist ~~—~~ indicating the need for the special  
19 window treatment or application as a medical necessity. However,  
20 the special window treatment or application shall not interfere  
21 with or obstruct the driver's clear vision of the highway or an  
22 intersecting highway.

23 (4) Except as provided in subsection (5), the windshield on  
24 each motor vehicle shall be equipped with a device for cleaning  
25 rain, snow, or other moisture from the windshield, which device  
26 shall be so constructed as to be controlled or operated by the  
27 driver of the vehicle. A vehicle licensed as an historical

1 vehicle is exempt from this subsection if the vehicle was not  
2 originally equipped with such a device. Each windshield wiper  
3 upon a motor vehicle shall be maintained in good working order.

4 (5) A truck with a gross weight over 10,000 pounds, truck  
5 tractor, bus, or a truck regardless of weight carrying hazardous  
6 materials on which a placard is required to be posted pursuant to  
7 49 C.F.R. ~~+71 parts 100 to 199~~ PART 172 having a windshield  
8 shall be equipped with not less than 2 automatically operating  
9 windshield wiper blades, 1 on each side of the centerline of the  
10 windshield, for cleaning rain, snow, or other moisture from the  
11 windshield. The blades shall be in such condition as to provide  
12 clear vision for the driver, unless 1 blade is so arranged as to  
13 clean an area of the windshield extending to within 1 inch of the  
14 limit of vision through the windshield at each side. However, in  
15 driveaway-towaway operations, this subsection shall apply only to  
16 the driven vehicle. In addition, 1 windshield wiper blade suf-  
17 fices under this subsection when the driven vehicle in a  
18 driveaway-towaway operation constitutes part or all of the prop-  
19 erty being transported and has no provision for 2 blades. A  
20 truck and truck tractor ~~—~~ manufactured after June 30, 1953 ~~—~~  
21 that depends upon vacuum to operate the windshield wipers, shall  
22 be so constructed that the operation of the wipers is not materi-  
23 ally impaired by change in the intake manifold pressure.

24 (6) A truck with a gross weight over 10,000 pounds, truck  
25 tractor, bus, or a truck regardless of weight carrying hazardous  
26 materials on which a placard is required to be ~~posed~~ POSTED  
27 pursuant to 49 C.F.R. ~~+71 parts 100 to 199~~ PART 172 shall not

1 be operated on the highways at any time unless it is equipped  
2 with a hot air windshield defroster, ~~or~~ an electrically heated  
3 windshield, or other scientific ~~method that is devised so long~~  
4 ~~as~~ MECHANISM OR DEVICE DESIGNED TO PROVIDE THAT the windshield  
5 is heated and maintained in operable condition at all times.

6 (7) A licensed motor vehicle ~~which~~ THAT is manufactured  
7 after January 1, 1956, shall not be operated on the highways  
8 unless it is equipped with a windshield washer maintained in  
9 operable condition at all times and capable of cleaning the wind-  
10 shield so as to leave the driver with a clear view of the highway  
11 or an intersecting highway.

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

15 (9) ~~(8)~~ As used in this section:

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

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