

# SENATE BILL No. 786

September 29, 2005, Introduced by Senators CHERRY, HARDIMAN, GOSCHKA, JELINEK and BRATER and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 709 (MCL 257.709), as amended by 2000 PA 127.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

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

3           (a) A sign, poster, nontransparent material, window  
4 application, reflective film, or nonreflective film upon or in the  
5 front windshield, the side windows immediately adjacent to the  
6 driver or front passenger, or the sidewings adjacent to and forward  
7 of the driver or front passenger, except that a tinted film may be  
8 used along the top edge of the windshield and the side windows or  
9 sidewings immediately adjacent to the driver or front passenger if  
10 the material does not extend more than 4 inches from the top of the  
11 windshield, or lower than the shade band, whichever is closer to

1 the top of the windshield.

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

6 (c) A dangling ornament or other suspended object that  
7 obstructs the vision of the driver of the vehicle, except as  
8 authorized by law.

9 (2) BOTH OF THE FOLLOWING APPLY TO A PERSON WHO VIOLATES  
10 SUBSECTION (1) (A) OR (B):

11 (A) THE PERSON IS GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE  
12 OF NOT LESS THAN \$100.00 OR MORE THAN \$500.00 AND IMPRISONMENT FOR  
13 NOT MORE THAN 90 DAYS, OR BOTH.

14 (B) THE PERSON SHALL CAUSE THE CONDITION OF THE VEHICLE THAT  
15 IS IN VIOLATION OF SUBSECTION (1) (A) OR (B) TO CONFORM TO THE  
16 REQUIREMENTS OF SUBSECTION (1) (A) AND (B) AND SHALL APPLY TO A LAW  
17 ENFORCEMENT AGENCY TO CERTIFY IN WRITING THAT THE VEHICLE IS IN  
18 COMPLIANCE WITH SUBSECTION (1) (A) OR (B). A CLERK OF THE DISTRICT  
19 COURT SHALL NOT ACCEPT PAYMENT OF A FINE IMPOSED UNDER THIS  
20 SUBSECTION WITHOUT FIRST OBTAINING A COPY OF THE WRITTEN  
21 CERTIFICATION REQUIRED UNDER THIS SUBSECTION.

22 (3) ~~—(2)—~~ A person shall not drive a motor vehicle if driver  
23 visibility through the rear window is obstructed, unless the  
24 vehicle is equipped with 2 rearview mirrors, 1 on each side,  
25 adjusted so that the operator has a clear view of the highway  
26 behind the vehicle.

27 (4) ~~—(3)—~~ This section ~~—shall—~~ DOES not apply to:

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

7 (b) The use of a nonreflective, smoked or tinted glass,  
8 nonreflective film, perforated window screen, or other decorative  
9 window application on the rear window or a side window to the rear  
10 of the driver.

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

14 (d) A vehicle registered in another state, territory,  
15 commonwealth of the United States, or another country or province.

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

25 (5) ~~—(4)—~~ Except as provided in subsection ~~—(5)—~~ (6), the  
26 windshield on each motor vehicle shall be equipped with a device  
27 for cleaning rain, snow, or other moisture from the windshield,

1 which device shall be so constructed as to be controlled or  
2 operated by the driver of the vehicle. A vehicle licensed as an  
3 historical vehicle is exempt from this subsection if the vehicle  
4 was not originally equipped with such a device. Each windshield  
5 wiper upon a motor vehicle shall be maintained in good working  
6 order.

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

27 (7) ~~(6)~~ A truck with a gross weight over 10,000 pounds, a

1 truck tractor, a bus, or a truck regardless of weight carrying  
2 hazardous materials on which a placard is required to be posted  
3 pursuant to 49 ~~C.F.R.~~ **CFR** parts 100 to 199 shall not be operated  
4 on the highways at any time unless it is equipped with a hot air  
5 windshield defroster or an electrically heated windshield or other  
6 device to heat and maintain the windshield in operable condition at  
7 all times.

8 (8) ~~(7)~~ As used in this section:

9 (a) "Physician" means that term as defined in section 17001 or  
10 17501 of the public health code, 1978 PA 368, MCL 333.17001 and  
11 333.17501.

12 (b) "Optometrist" means that term as defined in section 17401  
13 of the public health code, 1978 PA 368, MCL 333.17401.