

SUBSTITUTE FOR  
SENATE BILL NO. 276

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~~**OPERATE** a motor vehicle  
2 with 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~~ **AN** object that  
7 obstructs the vision of the driver of the vehicle, except as  
8 authorized by law.

9 (2) A person shall not drive a motor vehicle if driver  
10 visibility through the rear window is obstructed, unless the  
11 vehicle is equipped with 2 rearview mirrors, 1 on each side,  
12 adjusted so that the operator has a clear view of the highway  
13 behind the vehicle.

14 (3) This section ~~shall~~ **DOES** not apply to **ANY OF THE FOLLOWING:**

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

21 (b) The use of a nonreflective, smoked or tinted glass,  
22 nonreflective film, perforated window screen, or other decorative  
23 window application on the rear window or a side window to the rear  
24 of the driver.

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

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

3 (e) A special window treatment or application determined  
4 necessary by a physician or optometrist, for the protection of a  
5 person who is light sensitive or photosensitive, if the owner or  
6 operator of a motor vehicle has in possession a letter signed by a  
7 physician or optometrist, indicating that the special window  
8 treatment or application is a medical necessity. However, the  
9 special window treatment or application shall not interfere with or  
10 obstruct the driver's clear vision of the highway or an  
11 intersecting highway.

12 (4) Except as provided in subsection (5), the windshield on  
13 each motor vehicle shall be equipped with a device for cleaning  
14 rain, snow, or other moisture from the windshield, which device  
15 shall be so constructed as to be controlled or operated by the  
16 driver of the vehicle. A vehicle licensed as an historical vehicle  
17 is exempt from this subsection if the vehicle was not originally  
18 equipped with such a device. Each windshield wiper upon a motor  
19 vehicle shall be maintained in good working order.

20 (5) A truck with a gross weight over 10,000 pounds, a truck  
21 tractor, a bus, or a truck regardless of weight carrying hazardous  
22 materials on which a placard is required to be posted pursuant to  
23 49 ~~C.F.R.~~ **CFR** parts 100 to 199 having a windshield shall be  
24 equipped with not less than 2 automatically operating windshield  
25 wiper blades, 1 on each side of the centerline of the windshield,  
26 for cleaning rain, snow, or other moisture from the windshield. The  
27 blades shall be in such condition as to provide clear vision for

1 the driver, unless 1 blade is so arranged as to clean an area of  
2 the windshield extending to within 1 inch of the limit of vision  
3 through the windshield at each side. However, in driveaway-towaway  
4 operations, this subsection ~~shall apply~~ **APPLIES** only to the ~~driven~~  
5 **OPERATED** vehicle. In addition, 1 windshield wiper blade suffices  
6 under this subsection when the driven vehicle in a driveaway-  
7 towaway operation constitutes part or all of the property being  
8 transported and has no provision for 2 blades. A truck and truck  
9 tractor, manufactured after June 30, 1953, that depends upon vacuum  
10 to operate the windshield wipers, shall be so constructed that the  
11 operation of the wipers is not materially impaired by change in the  
12 intake manifold pressure.

13 (6) A truck with a gross weight over 10,000 pounds, a truck  
14 tractor, a bus, or a truck regardless of weight carrying hazardous  
15 materials on which a placard is required to be posted ~~pursuant to~~  
16 **UNDER 49 C.F.R.—CFR** parts 100 to 199 shall not be operated on the  
17 highways at any time unless it is equipped with a hot air  
18 windshield defroster or an electrically heated windshield or other  
19 device to heat and maintain the windshield in operable condition at  
20 all times.

21 (7) As used in this section:

22 (a) "Physician" means that term as defined in section 17001 or  
23 17501 of the public health code, 1978 PA 368, MCL 333.17001 and  
24 333.17501.

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