

SENATE BILL No. 276

February 19, 2009, Introduced by Senators JELINEK, JANSEN and PAPPAGEORGE 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~~**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

1 the material does not extend more than 4 inches from the top of the
2 windshield, or lower than the shade band, whichever is closer to
3 the top of the windshield.

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

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

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

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

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

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

27 (c) The placement of a necessary certificate or sticker that

1 does not obstruct the driver's clear view of the roadway or an
2 intersecting roadway.

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

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

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

22 (5) A truck with a gross weight over 10,000 pounds, a truck
23 tractor, a bus, or a truck regardless of weight carrying hazardous
24 materials on which a placard is required to be posted pursuant to
25 ~~49 C.F.R.~~ **CFR** parts 100 to 199 having a windshield shall be
26 equipped with not less than 2 automatically operating windshield
27 wiper blades, 1 on each side of the centerline of the windshield,

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

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

23 (7) As used in this section:

24 (a) "Physician" means that term as defined in section 17001 or
25 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
26 333.17501.

27 (b) "Optometrist" means that term as defined in section 17401

1 of the public health code, 1978 PA 368, MCL 333.17401.