

Legislative Analysis



VEHICLE WINDOW TINTING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5634 as enrolled

Sponsor: Rep. Julie Alexander

House Committee: Transportation and Infrastructure

Senate Committee: Transportation

Complete to 2-4-19

Analysis available at
<http://www.legislature.mi.gov>

(Vetoed by the Governor 12-28-18)

BRIEF SUMMARY: House Bill 5634 would amend the Michigan Vehicle Code to revise provisions regarding tinted window films and to remove a provision that prohibits a person from operating a motor vehicle with an object that obstructs the driver's vision.

FISCAL IMPACT: The bill would have no direct impact on the state or local governments.

THE APPARENT PROBLEM:

The law regulating mirrored glass and tinted window films in Michigan vehicles was established in the Vehicle Code by Public Act 220 of 1980. Many changes have taken place since then, both in the technology of vehicle window tinting and in people's reasons for wanting tinted windows. In 1980, window tinting was mostly about privacy; vehicle owners today are more concerned with filtering out the sun's heat and protecting the vehicle's interior and occupants from harmful UV rays. Supporters believe that the law should be updated to reflect the current practices of vehicle manufacturers and vehicle owners, while incorporating allowances for medical prescriptions, privacy, and personal preference. Legislation was introduced to address these concerns.

THE CONTENT OF THE BILL:

Currently under the Code, a person is prohibited from operating a motor vehicle with a sign, poster, nontransparent material, window application reflective film, or nonreflective film on or in the front windshield, the driver's or front passenger's side windows, or the sidewings next to and in front of the driver or front passenger—except that tinted film is allowed if it doesn't extend more than four inches from the top of the windshield or extend lower than the shade band, whichever is less.

House Bill 5634 would retain this prohibition, but would expand its exceptions to allow the following:

- On the windshield: Tinted film that doesn't extend more than six inches from the top of the windshield or extend lower than the manufacturer's AS-1 line, whichever is greater. (The **AS-1 line** is a line extending from the "AS-1" marking found on most vehicle windshields and running parallel to the top of the windshield.)
- On the front side windows or forward sidewings: A material that has a visible light transmittance of 65% or more.

The Code also currently prohibits a person from using, on a rear window or a side window behind the driver, material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film—except that the use of a nonreflective, smoked or tinted glass, perforated window screen, or other decorative window application is allowed on those windows.

The bill would replace both this prohibition and its exception with a provision allowing a person to operate a motor vehicle with a material on a rear window or a side window behind the driver that has a visible light transmittance of 20% or more.

The Code also currently prohibits a person from operating a motor vehicle with an object that obstructs the driver's vision. The bill would eliminate this prohibition. [Note: Public Act 258 of 2010 (Senate Bill 276) amended this section to remove a prohibition against “a dangling ornament or other suspended object” in a vehicle window, so allowing for fuzzy dice, air fresheners, graduation tassels, and the like.]

The Code includes exceptions to the prohibitions described above, which the bill would retain, such as for vehicles registered elsewhere, for necessary certificates or stickers that do not obstruct a driver's clear view of the road, and for window treatments that are medically necessary to protect an individual. The bill would further specify that medically necessary window treatments could be for the protection of individuals other than the vehicle's driver.

The bill would take effect 90 days after it is enacted.

MCL 257.709

ARGUMENTS:

For:

According to committee testimony, the 1980 provisions need to be updated. When the 1980 law was written, most vehicle window tinting involved the application of a film to the window surface. Often these films degraded with time, becoming opaque and blocking a clear view of the road. Today manufacturers tint glass through injection during the manufacturing process, and aftermarket window tinters are largely using ceramic materials, not film. Further, the 1980 law was primarily concerned with highly reflective mirrored films, the glare of which on sunny days was a hazard to other drivers. Most window tinting today is designed to filter, not reflect, the sun's light. Updating our law to reflect these realities is common sense.

Against:

Opponents say it's a public safety issue. It is important for police officers to see inside a vehicle. When police officers stop a vehicle and the driver can see the officer, but the officer cannot see the driver, it puts officers at grave risk. In addition, bikers, cyclists, joggers, and pedestrians need to have visual contact with drivers to ensure safety on a shared road. Nonverbal communication is important to these vulnerable road users—hand

gestures, nods, eye contact, even the simple knowledge that the driver has seen them. Darkened or opaque windows do not allow for such nonverbal communication and create unnecessary insecurity and risks for other road users.

Vetoed 12-28-18:

In his veto message, Governor Snyder wrote, “The bill would have increased the potential risk of harm to law enforcement personnel, particularly when approaching a vehicle during traffic enforcement stops by making it more difficult for law enforcement personnel to view a vehicle’s interior and contents, including the number and location of occupants inside the vehicle.”

Legislative Analyst: E. Best
Fiscal Analyst: Michael Cnossen

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.