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BILL



ANALYSIS

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House Bill 5634 (Substitute H-4 as passed by the House)  
Sponsor: Representative Julie Alexander  
House Committee: Transportation and Infrastructure  
Senate Committee: Transportation

Date Completed: 12-12-18

## **CONTENT**

**The bill would amend Section 709 of the Michigan Vehicle Code to the following:**

- **Revise or delete provisions concerning the application of window tint on a motor vehicle's windshield, a rear window, or side window to the rear of the driver.**
- **Prohibit a person from operating a motor vehicle with a sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the side windows immediately adjacent to and forward of the driver or front passenger.**
- **Allow a person to operate a motor vehicle with a material that had a visible light transmittance of 70%, plus or minus 5%, or more, upon or in the side windows immediately adjacent to the driver or front passenger or the sidewings adjacent to and forward of the driver or front passenger.**
- **Allow a person to operate a motor vehicle with a material that had a visible light transmittance of 25%, plus or minus 5%, or more, upon or in a rear window or a side window to the rear of the driver.**
- **Delete a provision exempting the use of nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver from Section 709.**
- **Specify that Section 709 would not require the operator of a motor vehicle equipped with a special window treatment or application to be the individual for whom a physician or optometrist considered the treatment or application medically necessary.**

The bill would take effect 90 days after its enactment.

The Code prohibits a person from operating a motor vehicle with any of the following:

- A sign, poster, nontransparent material, window application, reflective film, or nonreflective film on or in the front windshield, the side windows immediately adjacent to the driver or front passenger, or the sidewings adjacent to and forward of the driver or front passenger, except that a tinted film may be used along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than four inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield.
- A rear window or side window to the rear of the driver composed of, covered by, or treated with a material that creates a total solar reflectance of 35% or more in the visible light range, including a silver or gold reflective film.
- An object that obstructs the vision of the driver of the vehicle, except as authorized by law.

The bill would revise these provisions. Under the bill, a person could not operate a motor vehicle with a sign, poster, nontransparent material, window application, reflective film, or nonreflective film on or in the front windshield, except that a tinted film could be used along the top edge of the windshield if the material did not extend below the vehicle manufacturer's AS-1 line or more than six inches from the top of the windshield, whichever was farther from the top of the windshield.

In addition, a person could not operate a motor vehicle with a sign, poster, nontransparent material, window application, reflective film, or nonreflective film upon or in the side windows immediately adjacent to and forward of the driver or front passenger.

A person could operate a motor vehicle with a material that had a visible light transmittance of 70%, plus or minus 5%, or more, on or in the side windows immediately adjacent to the driver or front passenger or the sidewings adjacent to and forward of the driver or front passenger.

A person could operate a motor vehicle with a material that had a visible light transmittance of 25%, plus or minus 5%, or more, on or in a rear window or a side window to the rear of the driver.

Currently, Section 709 does not apply to the use of nonreflective, smoked or tinted glass, nonreflective film, perforated window screen, or other decorative window application on the rear window or a side window to the rear of the driver. The bill would delete this provision.

Section 709 also does not apply to a special window treatment or application determined necessary by a physician or optometrist, for the protection of a person who is light sensitive or photosensitive, if the owner or operator of a motor vehicle has in possession a letter signed by a physician or optometrist, indicating that the special window treatment or application is a medical necessity. However, the special window treatment or application must not interfere with or obstruct the driver's clear vision of the highway or an intersecting highway. Under the bill, these provisions would not require that the operator of a motor vehicle equipped with a special window treatment or application be the individual for whom a physician or optometrist considered the treatment or application medically necessary.

MCL 257.709

Legislative Analyst: Drew Krogulecki

## **FISCAL IMPACT**

The bill could have a small negative impact on the State and local units of government. The new exceptions to the prohibitions for window tint and vision-obstructing objects on the windshield could result in fewer civil infractions, which would result in decreased revenue. Revenue in the form of fines and costs for civil infractions under State statute are distributed to county and city treasurers, law libraries, and courts. Revenue in the form of assessments for civil infractions under State statute are distributed to the Department of State Police, the Judiciary, the Legislature, the Department of Corrections, the Department of Treasury, and the Department of Health and Human Services through the Justice System Fund. It is not known how much revenue potentially could be lost as a result of the bill's reduced civil infractions, but it is expected to be minimal.

Fiscal Analyst: Michael Siracuse

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.