

HOUSE BILL No. 5634

February 22, 2018, Introduced by Reps. Alexander, Sheppard, Barrett, Lower, Lucido, Glenn, LaFave, Johnson, Hornberger, Dianda, Zemke, Peterson and Chirkun and referred to the Committee on Transportation and Infrastructure.

A bill to amend 1949 PA 300, entitled "Michigan vehicle code," by amending section 709 (MCL 257.709), as amended by 2010 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 709. (1) A person shall not operate a motor vehicle with
2 ~~any of the following:~~
3 ~~— (a) 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) An object that obstructs the vision of the driver of the
9 vehicle, except as authorized by law.~~

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

15 (3) This section does not apply to any of the following:

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

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

26 **(B)** ~~(e)~~ The placement of a necessary certificate or sticker
27 that does not obstruct the driver's clear view of the roadway or an

1 intersecting roadway.

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

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

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

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

1 be in ~~such~~ **A** condition ~~as~~ to provide clear vision for the driver,
2 unless 1 blade is so arranged as to clean an area of the windshield
3 extending to within 1 inch of the limit of vision through the
4 windshield at each side. However, in driveaway-towaway operations,
5 this subsection applies only to the operated vehicle. In addition,
6 1 windshield wiper blade suffices under this subsection when the
7 driven vehicle in a driveaway-towaway operation constitutes part or
8 all of the property being transported and has no provision for 2
9 blades. A truck and truck tractor, manufactured after June 30,
10 1953, that depends upon vacuum to operate the windshield wipers,
11 shall be ~~so~~ constructed **SO** that the operation of the wipers is not
12 materially impaired by change in the 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 under 49 CFR
16 parts 100 to 199 shall not be operated on the highways **OF THIS**
17 **STATE** at any time unless it is equipped with a hot air windshield
18 defroster or an electrically heated windshield or other device to
19 heat and maintain the windshield in operable condition at all
20 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.

27 Enacting section 1. This amendatory act takes effect 90 days

1 after the date it is enacted into law.