

1 **ENROLLED**

2 **Senate Bill No. 493**

3 (BY SENATORS SNYDER, BEACH AND PALUMBO)

4 \_\_\_\_\_  
5 [Passed March 10, 2012; in effect ninety days from passage.]  
6 \_\_\_\_\_

7  
8  
9  
10 AN ACT to amend and reenact §17C-15-36a of the Code of West  
11 Virginia, 1931, as amended, relating to exempting certain  
12 vehicles from sun-screening restrictions; exempting certain  
13 law-enforcement vehicles and vehicles with manufacturer  
14 installed sun-screening devices from state standards; and  
15 prohibiting unmarked law-enforcement vehicles with sun-  
16 screening exemption from making routine traffic stops.

17 *Be it enacted by the Legislature of West Virginia:*

18 That §17C-15-36a of the Code of West Virginia, 1931, as  
19 amended, be amended and reenacted to read as follows:

20 **ARTICLE 15. EQUIPMENT.**

21 **§17C-15-36a. Sun-screening devices; penalty.**

22 (a) No person may operate a motor vehicle that is registered  
23 or required to be registered in the state on any public highway,

1 road or street that has a sun-screening device on the windshield,  
2 the front side wings and side windows adjacent to the right and  
3 left of the driver and windows adjacent to the rear of the driver  
4 that do not meet the requirements of this section: *Provided*, That  
5 law-enforcement K-9 and other emergency vehicles that are designed  
6 to haul animals, unmarked law-enforcement vehicles primarily used  
7 for covert or undercover enforcement and automobiles that have sun-  
8 screening devices installed at the factory by the manufacturer are  
9 exempt from this requirement. No unmarked law-enforcement vehicle,  
10 herein exempted, may engage in routine traffic stops.

11 (b) A sun-screening device when used in conjunction with the  
12 windshield must be nonreflective and may not be red, yellow or  
13 amber in color. A sun-screening device may be used only along the  
14 top of the windshield and may not extend downward beyond the ASI  
15 line or more than five inches from the top of the windshield  
16 whichever is closer to the top of the windshield.

17 (c) A sun-screening device when used in conjunction with the  
18 automotive safety glazing materials of the side wings or side  
19 windows located at the immediate right and left of the driver shall  
20 be a nonreflective type with reflectivity of not more than twenty  
21 percent and have a light transmission of not less than thirty-five  
22 percent. The side windows behind the driver and the rear most  
23 windows may have a sun-screening device that is designed to be used  
24 on automotive safety glazing materials that has a light

1 transmission of not less than thirty-five percent and a  
2 reflectivity of not more than twenty percent. If a sun-screening  
3 device is used on glazing behind the driver, one right and one left  
4 outside rear view mirror is required.

5 (d) Each manufacturer shall:

6 (1) Certify to the West Virginia State Police and Division of  
7 Motor Vehicles that a sun-screening device used by it is in  
8 compliance with the reflectivity and transmittance requirements of  
9 this section;

10 (2) Provide a label not to exceed one and one-half square  
11 inches in size, with a means for the permanent and legible  
12 installations between the sun-screening material and each glazing  
13 surface to which it is applied that contains the manufacturer's  
14 name and its percentage of light transmission; and

15 (3) Include instructions with the product or material for  
16 proper installation, including the affixing of the label specified  
17 in this section. The labeling or marking must be placed in the  
18 left lower corner of each glazing surface when facing the vehicle  
19 from the outside.

20 (e) No person may:

21 (1) Offer for sale or for use any sun-screening product or  
22 material for motor vehicle use not in compliance with this section;  
23 or

24 (2) Install any sun-screening product or material on vehicles

1 intended for use on public roads without permanently affixing the  
2 label specified in this section.

3 (f) The provisions of this section do not apply to a motor  
4 vehicle registered in this state in the name of a person, or the  
5 person's legal guardian, who has an affidavit signed by a physician  
6 or an optometrist licensed to practice in this state that states  
7 that the person has a physical condition that makes it necessary to  
8 equip the motor vehicle with sun-screening material which would be  
9 of a light transmittance or luminous reflectance in violation of  
10 this section. The affidavit must be in the possession of the  
11 person so afflicted, or the person's legal guardian, at all times  
12 while being transported in the motor vehicle.

13 (g) The light transmittance requirement of this section does  
14 not apply to windows behind the driver on trucks, buses, trailers,  
15 mobile homes and multipurpose passenger vehicles.

16 (h) As used in this section:

17 (1) "Bus" means a motor vehicle with motive power, except a  
18 trailer, designed for carrying more than ten persons.

19 (2) "Light transmission" means the ratio of the amount of  
20 total light to pass through a product or material to the amount of  
21 the total light falling on the product or material.

22 (3) "Luminous reflectants" means the ratio of the amount of  
23 total light that is reflected outward by the product or material to  
24 the amount of the total light falling on the product or materials.

1           (4) "Manufacturer" means any person engaged in the  
2 manufacturing or assembling of sun-screening products or materials  
3 designed to be used in conjunction with vehicle glazing materials  
4 for the purpose of reducing the effects of the sun.

5           (5) "Motor homes" means vehicular units designed to provide  
6 temporary living quarters built into and an integral part of or  
7 permanently attached to a self-propelled motor vehicle chassis.

8           (6) "Multipurpose passenger vehicle" means a motor vehicle  
9 with motive power, except a trailer, designed to carry ten persons  
10 or less which is constructed either on a truck chassis or with  
11 special features for occasional off-road operation.

12           (7) "Nonreflective" means a product or material designed to  
13 absorb light rather than to reflect it.

14           (8) "Passenger car" means a motor vehicle with motive power,  
15 except a multipurpose passenger vehicle, motorcycle or trailer,  
16 designed for carrying ten persons or less.

17           (9) "Sun-screening device" means film material or device that  
18 is designed to be used in conjunction with motor vehicle safety  
19 glazing materials for reducing the effects of the sun.

20           (10) "Truck" means a motor vehicle with motive power, except  
21 a trailer, designed primarily for the transportation of property or  
22 special purpose equipment.

23           (i) Any person violating the provisions of this section is  
24 guilty of a misdemeanor and, upon conviction thereof, shall be

1 fined not more than \$200.