

WEST VIRGINIA LEGISLATURE
EIGHTIETH LEGISLATURE
REGULAR SESSION, 2012

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ENROLLED

Senate Bill No. 493

(BY SENATORS SNYDER, BEACH AND PALUMBO)

[PASSED MARCH 10, 2012; IN EFFECT NINETY DAYS FROM PASSAGE.]

OFFICE OF THE WEST VIRGINIA
SECRETARY OF STATE

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 15. EQUIPMENT.

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

1 (a) No person may operate a motor vehicle that is
2 registered or required to be registered in the state on any
3 public highway, road or street that has a sun-screening
4 device on the windshield, the front side wings and side
5 windows adjacent to the right and left of the driver and
6 windows adjacent to the rear of the driver that do not meet
7 the requirements of this section: *Provided*, That law-
8 enforcement K-9 and other emergency vehicles that are
9 designed to haul animals, unmarked law-enforcement

10 vehicles primarily used for covert or undercover enforcement
11 and automobiles that have sun-screening devices installed at
12 the factory by the manufacturer are exempt from this
13 requirement. No unmarked law-enforcement vehicle, herein
14 exempted, may engage in routine traffic stops.

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

22 (c) A sun-screening device when used in conjunction
23 with the automotive safety glazing materials of the side
24 wings or side windows located at the immediate right and
25 left of the driver shall be a nonreflective type with reflec-
26 tivity of not more than twenty percent and have a light
27 transmission of not less than thirty-five percent. The side
28 windows behind the driver and the rear most windows may
29 have a sun-screening device that is designed to be used on
30 automotive safety glazing materials that has a light trans-
31 mission of not less than thirty-five percent and a reflectivity
32 of not more than twenty percent. If a sun-screening device is
33 used on glazing behind the driver, one right and one left
34 outside rear view mirror is required.

35 (d) Each manufacturer shall:

36 (1) Certify to the West Virginia State Police and Division
37 of Motor Vehicles that a sun-screening device used by it is in
38 compliance with the reflectivity and transmittance require-
39 ments of this section;

40 (2) Provide a label not to exceed one and one-half square
41 inches in size, with a means for the permanent and legible
42 installations between the sun-screening material and each
43 glazing surface to which it is applied that contains the
44 manufacturer's name and its percentage of light transmis-
45 sion; and

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

51 (e) No person may:

52 (1) Offer for sale or for use any sun-screening product or
53 material for motor vehicle use not in compliance with this
54 section; or

55 (2) Install any sun-screening product or material on
56 vehicles intended for use on public roads without perma-
57 nently affixing the label specified in this section.

58 (f) The provisions of this section do not apply to a motor
59 vehicle registered in this state in the name of a person, or the
60 person's legal guardian, who has an affidavit signed by a
61 physician or an optometrist licensed to practice in this state
62 that states that the person has a physical condition that
63 makes it necessary to equip the motor vehicle with sun-
64 screening material which would be of a light transmittance
65 or luminous reflectance in violation of this section. The
66 affidavit must be in the possession of the person so afflicted,
67 or the person's legal guardian, at all times while being
68 transported in the motor vehicle.

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

73 (h) As used in this section:

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

76 (2) "Light transmission" means the ratio of the amount
77 of total light to pass through a product or material to the
78 amount of the total light falling on the product or material.

79 (3) "Luminous reflectants" means the ratio of the amount
80 of total light that is reflected outward by the product or
81 material to the amount of the total light falling on the
82 product or materials.

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

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

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

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

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

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

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

108 (i) Any person violating the provisions of this section is
109 guilty of a misdemeanor and, upon conviction thereof, shall
110 be fined not more than \$200.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....
Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within is approved this the 2nd
Day of April, 2012.

.....
Governor

PRESENTED TO THE GOVERNOR

MAR 29 2012

Time 4:15 pm