

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

Senate Bill 431

By Senator Tarr

[Introduced January 23, 2023; referred
to the Committee on Transportation and Infrastructure]

1 A BILL to amend and reenact §17C-15-36a of the Code of West Virginia 1931, as amended,
 2 relating to modification of the permissible percentage of light transmission for sun-
 3 screening devices used in automotive safety glazing.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. EQUIPMENT.

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

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

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

14 (c) A sun-screening device when used in conjunction with the automotive safety glazing
 15 materials of the side wings or side windows located at the immediate right and left of the driver
 16 shall be a nonreflective type with reflectivity of not more than 20 percent and have a light
 17 transmission of not less than ~~thirty-five percent~~ 18 percent. The side windows behind the driver
 18 and the rear most windows may have a sun-screening device that is designed to be used on
 19 automotive safety glazing materials that has a light transmission of not less than 35 percent and a
 20 reflectivity of not more than 20 percent. If a sun-screening device is used on glazing behind the

21 driver, one right and one left outside rear view mirror is required.

22 (d) Each manufacturer shall:

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

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

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

33 (e) No person may:

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

36 (2) Install any sun-screening product or material on vehicles intended for use on public
37 roads without permanently affixing the label specified in this section.

38 (f) The provisions of this section do not apply to a motor vehicle registered in this state in
39 the name of a person, or the person's legal guardian, who has an affidavit signed by a physician or
40 an optometrist licensed to practice in this state that states that the person has a physical condition
41 that makes it necessary to equip the motor vehicle with sun-screening material which would be of
42 a light transmittance or luminous reflectance in violation of this section. The affidavit ~~must~~ shall be
43 in the possession of the person so afflicted, or the person's legal guardian, at all times while being
44 transported in the motor vehicle.

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

47 (h) As used in this section:

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

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

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

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

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

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

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

65 (8) "Passenger car" means a motor vehicle with motive power, except a multipurpose
66 passenger vehicle, motorcycle or trailer, designed for carrying 10 persons or less.

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

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

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

NOTE: The purpose of this bill is to modify the permissible percentage of light transmission for sun-screening devices used in automotive safety glazing that are a nonreflective type with reflectivity of not more than 20 percent and have a light transmission of not less than 18 percent.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.