

Legislative Analysis



VEHICLE WINDOW TINTING

Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5100 (H-3) as referred to second committee

Sponsor: Rep. Julie Alexander

1st Committee: Transportation

2nd Committee: Ways and Means

Complete to 5-24-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5100 would amend the Michigan Vehicle Code to revise provisions regarding vehicle window tinting.

The Vehicle Code currently prohibits a person from operating a motor vehicle with a sign, poster, nontransparent material, window application reflective film, or nonreflective film on or in the front windshield, the driver's or front passenger's side windows, or the sidewings next to and in front of the driver or front passenger—except that tinted film is allowed if it doesn't extend more than four inches from the top of the windshield or extend lower than the shade band, whichever is less.

House Bill 5100 would revise the exception to allow tinted film on the front windshield that doesn't extend more than six inches from the top of the windshield or extend below the manufacturer's AS-1 line, whichever is closer to the top of the windshield. (The AS-1 line is a line extending from the "AS-1" marking found on most vehicle windshields and running parallel to the top of the windshield.)

The bill would also allow the driver's or front passenger's side windows, or the sidewings next to and in front of the driver or front passenger, to be composed of, covered by, or treated with a material that, combined with the glass on which it is installed, has a visible light transmittance of 35% or more, plus or minus five percentage points, or a visible light reflectance of 20% or less, plus or minus three percentage points.

The Vehicle Code also currently prohibits driving with a rear window or side window to the rear of the driver that is 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.

The bill would instead prohibit driving with such a window that is composed of, covered by, or treated with a material that creates a visible light reflectance of more than 20%, plus or minus three percentage points.

A professional investigator licensed under the Professional Investigator Licensure Act or a court officer could operate a vehicle with a material on or in the driver's or front passenger's side windows, or the sidewings next to and in front of the driver or front passenger, regardless of the visible light transmittance or reflectance of the material.

The Vehicle Code includes exceptions to the prohibitions described above, which the bill would retain, such as for vehicles registered elsewhere, for necessary certificates or stickers that do not obstruct a driver's clear view of the road, and for window treatments that are medically necessary to protect an individual.

The bill would further specify that medically necessary window treatments could be for the protection of individuals other than the vehicle's driver.

Finally, the bill would also except the use of original equipment manufacture glass that meets the National Highway Traffic Safety Administration's federal motor vehicle safety standards under 49 CFR part 571.¹

The bill would take effect 90 days after enactment.

MCL 257.709

BACKGROUND INFORMATION:

The bill is similar to House Bill 5634 of the 2017-18 legislative session, which was passed by both houses and enrolled, but was vetoed by the governor on December 28, 2018. In his veto message, Governor Snyder wrote that the bill "would have increased the potential risk of harm to law enforcement personnel, particularly when approaching a vehicle during traffic enforcement stops by making it more difficult for law enforcement personnel to view a vehicle's interior and contents, including the number and location of occupants inside the vehicle."

FISCAL IMPACT:

House Bill 5100 would not have a direct impact on costs for the Department of State Police or for local law enforcement agencies. Changes made under the bill may reduce revenues from civil infraction fines collected under the Michigan Vehicle Code, since certain civil infractions currently issued for window tinting would no longer be infractions. Revenues from these fines support public libraries and county law libraries. In addition to the civil fine, a judge or district court magistrate is required to order the defendant to pay a justice system assessment of \$40 for each civil infraction determination. This portion of the total fine is deposited to the state Justice System Fund, to support various justice-related endeavors in the judicial and legislative branches and in the Departments of State Police, Corrections, Health and Human Services, and Treasury. Projected reductions to civil fine revenue are presently indeterminate and would depend on the decrease in the volume of civil infractions

¹ See <https://www.govinfo.gov/content/pkg/CFR-2011-title49-vol6/pdf/CFR-2011-title49-vol6-sec571-205.pdf>

POSITIONS:

A representative of Amaesing Auto testified in support of the bill. (10-29-19)

The following organizations indicated support for the bill (11-5-19):

- Auto Dealers of Michigan
- Michigan Association of Security and Investigative Professionals
- General Motors

The League of Michigan Bicyclists indicated a neutral position on the bill. (10-29-19)

A representative of the Department of State Police testified in opposition to the bill. (10-29-19)

The following organizations indicated opposition to the bill (10-29-19):

- Michigan Association of Chiefs of Police
- Michigan Sheriff's Association
- Police Officers Association of Michigan

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.