

SENATE No. 1280

By Mr. Bertonazzi, a petition (accompanied by bill, Senate, No. 1280) of Louis P. Bertonazzi and Ronald J. Bellanti for legislation to limit the use of tinted and mirrored materials on motor vehicle windows. Public Safety.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

**AN ACT TO LIMIT THE USE OF TINTED AND MIRRORED MATERIALS
ON CERTAIN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7A of chapter 90 of the General Laws
2 as appearing in section 2 of chapter 761 of the acts of 1979 is
3 hereby amended by striking out the second paragraph and in-
4 serting in place thereof the following paragraph: —

5 The purpose of the safety and combined safety and emis-
6 sions inspection regulations shall require that motor vehicles
7 are provided with the following equipment maintained in good
8 order: a vehicle identification number, brakes, stop lamps,
9 lights, directional signals, horn, exhaust system, steering and
10 suspension system, glazing, windshield cleaner, number plates,
11 tires, fenders, bumpers, external sheet metal, reflectors, splash
12 guards, chock blocks, window tinting or treatment materials
13 in accordance with Section 8C of this chapter and air pollution
14 emission control systems or devices.

1 SECTION 2. Section 8C of chapter 90 of the General Laws
2 as appearing in chapter 766 of the acts of 1973 is hereby
3 amended by inserting after the third sentence of said section,
4 the following sentence: —

5 "Upon receipt of an application for a medical exemption for
6 the benefit of the owner or operator of a motor vehicle whose
7 vision is determined by the board to be light or photosensi-
8 tive, said board shall grant an exemption inspection sticker

9 indicating the need for special window treatment as a medical
10 necessity.”

1 SECTION 3. Chapter 90 of the General Laws is hereby
2 amended by inserting after section 9B the following sec-
3 tion: —

4 “*Section 9C.* No person shall operate any private passenger
5 motor vehicle having permanent seating capacity for not more
6 than eight passengers in addition to the operator thereof
7 upon any public way, road or street or upon any way which
8 the public shall have the right of access with any of the fol-
9 lowing affixed thereto: —

10 (1) a sign, poster, nontransparent material, window appli-
11 cation, reflective film or nonreflective film used in any way to
12 cover or treat the front windshield, the side windows imme-
13 diately adjacent to the operator’s seat or front passenger seat,
14 so as to make these such windshield, window and/or glass
15 areas in any way nontransparent or obscured from either the
16 interior or exterior thereof except that a tinted film may be
17 used along the top edge of the windshield and the sidewings
18 or side windows immediately adjacent to the operator’s seat
19 or front passenger seat provided said tinted film does not
20 extend down more than four inches from the top of the wind-
21 shield or from the top of the sidewings or side windows imme-
22 diately adjacent to the operator’s seat or front passenger seat;
23 and does not interfere with the vision of the operator;

24 (2) a sign, poster, nontransparent material, window appli-
25 cation, reflective film or any material used in any way to
26 cover or treat the rear window and the side windows imme-
27 diately to the rear of the operator’s seat and the front passen-
28 ger’s seat which has the effect of making these windows, vi-
29 sion or glass areas in any way reflective or which produces a
30 mirrored appearance; provided, however, that said windows
31 may be composed of, covered by or treated with a material
32 which has the effect of providing these glass areas with a total
33 solar reflectance of not greater than thirty-five percent in the
34 visible light range.

35 No person shall operate any motor vehicle upon any public
36 way, road, street, or way upon which the public has the right

37 of access, if driver visibility through the rear window is ob-
38 structed or covered by or treated with any material which
39 has a reflective or mirrored appearance and which has a total
40 solar reflectance when applied to the glass, thereon of greater
41 than thirty-five percent in the visible light range unless said
42 vehicle is equipped with mirrors on both sides thereof so ad-
43 justed that the driver thereof shall have a clear and full view
44 of the road and traffic conditions behind such vehicle. Said
45 mirrors shall not unreasonably protrude from the exterior of
46 the vehicle nor impede the vision of the operator in any
47 way.

48 This section shall not apply to: —

49 (1) the use of draperies, louvers, or other special window
50 treatments, except those specifically designated in this section,
51 on the rear window, or a side window to the rear of the driver
52 if the vehicle is equipped with 2 outside rearview mirrors, one
53 on each side, adjusted so that the driver has a clear view of
54 the highway behind the vehicle;

55 (2) the placement of a necessary certificate or inspection
56 sticker as required under section 7A of chapter 90 that does
57 not obstruct the operator's clear view of the roadway or an
58 intersecting roadway;

59 (3) a vehicle registered in another state, territory or an-
60 other country or province;

61 (4) special window treatment or application determined
62 necessary by a licensed physician, for the protection of the
63 owner or operator of a private passenger motor vehicle who
64 is determined to be light or photosensitive. Applications for
65 such exemption based upon such medical reason or reasons
66 shall be made in writing to the Medical Advisory Board es-
67 tablished under section 8C of chapter 90 of the General Laws.
68 All applications must be supported by a written attestation of
69 a physician licensed to practice in this commonwealth of the
70 necessity therefor. Upon the granting of such exemption by
71 the board, the registrar shall annually issue a sufficiently no-
72 ticeable sticker to the applicant which shall be affixed to the
73 side window immediately adjacent to the operator. The reg-
74 istrar shall keep a record of all such exemption stickers so
75 issued.

1 SECTION 4. On and after July first, nineteen hundred eighty-
2 two, no person shall manufacture, sell, offer for sale or trade,
3 equip or operate a motor vehicle in the Commonwealth in vio-
4 lation of the provisions of this section. Violations hereof shall
5 be punishable by a fine of not more than \$500.00. Upon a third
6 or subsequent conviction of the provisions hereof the regis-
7 trar shall suspend the operator's license of a person so con-
8 victed for a period not to exceed 90 days.