

ACTS, 1983. - Chap. 660.

notify the state archaeologist who shall determine if the skeletal remains are American Indian.

If the remains are deemed likely to be American Indian, the state archaeologist shall forthwith notify the commission on Indian affairs that a site evaluation will be made to determine if the place where said remains were found is an Indian burial site.

SECTION 6. Section 17 of chapter 114 of the General Laws is hereby amended by adding the following sentence:-

"Burial place", as referred to in this section, shall include unmarked burial grounds known or suspected to contain the remains of one or more American Indian.

Approved December 20, 1983.

---

Chap. 660. AN ACT RELATIVE TO MOTOR VEHICLE WINDOWS.

Be it enacted, etc., as follows:

SECTION 1. Section 8C of chapter 90 of the General Laws, inserted by chapter 766 of the acts of 1973, is hereby amended by inserting after the third sentence the following sentence:- Upon receipt of an application for a medical exemption for the benefit of the owner or operator of a motor vehicle whose vision is determined by the board to be light sensitive or photosensitive, said board shall grant an exemption indicating the need for special window treatment as a medical necessity.

SECTION 2. Said chapter 90 is hereby further amended by inserting after section 9C the following section:-

Section 9D. No person shall operate any motor vehicle upon any public way, road or street or upon any way to which the public shall have the right of access with any of the following affixed thereto:

(1) a sign, poster, nontransparent material, window application, reflective film or nonreflective film used in any way to cover or treat the front windshield, the side windows immediately adjacent to the operator's seat and the front passenger seat, the side windows immediately to the rear of the operator's seat and the front passenger's seat and the rear window, so as to make such windshield and window glass areas in any way nontransparent or obscured from either the interior or exterior thereof.

This section shall not apply to:-

(1) motor vehicles manufactured with windshields and window glass areas equipped in accordance with the specifications of

ACTS, 1983. - Chap. 660.

49 Code of Federal Regulations 571.205, as authorized by 15 USC 1407;

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

(3) signs, stickers, or other materials which are displayed in a seven inch square in the lower corner of the windshield farthest removed from the driver; signs, stickers or other materials which are displayed in a fifty-six square inch area in the lower corner of the rear window farthest removed from the driver; or signs, stickers or other materials which are displayed in a five inch square in the lower corner of the windshield nearest the driver;

(4) a vehicle registered in another state, territory or another country or province;

(5) special window treatment or application determined necessary by a licensed physician, for the protection of the owner or operator of a private passenger motor vehicle who is determined to be light or photosensitive. Applications for such exemption based upon such medical reason or reasons shall be made in writing to the medical advisory board established under section eight C. All applications must be supported by a written attestation of a physician licensed to practice in this commonwealth of the necessity thereof. Upon granting of such exemption by the board, the registrar shall issue a sufficiently noticeable sticker to the applicant which shall be affixed to the side window immediately adjacent to the operator. The registrar shall keep a record of all such exemption stickers so issued.

Violations of any provisions of this section shall be punished by a fine of not more than two hundred and fifty dollars. Upon a third or subsequent conviction of a violation of the provisions of this section, the registrar shall suspend the operator's license of a person so convicted for a period not to exceed ninety days.

For the purposes of this section, the term "non-transparent" shall mean that less than thirty-five per cent of the total visible light falling on the product or material including the glazing, at five hundred and fifty nanometers, is allowed to pass through such product or material including the glazing, or that greater than thirty-five per cent of the total visible light falling on the product or material including the glazing, at five hundred and fifty nanometers, is reflected outward by the product or material.

SECTION 3. On or after January first, nineteen hundred and eighty-five, no person shall manufacture, sell, offer for sale or

ACTS, 1983. - Chap. 661.

trade, equip or operate a motor vehicle in the commonwealth in violation of the provisions of this act provided, however, that nothing in this section shall be construed to prohibit the manufacture or sale of reflective or nonreflective film in the commonwealth.

Approved December 20, 1983.

---

Chap. 661. AN ACT RELATIVE TO FUNDING AND INVESTMENT POLICIES OF PUBLIC EMPLOYEE RETIREMENT SYSTEMS IN THE COMMONWEALTH.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to immediately regulate the funding and investment policies of public employee retirement systems in the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

---

Be it enacted, etc., as follows:

SECTION 1. Section 50 of chapter 7 of the General Laws, added by section 2 of chapter 630 of the acts of 1982, is hereby amended by adding the following paragraph: -

There shall be within the division of public employee retirement unit to be known as the pension investment advisory unit. The commissioner of public employee retirement, through the pension investment advisory unit, shall:

- (a) advise retirement boards on investments;
- (b) prescribe policies concerning personal investments of board members and all employees of the boards to prevent conflict of interest;
- (c) establish a formula to measure management performance and return on investment and measure the performance of each system through said formula;
- (d) establish fund management policies;
- (e) coordinate the participation of boards in combined investment funds;
- (f) grant to qualified boards an exemption from certain statutory restrictions on investment;
- (g) promulgate rules and regulations governing the sale by the boards of low-yield investments; provided, however, that an amortization loss schedule indicates said sale is beneficial to the system.

Said commissioner shall also promulgate rules and regulations governing said unit, subject to the approval of the commissioner