

House File 95 - Introduced

HOUSE FILE 95

BY KRESSIG

A BILL FOR

1 An Act relating to exemptions from motor vehicle window
2 transparency requirements, and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.438, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. a. Except as provided in paragraph "b", a person
4 shall not operate on the highway a motor vehicle equipped with
5 a front windshield, a side window to the immediate right or
6 left of the driver, or a ~~side-wing~~ sidewing forward of and
7 to the left or right of the driver which is excessively dark
8 or reflective so that it is difficult for a person outside
9 the motor vehicle to see into the motor vehicle through
10 the windshield, window, or sidewing. The department shall
11 adopt rules establishing a minimum measurable standard of
12 transparency which shall apply to violations of this ~~subsection~~
13 paragraph.

14 b. (1) A person who suffers from a medical condition
15 causing a severe sensitivity to light may apply to the
16 department for an exemption from the minimum measurable
17 standard of transparency established pursuant to paragraph
18 "a" for a vehicle other than a commercial motor vehicle. The
19 application shall be on a form provided by the department and
20 shall include a signed statement from a physician licensed
21 under chapter 148, 151, or 154 describing the nature of the
22 applicant's medical condition and the extent of the applicant's
23 light sensitivity. If the exemption is granted, the approved
24 application shall be carried at all times in the vehicle to
25 which it applies, whether or not the person qualifying for the
26 exemption is the driver of or a passenger in the vehicle at the
27 time, and shall be available to any peace officer upon request.

28 (2) The department shall adopt rules to implement this
29 lettered paragraph "b", including but not limited to rules
30 establishing a minimum standard of transparency of not less
31 than thirty-five percent light transmittance for vehicles which
32 are exempt under this lettered paragraph "b", providing for the
33 duration of an exemption, and providing for the termination or
34 transfer of an exemption upon transfer of ownership of a motor
35 vehicle.

EXPLANATION

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This bill concerns an exemption from motor vehicle window transparency standards for certain light-sensitive persons. Under current law, the front windshield, side windows, and any sidewings to the right and left of the driver must not be excessively dark or reflective so that it is difficult for a person to see into the motor vehicle from the outside. Pursuant to administrative rules, "excessively dark or reflective" means that the window does not meet a minimum standard of transparency of 70 percent light transmittance. In the past, a person with a severe light-sensitive condition could apply to the department of transportation for an exemption from the minimum standard of transparency if the need was documented by a physician. However, recent amendments to administrative rules provide that effective July 4, 2012, new exemptions shall not be granted and any prior exemption will expire when the vehicle to which the exemption applies is no longer used for the transport of the passenger or driver who is the subject of the exemption. The bill restores the ability of a person who suffers from a medical condition causing a severe sensitivity to light to apply for an exemption from the minimum measurable standard of transparency. The person applying for the exemption must submit a signed statement from a physician, on a form provided by the department, describing the applicant's medical condition and light sensitivity. The approved application must be carried in the exempt motor vehicle at all times. The department is required to adopt rules concerning the minimum standard of transparency for exempt vehicles, the duration of an exemption, and requirements for the termination or transfer of an exemption upon transfer of ownership of a motor vehicle. Pursuant to current law, a violation of motor vehicle window transparency requirements is a simple misdemeanor punishable by a scheduled fine of \$50.