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**SF 271** – Window Tinting, Motor Vehicles (LSB1038SV)

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Fiscal Note Version – New

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### **Description**

[Senate File 271](#) makes several changes to Iowa Code, as follows:

- Creates a blackout license plate with a corresponding \$35 initial fee. In addition, there is a \$10 annual fee for blackout license plates and a \$5 fee, if applicable, for personalized plates. The fees will be deposited in the Road Use Tax Fund (RUTF). An amount equal to revenue generated from the blackout license plates issued in each county will be credited to each county's respective County Mental Health and Disabilities Services Fund from the Statutory Allocations Fund.
- Reduces the minimum standard of transparency for tinted vehicle windows to 35.0% light transmittance. The Bill also strikes a provision requiring the Department of Transportation (DOT) to adopt rules regarding window transparency.
- Creates a new simple misdemeanor for drivers of vehicles with side windows of 70.0% or less light transmittance who fail to lower their window on the approach of a peace officer. A first-time offender will receive a warning; subsequent offenses are subject to a \$20 scheduled fine.

### **Background**

Previously, the DOT adopted rules under [761 IAC 450.7](#) establishing a minimum standard of transparency of 70.0% for a vehicle's windows, including the front windshield, front sidewings, and immediate front sidewings. There are medical exemptions under DOT Form 432020, if signed by an approved medical practitioner prior to July 4, 2012, which remain valid.

In FY 2018, there were 6,745 convictions for excessively dark vehicle windows or windshields. There is a scheduled fine of \$50 associated with a violation of Iowa Code section [321.438\(2\)](#). Other costs and revenues associated with this violation include:

- Court costs of \$60 per violation.
- A 35.0% Criminal Penalty Surcharge, with 95.0% going to the State. Of the State's share, 83.0% is distributed to the General Fund and 17.0% to the Victim Compensation Fund. The remaining 5.0% will go to the city or county where the violation occurred.

### **Assumptions**

- The number of convictions for having an excessively dark window or windshield may decrease under [SF 271](#).
- Fees for blackout license plates include \$35 at initial issuance and \$10 annually, going toward each county's County Mental Health and Disabilities Services Fund. In addition, a \$5 personalized plate fee is deposited in the RUTF.
- There is an estimated collection rate of 63.8% for scheduled fines.

### **Fiscal Impact**

**Table 1** shows the estimated revenue reductions that would stem from a reduction in window-tinting-related convictions ranging from 500 (7.4%) to 1,500 (22.2%). It is unknown how many of the previous violations fell between the current minimum standard of transparency of 70.0% light transmittance and the proposed minimum of 35.0% light transmittance.

While the number of blackout license plates that will be issued cannot be estimated, **Table 2** demonstrates an example scenario where 200 personalized blackout license plates are issued.

The revenue resulting from the proposed scheduled fine of \$20 for failing to lower a tinted side window cannot be estimated.

**Table 1**

| <b>Range of Estimated Fiscal Impact Under Senate File 271</b> |                     |   |                           |                           |
|---|---------------------|---|---------------------------|---------------------------|
|   | <u>Current Law</u>  | <u>Potential Reduction in Convictions</u> |                           |                           |
|   | <u>Est. FY 2019</u> | <u>-500 Convictions</u>                   | <u>-1,000 Convictions</u> | <u>-1,500 Convictions</u> |
| <b>General Fund</b>   |                     |   |                           |                           |
| Penalty Revenue   | \$ 215,166          | \$ -15,950                                | \$ -31,900                | \$ -47,850                |
| Surcharge Revenue   | 59,380              | -4,402                                    | -8,804                    | -13,205                   |
| Court Costs   | 258,199             | -19,140                                   | -38,280                   | -57,420                   |
| <b>Subtotal</b>   | <u>\$ 532,745</u>   | <u>\$ -39,492</u>                         | <u>\$ -78,984</u>         | <u>\$ -118,475</u>        |
| <b>Other</b>  |                     |   |                           |                           |
| Victim Comp. Fund   | \$ 12,162           | \$ -902                                   | \$ -1,803                 | \$ -2,705                 |
| Local Jurisdiction  | 3,765               | -279                                      | -558                      | -837                      |
| <b>Subtotal</b>   | <u>\$ 15,927</u>    | <u>\$ -1,181</u>                          | <u>\$ -2,361</u>          | <u>\$ -3,542</u>          |
| <b>Total</b>  | <u>\$ 548,672</u>   | <u>\$ -40,673</u>                         | <u>\$ -81,345</u>         | <u>\$ -122,017</u>        |

**Table 2**

| <b>Blackout Plate Revenues FY 2020<br/>(200 Personalized Plates)</b> |                  |
|--|------------------|
| <b>Mental Health Fund*</b>   |                  |
| Annual   | \$ 2,000         |
| Initial  | 7,000            |
| <b>Subtotal</b>  | <u>\$ 9,000</u>  |
| <b>Road Use Tax Fund</b>   | <u>\$ 1,000</u>  |
| <b>Year 1 Total</b>  | <u>\$ 10,000</u> |
| *County Mental Health and Disabilities Services Fund                 |                  |

**Sources**

Department of Human Rights, Criminal and Juvenile Justice Planning Division  
Iowa Department of Transportation

/s/ Holly M. Lyons

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The fiscal note for this Bill was prepared pursuant to Joint Rule 17 and the Iowa Code. Data used in developing this fiscal note is available from the Fiscal Services Division of the Legislative Services Agency upon request.