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**SF 2037** – Window Tinting, Motor Vehicles (LSB5386XS)  
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Fiscal Note Version – New

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### **Description**

[Senate File 2037](#) changes the minimum standard of transparency of a motor vehicle's front windshield and immediate side windows from 70.0% to 35.0% by amending Iowa Code section [321.438](#). The Bill strikes the provision requiring the Department of Transportation (DOT) to adopt rules establishing a minimum level of transparency.

The Bill also creates a new crime for failing to lower the immediate side window on the same side as an approaching peace officer during a traffic stop. A person convicted under this new provision is found guilty of a simple misdemeanor punishable by a scheduled fine of \$20. If the violation is the person's first offense, and the person has not been issued a previous warning memorandum, then a warning will be issued in lieu of a citation.

### **Background**

Under current law, the DOT adopted rules under [761 IAC 450.7](#) which established a minimum standard of transparency for a motor vehicle's windshield, front sidewings, and immediate front side windows of 70.0% light transmittance. There are no medical exemptions unless the motor vehicle operator was issued a DOT form (432020), signed by an approved medical practitioner prior to July 5, 2012, which still remains valid. Reducing the minimum standard of transparency may result in window tints that appear darker.

In FY 2017, there were 6,232 convictions for an excessively dark window or windshield. The scheduled fine for a conviction under Iowa Code section [321.438\(2\)](#) is \$50.

### **Assumptions**

- The number of convictions for an excessively dark window or windshield may decrease under [SF 2037](#).
- This Bill creates a new crime for failing to lower an excessively dark side window during a traffic stop for which there is no historical data.
- A lag time of six months is assumed from the effective ticketing date of July 1, 2018, before the first violations are collected. The estimated collection rate for scheduled violations is 80.4%.
- Court costs are estimated to be \$60 per violation.
- A 35.0% Criminal Penalty Surcharge is applied to the fine, 95.0% of which is remitted to the State. The remaining 5.0% is remitted to the county or city where the violation occurred. Of the amount remitted to the State, 17.0% is deposited into the Victim Compensation Fund and 83.0% is deposited into the State General Fund.

### **Impacts**

#### **Correctional Impact**

This Bill will have no correctional impact. The penalties under Iowa Code section [321.438](#) are scheduled fines.

### Minority Impact

The minority impact of [SF 2037](#) is unknown. In FY 2017, an estimated 5.9% of excessively dark window or windshield citations were issued to African Americans.

### Fiscal Impact

The fiscal impact of [SF 2037](#) cannot be determined with any certainty. Any reduction in convictions under Iowa Code section [321.438\(2\)](#) may reduce revenue to the General Fund, the Victim Compensation Fund, and to local jurisdictions. Revenue from the fines levied, court costs, and a portion of the surcharge will go to the General Fund. **Table 1** estimates the fiscal impact under the proposed legislation for a range in an annual reduction of convictions from 500 (8.0%) to 1,500 (24.1%) resulting in an estimated annual fiscal impact ranging between \$51,000 and \$154,000.

**Table 1**

Range of Estimated Fiscal Impact Under Senate File 2037				
	Current law	Potential Reduction of Convictions		
General Fund	FY 2017	-500 Convictions	-1,000 Convictions	-1,500 Convictions
Penalty Revenue	\$ 250,526	\$ (20,100)	\$ (40,200)	\$ (60,300)
Surcharge Revenue	69,139	(5,547)	(11,094)	(16,641)
Court Costs	300,632	(24,120)	(48,240)	(72,360)
<b>Subtotal</b>	<b>\$ 620,297</b>	<b>\$ (49,767)</b>	<b>\$ (99,534)</b>	<b>\$ (149,301)</b>
<b>Other</b>				
Victim Comp. Fund	\$ 14,161	\$ (1,136)	\$ (2,272)	\$ (3,408)
Local Jurisdiction	4,384	(352)	(704)	(1,055)
<b>Subtotal</b>	<b>\$ 18,545</b>	<b>\$ (1,488)</b>	<b>\$ (2,976)</b>	<b>\$ (4,464)</b>
<b>Total</b>	<b>\$ 638,842</b>	<b>\$ (51,255)</b>	<b>\$ (102,510)</b>	<b>\$ (153,765)</b>

### Sources

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

/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.

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