

**Senate File 2015 - Introduced**

SENATE FILE 2015

BY SCHOENJAHN

**A BILL FOR**

1 An Act relating to motor vehicle window transparency  
2 requirements, providing for a motor vehicle decal for  
3 persons who qualify for an exemption, providing a fee, and  
4 making a penalty applicable.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.438, subsection 2, Code 2009, is  
2 amended to read as follows:

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

13 a. A person suffering from a severe sensitivity to light  
14 may apply to the department for an exemption from the minimum  
15 measurable standard of transparency established pursuant to  
16 this subsection for one motor vehicle other than a commercial  
17 motor vehicle. The application shall be on a form prescribed  
18 by the department and shall be accompanied by a statement from  
19 a physician licensed under chapter 148, 151, or 154 documenting  
20 the need for the exemption. A person granted an exemption by  
21 the department shall do one of the following:

22 (1) Obtain a form provided by the department, to be  
23 signed by the person's physician attesting to the person's  
24 light sensitivity. The form shall be carried at all times in  
25 the vehicle to which the exemption applies, whether or not  
26 the person qualifying for the exemption is the driver or a  
27 passenger in the vehicle at the time, and shall be available to  
28 any peace officer upon the officer's request.

29 (2) Display, on the vehicle to which the exemption applies,  
30 a decal issued by the department signifying that the vehicle's  
31 front windshield, side windows to the immediate right and left  
32 of the driver, and side-wings forward of and to the right and  
33 left of the driver, as applicable, meet the minimum standard  
34 of transparency for exempt vehicles, as established by the  
35 department by rule. An applicant for a decal shall provide

1 evidence to the department that the vehicle to which the  
2 exemption applies has passed a tint meter test acceptable to  
3 the department and administered by a certified peace officer.  
4 The department may charge a fee for exemption decals to cover  
5 the necessary costs of issuing the decals.

6 b. The department shall adopt rules to implement this  
7 subsection, including but not limited to rules establishing a  
8 minimum standard of transparency of not less than thirty-five  
9 percent light transmittance for vehicles which are exempt under  
10 paragraph "a", providing for the duration of an exemption,  
11 prescribing requirements for the display of exemption decals,  
12 and providing for the disposition of an exemption decal upon  
13 transfer of ownership of a motor vehicle.

14 EXPLANATION

15 This bill concerns the exemption from motor vehicle  
16 window transparency standards that is available for certain  
17 light-sensitive persons.

18 Under current law, the front windshield, side windows, and  
19 any side-wings to the right and left of the driver must not  
20 be excessively dark or reflective so that it is difficult  
21 for a person outside the motor vehicle to see into the motor  
22 vehicle. Pursuant to administrative rules, "excessively dark  
23 or reflective" means that the window does not meet a minimum  
24 standard of transparency of 70 percent light transmittance. A  
25 person suffering from a severe light-sensitive condition may be  
26 exempted from the standard by the department of transportation  
27 if the need is documented by a physician. Currently, a  
28 person who requires windows with less than 70 percent but not  
29 less than 35 percent transparency can obtain a form from the  
30 department, to be signed by the person's physician, which must  
31 be carried in the exempt motor vehicle at all times. The bill  
32 specifies that an exemption applies to only one motor vehicle,  
33 and cannot apply to a commercial vehicle.

34 The bill retains the current exemption process, but also  
35 creates a second option for a person with light sensitivity who

1 qualifies for an exemption from the 70 percent transparency  
2 standard. Rather than carry a form inside the vehicle, the  
3 person can obtain a decal from the department to be displayed  
4 on the vehicle in a manner to be prescribed by rule. The  
5 applicant for an exemption decal must provide evidence that  
6 the vehicle to which the exemption applies has undergone a  
7 tint meter test administered by a certified peace officer,  
8 establishing that the vehicle's windshield, front windows,  
9 and front side-wings permit at least 35 percent light  
10 transmittance. The department is authorized to charge a fee  
11 for exemption decals to cover the costs of issuing the decals.

12 The bill requires the department to adopt rules concerning  
13 the minimum standard of transparency for exempt vehicles, the  
14 duration of an exemption, and requirements for the display of  
15 exemption decals and the disposition of decals upon transfer of  
16 ownership of an exempt vehicle.

17 The existing penalty for a violation of motor vehicle window  
18 transparency applies to the new exemption decal provisions  
19 under the bill. A violation is a simple misdemeanor punishable  
20 by a scheduled fine of \$15.