

**Senate File 2037 - Introduced**

SENATE FILE 2037

BY EDLER

**A BILL FOR**

1 An Act relating to the minimum standard of transparency for  
2 motor vehicle window tint, providing penalties, and making  
3 penalties applicable.

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

1 Section 1. Section 321.438, subsection 2, Code 2018, is  
2 amended to read as follows:

3 2. a. A person shall not operate on the highway a motor  
4 vehicle equipped with a front windshield, a side window to the  
5 immediate right or left of the driver, or a ~~side-wing~~ sidewing  
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~~ does not meet a  
10 minimum standard of transparency of thirty-five percent light  
11 transmittance. The department shall adopt rules establishing a  
12 minimum measurable standard of transparency which shall apply  
13 to violations of ~~this subsection.~~

14 b. If a peace officer stops a motor vehicle equipped with a  
15 side window to the immediate right or left of the driver which  
16 has a transparency of seventy percent light transmittance or  
17 less, the driver shall lower the side window on the side of the  
18 officer's approach of the vehicle to the side window's lowest  
19 possible position prior to the completion of the officer's  
20 approach of the vehicle, and shall keep the side window in the  
21 lowest possible position for the duration of the stop unless  
22 otherwise instructed by the officer. A person convicted of a  
23 violation of this paragraph is guilty of a simple misdemeanor  
24 punishable as a scheduled violation under section 805.8A,  
25 subsection 14, paragraph "m". However, if the violation is a  
26 person's first violation of this paragraph, and the person has  
27 not previously been issued a warning memorandum for a violation  
28 of this paragraph, the officer shall issue a warning memorandum  
29 to the driver in lieu of a citation.

30 Sec. 2. Section 805.8A, subsection 3, paragraph ag, Code  
31 2018, is amended to read as follows:

32 ag. Section 321.438, subsection 1, subsection 2, paragraph  
33 "a", and subsection 3.....\$ 50.

34 Sec. 3. Section 805.8A, subsection 14, Code 2018, is amended  
35 by adding the following new paragraph:

1 NEW PARAGRAPH. *m. Failure to lower tinted side window.* For  
2 violations under section 321.438, subsection 2, paragraph "b",  
3 the scheduled fine is twenty dollars.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with  
6 the explanation's substance by the members of the general assembly.

7 Under current law, a person is prohibited from operating a  
8 motor vehicle equipped with a front windshield, a side window  
9 to the immediate right or left of the driver, or a sidewing  
10 forward of and to the left or right of the driver which is  
11 excessively dark or reflective so that it is difficult for  
12 a person outside the motor vehicle to see into the motor  
13 vehicle through the windshield, window, or sidewing. Under  
14 rules adopted by the department of transportation (761 IAC  
15 450.7), "excessively dark or reflective" means the windshield,  
16 side window, or sidewing does not meet a minimum standard of  
17 transparency of 70 percent light transmittance.

18 This bill prohibits a person from operating a motor vehicle  
19 equipped with a front windshield, a side window to the  
20 immediate right or left of the driver, or a sidewing forward  
21 of and to the left or right of the driver which does not  
22 meet a minimum standard of transparency of 35 percent light  
23 transmittance. The bill also strikes the provision requiring  
24 the department of transportation to adopt rules establishing a  
25 minimum measurable standard of transparency. A violation of  
26 this provision of the bill is punishable by a scheduled fine  
27 of \$50.

28 The bill also provides that if a peace officer stops a motor  
29 vehicle equipped with a side window to the immediate right or  
30 left of the driver which has a transparency of 70 percent light  
31 transmittance or less, the driver must lower the side window  
32 on the side of the officer's approach of the vehicle to the  
33 side window's lowest possible position prior to the completion  
34 of the officer's approach of the vehicle, and must keep the  
35 side window in the lowest possible position for the duration

S.F. 2037

1 of the stop unless otherwise instructed by the officer. A  
2 violation of this provision of the bill is punishable by a  
3 scheduled fine of \$20. However, if the violation is a person's  
4 first violation, and the person has not previously been issued  
5 a warning memorandum for a similar violation, the officer is  
6 required to issue a warning memorandum to the driver in lieu  
7 of a citation.