

Senate File 271 - Introduced

SENATE FILE 271
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SF 88)

A BILL FOR

1 An Act relating to motor vehicles, including registration
2 plates and the minimum standard of transparency for window
3 tint, providing fees, providing penalties, and making
4 penalties applicable.

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

1 Section 1. Section 321.34, Code 2019, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11C. *Blackout plates.*

4 a. Upon application and payment of the proper fees,
5 the director may issue blackout plates to the owner of a
6 motor vehicle subject to registration under section 321.109,
7 subsection 1, autocycle, motor truck, motor home, multipurpose
8 vehicle, motorcycle, trailer, or travel trailer.

9 b. Blackout plates shall be designed by the department. A
10 blackout plate's background shall be black, and the plate's
11 letters and numbers shall be white.

12 c. The special blackout fee for letter-number designated
13 blackout plates is thirty-five dollars. An applicant may
14 obtain personalized blackout plates upon payment of the fee for
15 personalized plates as provided in subsection 5, which is in
16 addition to the special blackout fee. The fees collected by
17 the director under this subsection shall be paid monthly to
18 the treasurer of state and deposited in the road use tax fund.
19 The treasurer of state shall credit monthly from the statutory
20 allocations fund created under section 321.145, subsection 2,
21 to each county's county mental health and disabilities services
22 fund created pursuant to section 331.424A, the amount of the
23 special blackout fees collected in the previous month for the
24 blackout plates issued to vehicles registered in that county.

25 d. Upon receipt of the special registration plates, the
26 applicant shall surrender the current registration plates to
27 the county treasurer. The county treasurer shall validate
28 the special registration plates in the same manner as regular
29 registration plates are validated under this section. The
30 annual special blackout fee for letter-number designated plates
31 is ten dollars which shall be paid in addition to the regular
32 annual registration fee. The annual fee for personalized
33 blackout plates is five dollars which shall be paid in addition
34 to the annual special blackout fee and the regular annual
35 registration fee. The annual special blackout fee shall be

1 credited as provided under paragraph "c".

2 e. The department shall not condition the issuance of
3 blackout plates on the receipt of any number of orders for
4 blackout plates.

5 Sec. 2. Section 321.37, subsection 3, Code 2019, is amended
6 to read as follows:

7 3. ~~It is unlawful for the~~ The owner of a vehicle to shall
8 not place any frame around or over the registration plate
9 which does not permit full view of all numerals and letters
10 the registration plate number, state name, and county name,
11 if applicable, printed on the registration plate, and any
12 validation sticker or other registration sticker required to be
13 displayed on the plate under this chapter.

14 Sec. 3. Section 321.166, subsection 9, Code 2019, is amended
15 to read as follows:

16 9. Special registration plates issued pursuant to section
17 321.34, other than gold star, medal of honor, collegiate, fire
18 fighter, ~~and natural resources,~~ and blackout registration
19 plates, shall be consistent with the design and color of
20 regular registration plates but shall provide a space on a
21 portion of the plate for the purpose of allowing the placement
22 of a distinguishing processed emblem or an organization
23 decal. Special registration plates shall also comply with
24 the requirements for regular registration plates as provided
25 in [this section](#) to the extent the requirements are consistent
26 with the section authorizing a particular special vehicle
27 registration plate.

28 Sec. 4. Section 321.438, subsection 2, Code 2019, is amended
29 to read as follows:

30 2. a. A person shall not operate on the highway a motor
31 vehicle equipped with a front windshield, a side window to the
32 immediate right or left of the driver, or a ~~side-wing~~ sidewing
33 forward of and to the left or right of the driver which is
34 ~~excessively dark or reflective so that it is difficult for a~~
35 ~~person outside the motor vehicle to see into the motor vehicle~~

1 ~~through the windshield, window, or siding~~ does not meet a
2 minimum standard of transparency of thirty-five percent light
3 transmittance. The department shall adopt rules establishing a
4 minimum measurable standard of transparency which shall apply
5 to violations of this subsection.

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

22 Sec. 5. Section 805.8A, subsection 3, paragraph ag, Code
23 2019, is amended to read as follows:

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

26 Sec. 6. Section 805.8A, subsection 14, Code 2019, is amended
27 by adding the following new paragraph:

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

31 EXPLANATION

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

34 BLACKOUT SPECIAL REGISTRATION PLATES. This bill authorizes
35 the department of transportation (DOT) to issue blackout

1 special registration plates. The bill requires the plate's
2 background to be black and the plate's letters and numbers to
3 be white.

4 The bill provides that the special blackout fee for
5 letter-number designated blackout plates is \$35. An applicant
6 may obtain personalized blackout plates upon payment of the \$25
7 fee for personalized plates set forth under current law, which
8 is in addition to the special blackout fee. The bill requires
9 the fees collected by the DOT for the plates to be paid monthly
10 to the treasurer of state and deposited in the road use tax
11 fund. The treasurer of state must then credit monthly from
12 the statutory allocations fund to each county's county mental
13 health and disabilities services fund the amount of the special
14 blackout fees collected in the previous month for the blackout
15 plates issued to vehicles registered in that county.

16 Upon receipt of the special registration plates, the
17 applicant must surrender the current registration plates to
18 the county treasurer. The county treasurer must validate the
19 special registration plates in the same manner as regular
20 registration plates are validated. The annual special blackout
21 fee for letter-number designated plates is \$10, which is in
22 addition to the regular annual registration fee. The annual
23 fee for personalized blackout plates is \$5, which is in
24 addition to the annual special blackout fee and the regular
25 annual registration fee. The bill requires the annual special
26 blackout fee to be credited in the same way as the special
27 blackout fee.

28 The bill prohibits the DOT from conditioning the issuance
29 of blackout plates on the receipt of any number of orders for
30 blackout plates.

31 DISPLAY OF PLATES. The bill prohibits the owner of a vehicle
32 from placing any frame around or over the registration plate
33 which does not permit full view of the registration plate
34 number, state name, and county name, if applicable, printed on
35 the registration plate, and any validation sticker or other

1 registration sticker required to be displayed on the plate.
2 A violation of this provision of the bill is punishable by a
3 scheduled fine of \$20.

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

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

24 The bill also provides that if a peace officer stops a motor
25 vehicle equipped with a side window to the immediate right or
26 left of the driver which has a transparency of 70 percent light
27 transmittance or less, the driver must lower the side window
28 on the side of the officer's approach of the vehicle to the
29 side window's lowest possible position prior to the completion
30 of the officer's approach of the vehicle, and must keep the
31 side window in the lowest possible position for the duration
32 of the stop unless otherwise instructed by the officer. A
33 violation of this provision of the bill is punishable by a
34 scheduled fine of \$20. However, if the violation is a person's
35 first violation, and the person has not previously been issued

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1 a warning memorandum for a similar violation, the officer is
2 required to issue a warning memorandum to the driver in lieu
3 of a citation.