

Senate File 88 - Introduced

SENATE FILE 88

BY EDLER

A BILL FOR

1 An Act relating to motor vehicles, including special
2 registration plates and the minimum standard of transparency
3 for window tint, providing fees, providing penalties, and
4 making 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. The plate shall include
12 on the plate the name of the county where the vehicle is
13 registered.

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

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

1 to the annual special blackout fee and the regular annual
2 registration fee. The annual special blackout fee shall be
3 credited as provided under paragraph "c".

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

7 Sec. 2. Section 321.438, subsection 2, Code 2019, is amended
8 to read as follows:

9 2. a. A person shall not operate on the highway a motor
10 vehicle equipped with a front windshield, a side window to the
11 immediate right or left of the driver, or a ~~side-wing~~ sidewing
12 forward of and to the left or right of the driver which ~~is~~
13 ~~excessively dark or reflective so that it is difficult for a~~
14 ~~person outside the motor vehicle to see into the motor vehicle~~
15 ~~through the windshield, window, or sidewing~~ does not meet a
16 minimum standard of transparency of thirty-five percent light
17 transmittance. The department shall adopt rules establishing a
18 minimum measurable standard of transparency which shall apply
19 to violations of this subsection.

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

1 Sec. 3. Section 805.8A, subsection 3, paragraph ag, Code
2 2019, is amended to read as follows:

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

5 Sec. 4. Section 805.8A, subsection 14, Code 2019, is amended
6 by adding the following new paragraph:

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

10 EXPLANATION

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

13 BLACKOUT SPECIAL REGISTRATION PLATES. This bill authorizes
14 the department of transportation (DOT) to issue blackout
15 special registration plates. The bill requires the plate's
16 background to be black, the plate's letters and numbers to
17 be white, and the name of the county where the vehicle is
18 registered to be displayed on the plate.

19 The bill provides that the special blackout fee for
20 letter-number designated blackout plates is \$35. An applicant
21 may obtain personalized blackout plates upon payment of the \$25
22 fee for personalized plates set forth under current law, which
23 is in addition to the special blackout fee. The bill requires
24 the fees collected by the DOT for the plates to be paid monthly
25 to the treasurer of state and deposited in the road use tax
26 fund. The treasurer of state must then credit monthly from
27 the statutory allocations fund to each county's county mental
28 health and disabilities services fund the amount of the special
29 blackout fees collected in the previous month for the blackout
30 plates issued to vehicles registered in that county.

31 Upon receipt of the special registration plates, the
32 applicant must surrender the current registration plates to
33 the county treasurer. The county treasurer must validate the
34 special registration plates in the same manner as regular
35 registration plates are validated. The annual special blackout

1 fee for letter-number designated plates is \$10, which is in
2 addition to the regular annual registration fee. The annual
3 fee for personalized blackout plates is \$5, which is in
4 addition to the annual special blackout fee and the regular
5 annual registration fee. The bill requires the annual special
6 blackout fee to be credited in the same way as the special
7 blackout fee.

8 The bill prohibits the DOT from conditioning the issuance
9 of blackout plates on the receipt of any number of orders for
10 blackout plates.

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

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

31 The bill also provides that if a peace officer stops a motor
32 vehicle equipped with a side window to the immediate right or
33 left of the driver which has a transparency of 70 percent light
34 transmittance or less, the driver must lower the side window
35 on the side of the officer's approach of the vehicle to the

1 side window's lowest possible position prior to the completion
2 of the officer's approach of the vehicle, and must keep the
3 side window in the lowest possible position for the duration
4 of the stop unless otherwise instructed by the officer. A
5 violation of this provision of the bill is punishable by a
6 scheduled fine of \$20. However, if the violation is a person's
7 first violation, and the person has not previously been issued
8 a warning memorandum for a similar violation, the officer is
9 required to issue a warning memorandum to the driver in lieu
10 of a citation.