

**Senate File 194 - Introduced**

SENATE FILE 194

BY EDLER

**A BILL FOR**

1 An Act relating to motor vehicle window tint, including an  
2 application process for approved window tint status, making  
3 appropriations, providing penalties, and making penalties  
4 applicable.

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

1 Section 1. Section 321.145, subsection 2, unnumbered  
2 paragraph 1, Code 2021, is amended to read as follows:

3 Revenues derived from trailer registration fees collected  
4 pursuant to sections 321.105 and 321.105A, fees charged for  
5 driver's licenses and nonoperator's identification cards,  
6 fees charged for the issuance of a certificate of title, the  
7 certificate of title surcharge collected pursuant to section  
8 321.52A, ~~and~~ revenues credited pursuant to section 423.43,  
9 subsection 2, and section 423C.5, and fees charged for approved  
10 window tint status pursuant to section 321.438, shall be  
11 deposited in a fund to be known as the statutory allocations  
12 fund under the control of the department and credited as  
13 follows:

14 Sec. 2. Section 321.145, subsection 2, paragraph a, Code  
15 2021, is amended by adding the following new subparagraph:

16 NEW SUBPARAGRAPH. (4) An amount equal to the fees received  
17 pursuant to section 321.438 shall be credited to the department  
18 of public safety for use by the division of state patrol for  
19 purposes of training and equipment.

20 Sec. 3. Section 321.152, subsection 1, Code 2021, is amended  
21 by adding the following new paragraph:

22 NEW PARAGRAPH. *h.* Two dollars and fifty cents plus seventy  
23 percent of the remaining amount from each application fee  
24 collected for approved window tint status.

25 Sec. 4. Section 321.438, subsection 2, Code 2021, is amended  
26 to read as follows:

27 2. a. A person shall not operate on the highway a motor  
28 vehicle equipped with a front windshield, a side window to the  
29 immediate right or left of the driver, or a ~~side-wing~~ sidewing  
30 forward of and to the left or right of the driver which is  
31 excessively dark or reflective so that it is difficult for a  
32 person outside the motor vehicle to see into the motor vehicle  
33 through the windshield, window, or sidewing. The department  
34 shall adopt rules establishing a minimum measurable standard  
35 of transparency which shall apply to violations of this

1 subsection.

2 b. (1) The registered owner of a vehicle may file an  
3 application for approved window tint status for the vehicle  
4 with the department through the county treasurer of the county  
5 where the vehicle is registered. The application shall be  
6 accompanied by a fee of fifty-five dollars. A person may apply  
7 for approved window tint status for each vehicle on which  
8 the person is a registered owner, but shall pay the fee for  
9 each vehicle for which the person applies. Upon receipt of a  
10 valid application accompanied by the required fee, the county  
11 treasurer shall note the approved window tint status of the  
12 vehicle in the electronic database used by the department and  
13 law enforcement to access registration, titling, and driver's  
14 license information.

15 (2) Notwithstanding paragraph "a", a person may operate a  
16 vehicle with approved window tint status that is equipped with  
17 a front windshield, a side window to the immediate right or  
18 left of the driver, or a sidewing forward of and to the left or  
19 right of the driver with a transparency of thirty-five percent  
20 light transmittance or greater.

21 (3) The county treasurer shall retain for deposit in the  
22 county general fund two dollars and fifty cents from every  
23 application fee for approved window tint status. The remaining  
24 portion of fees shall be distributed in the following manner:

25 (a) Seventy percent shall be retained by the county and used  
26 for purposes of local law enforcement training and equipment.

27 (b) Thirty percent shall be transferred to the treasurer of  
28 state and deposited in the statutory allocations fund created  
29 under section 321.145.

30 (4) The department shall adopt rules in accordance with  
31 chapter 17A to administer this paragraph.

32 c. If a peace officer stops a motor vehicle equipped with a  
33 side window to the immediate right or left of the driver which  
34 has a transparency of seventy percent light transmittance or  
35 less, the driver shall lower the side window on the side of the

1 officer's approach of the vehicle to the side window's lowest  
2 possible position prior to the completion of the officer's  
3 approach of the vehicle, and shall keep the side window in the  
4 lowest possible position for the duration of the stop unless  
5 otherwise instructed by the officer. A person convicted of a  
6 violation of this paragraph is guilty of a simple misdemeanor  
7 punishable as a scheduled violation under section 805.8A,  
8 subsection 14, paragraph "q". However, if the violation is a  
9 person's first violation of this paragraph, and the person has  
10 not previously been issued a warning memorandum for a violation  
11 of this paragraph, the officer shall issue a warning memorandum  
12 to the driver in lieu of a citation.

13 Sec. 5. Section 805.8A, subsection 3, paragraph ah, Code  
14 2021, is amended to read as follows:

15 ah. Section 321.438, subsection 1, subsection 2, paragraph  
16 "a" or "b", and subsection 3..... \$ 70.

17 Sec. 6. Section 805.8A, subsection 14, Code 2021, is amended  
18 by adding the following new paragraph:

19 NEW PARAGRAPH. q. Failure to lower tinted side window. For  
20 violations under section 321.438, subsection 2, paragraph "c",  
21 the scheduled fine is twenty dollars.

22 EXPLANATION

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

25 Under current law, a person is prohibited from operating a  
26 motor vehicle equipped with a front windshield, a side window  
27 to the immediate right or left of the driver, or a sidewing  
28 forward of and to the left or right of the driver which is  
29 excessively dark or reflective so that it is difficult for  
30 a person outside the motor vehicle to see into the motor  
31 vehicle through the windshield, window, or sidewing. Under  
32 rules adopted by the department of transportation (761 IAC  
33 450.7), "excessively dark or reflective" means the windshield,  
34 side window, or sidewing does not meet a minimum standard of  
35 transparency of 70 percent light transmittance.

1 This bill allows a registered owner of a vehicle to apply  
2 for approved window tint status, which permits the vehicle to  
3 be operated while equipped with a front windshield, a side  
4 window to the immediate right or left of the driver, or a  
5 sidewing forward of and to the left or right of the driver that  
6 meets a minimum standard of transparency of 35 percent light  
7 transmittance or greater.

8 Applications for approved window tint status must be filed  
9 with the department of transportation (DOT) through the county  
10 treasurer of the county where the vehicle is registered. Upon  
11 receipt of a valid application and fee, the county treasurer  
12 must note the approved window tint status of the vehicle in  
13 the electronic database used by the DOT and law enforcement to  
14 access certain vehicle and driver information.

15 The application fee is \$55 per vehicle. Of each fee,  
16 \$2.50 plus 70 percent of the remaining fee is retained by  
17 the county treasurer for deposit in the county general fund,  
18 which percentage must be used by the county for purposes of  
19 local law enforcement training and equipment. The remaining  
20 30 percent of the fee must be transferred to the treasurer of  
21 state and deposited in the statutory allocations fund. The  
22 treasurer of state is required to transfer the amount of the  
23 collected fees each month from the statutory allocations fund  
24 to the department of public safety for purposes of state patrol  
25 training and equipment.

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

1 scheduled fine of \$20. However, if the violation is a person's  
2 first violation, and the person has not previously been issued  
3 a warning memorandum for a similar violation, the officer is  
4 required to issue a warning memorandum to the driver in lieu  
5 of a citation.

6 An equipment-related violation of Code section 321.438 is  
7 punishable by a scheduled fine of \$70.