

# Senate File 163 - Introduced

SENATE FILE 163

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 2023, 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, fees  
6 charged for commercial driver's license driving skills tests  
7 pursuant to [section 321.187A](#), fees charged for the issuance  
8 of a certificate of title, the certificate of title surcharge  
9 collected pursuant to [section 321.52A](#), and revenues credited  
10 pursuant to [section 423.43, subsection 2](#), and [section 423C.5](#),  
11 and fees charged for approved window tint status pursuant to  
12 section 321.438, shall be deposited in a fund to be known  
13 as the statutory allocations fund under the control of the  
14 department and credited as follows:

15 Sec. 2. Section 321.145, subsection 2, paragraph a, Code  
16 2023, is amended by adding the following new subparagraph:

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

21 Sec. 3. Section 321.152, subsection 1, Code 2023, is amended  
22 by adding the following new paragraph:

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

26 Sec. 4. Section 321.438, subsection 2, Code 2023, is amended  
27 to read as follows:

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

35 ~~a.~~ b. The department shall adopt rules establishing a

1 minimum measurable standard of transparency which shall apply  
2 to violations of ~~this subsection~~ paragraph "a".

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

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

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

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

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

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

33     d. If a peace officer stops a motor vehicle equipped with a  
34 side window to the immediate right or left of the driver which  
35 does not meet the minimum measurable standard of transparency,

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

15 ~~b.~~ e. This subsection does not apply to a person who  
 16 operates a motor vehicle owned or leased by a federal, state,  
 17 or local law enforcement agency if the operation is part of the  
 18 person's official duties.

19 Sec. 5. Section 805.8A, subsection 3, paragraph ai, Code  
 20 2023, is amended to read as follows:

21 ai. Section 321.438, subsection 1, subsection 2, paragraphs  
 22 "a" and "c", and subsection 3..... \$ 70.

23 Sec. 6. Section 805.8A, subsection 14, Code 2023, is amended  
 24 by adding the following new paragraph:

25 NEW PARAGRAPH. q. Failure to lower tinted side window. For  
 26 violations under section 321.438, subsection 2, paragraph "d",  
 27 the scheduled fine is twenty dollars.

## 28 EXPLANATION

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

31 Under current law, a person is prohibited from operating  
 32 a motor vehicle equipped with a front windshield, a side  
 33 window to the immediate right or left of the driver, or a  
 34 sidewing forward of and to the left or right of the driver  
 35 (window) which is excessively dark or reflective so that it is

1 difficult for a person outside the motor vehicle to see into  
2 the motor vehicle through the window. Under rules adopted by  
3 the department of transportation (761 IAC 450.7), "excessively  
4 dark or reflective" means the window does not meet a minimum  
5 standard of transparency of 70 percent light transmittance.  
6 However, the requirement does not apply to a person who  
7 operates a motor vehicle owned or leased by a federal, state,  
8 or local law enforcement agency if the operation is part of the  
9 person's official duties.

10 This bill allows a registered owner of a vehicle to apply  
11 for approved window tint status, which permits the vehicle to  
12 be operated while equipped with a window that meets a minimum  
13 standard of transparency of 35 percent light transmittance or  
14 greater.

15 Applications for approved window tint status must be filed  
16 with the department of transportation (DOT) through the county  
17 treasurer of the county where the vehicle is registered. Upon  
18 receipt of a valid application and fee, the county treasurer  
19 must note the approved window tint status of the vehicle in  
20 the electronic database used by the DOT and law enforcement to  
21 access certain vehicle and driver information.

22 The application fee is \$55 per vehicle. Of each fee,  
23 \$2.50 plus 70 percent of the remaining fee is retained by  
24 the county treasurer for deposit in the county general fund,  
25 which percentage must be used by the county for purposes of  
26 local law enforcement training and equipment. The remaining  
27 30 percent of the fee must be transferred to the treasurer of  
28 state and deposited in the statutory allocations fund. The  
29 treasurer of state is required to transfer the amount of the  
30 collected fees each month from the statutory allocations fund  
31 to the department of public safety for purposes of state patrol  
32 training and equipment.

33 The bill also provides that if a peace officer stops a motor  
34 vehicle equipped with a side window to the immediate right or  
35 left of the driver which has a transparency of 70 percent light

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

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