

**2015 HOUSE TRANSPORTATION**

**HB 1427**

# 2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Fort Totten Room, State Capitol

HB1427  
2/12/2015  
#23782

Subcommittee  
Conference Committee

Committee Clerk Signature

*Jeanette Cook*

## Explanation or reason for introduction of bill/resolution:

A bill relating to windshield tinting.

## Minutes:

Attachments #1-6

**Vice Chairman Lisa Meier** opened the hearing on HB 1427.

**Chairman Dan Ruby, District 38**, spoke to introduce HB 1427. He explained the bill and provided handouts that show the current tints allowed in North Dakota, MN, SD, and MT. See attachment #1. Current North Dakota window tints were reviewed, page 1.

**Chairman Dan Ruby:** The bill allows six inches at the top of the windshield to be darkened. The rest must be clear. This would change the front side windows from 50% transmittal to 20% transmittal.

Law enforcement usually doesn't like this because they do look at it as a safety issue, for both the drivers at night and for law enforcement. Law enforcement likes to see who is in the vehicle as they approach. North Dakota already allows the back and rear side windows to be completely darkened out; it seems that would be a greater concern than the front and side windows being somewhat darker.

**Representative Lois Delmore:** Can you explain the antique car exemption? Did some of them come with very dark tint?

**Chairman Dan Ruby:** Not originally they didn't, but sometimes when they customize them they like to have them darkened for show purposes and use the dark tint to protect the upholstery.

**Representative Lois Delmore:** Would law enforcement be able to determine if someone were the bail bond, security services, or private investigators and could legally have the darker tints?

**Chairman Dan Ruby:** We can have a discussion if we don't think some of those are necessary. Those groups did not come and ask for the exemption. In the original proposal

that I was provided, it included bounty hunters. I left that out. I don't know if they need that in North Dakota. I do think that it is common in many states to have the medical exemptions.

**Representative Gary Paur:** Can you tell me why this goes six inches from the top of the visor instead of the top of the windshield?

**Chairman Dan Ruby:** I'm not sure. We will have to discuss that.

**Randall Montgomery II, from Williston, North Dakota** and has lived there since May of 2013. My hometown is Evansville, Indiana. I lived in Nashville, TN for seven years. In the SE corner of the United States they don't have an issue with window tint. I have had illegal window tint on three of my vehicles and have never has an issue until I came up here. Since I have been here, I have been pulled over twice because of window tint. In May I was pulled over again for window tint. I contacted Representative Gary Sukut about this and was referred to Chairman Dan Ruby. Chairman Dan Ruby contacted me in December, and we looked at some of the tints that are allowed in neighboring states.

Randall showed the committee examples of the different tints that are available.

Testimony summarized in Attachment # 2.

**43:28**

**Vice Chairman Lisa Meier:** You have decided that you will not remove your window tint, correct?

**Randall Montgomery:** Yes, I can't do it myself. The guy that did it was from Evansville. I could do it around here, but I just haven't.

**Vice Chairman Lisa Meier:** How many times have you been fined?

**Randall Montgomery:** I have never been **fined**. I have just gotten warnings.

**Representative Gary Paur:** Sounds like part of the problem is the \$10 fine. The law allows from \$10 to a maximum of \$1000. (Just joking.)

**Randall Montgomery:** I would not be opposed to having higher fines and darker, darker window tint.

There was no further support for HB 1427.

**Nancy Kopp, North Dakota Optometric Association,** introduced Doctor Brian Beattie who will provide testimony in opposition to HB 1427.

**Doctor Brian Beattie, North Dakota Optometric Association,** spoke in opposition to HB1427. He provided written testimony. See attachment #3.

**54:53**

**Representative Ben Hanson:** Why are people in such desperate need of dark tinted windows?

**Doctor Brian Beattie:** I think that there is a lot of misunderstanding about what window tint actually does and the science behind it. Yes, a window tint can decrease the level of heating inside your car, but you don't have to have the dark tint to be able to do it. There is a benefit for glare during daylight hours. There is a huge detriment to being able to see out your side window in darkened conditions, which is a pedestrian encounter situation. I think it mostly cosmetic, or you have no right to know what I'm doing in my car. I think I have every right to know what someone is doing in their car because it can affect me.

**Representative Ben Hanson:** I was at a 3M center in St. Paul last summer. They are developing a new glass. You could hold your hand under a heat lamp, hold a window glass that is clear between your hand and the lamp, and you can't feel the heat lamp at all.

**Representative Gary Paur:** Did you say that we have had medical exemptions before in the state?

**Doctor Brian Bettie:** Yes, we did. Six years ago, the law was changed. Before that time there were medical exemptions, but we went away from it.

**Representative Chris Olson:** What would you say should be the optimal tint amount that should be allowed?

**Doctor Brian Beattie:** 70% is actually a factory window, it is really not CLEAR. I feel that 50% is reasonable because we can put a tint on that is 100% UV and the maximum infrared or heating protection with that amount of tint. I don't think that we have to go more.

60:00

**Lt. Jeff Solemsaas, Bismarck Police Department, provided testimony on behalf of Dan Donlin, Chief of Police for the Bismarck Police Department.** See attachment # 4.

**Vice Chairman Lisa Meier:** What is the fine for a window tint violation? Is that a uniform fine that doesn't vary at all?

**Lt. Jeff Solemsaas:** In North Dakota it is a \$20 fine. It does not vary at all.

**Representative Ben Hanson:** Does the fine increase if you are picked up more than once?

**Lt. Jeff Solemsaas:** It is not an escalating fine, it stays uniform.

**Representative Chris Olson:** Does law enforcement have a problem with the fact that we allow back windows to be 100% tinted?

**Lt. Jeff Solemsaas:** Speaking from a personal standpoint, yes, we do. I think that having the back windows tinted is obviously an officer safety issue. I am against having a greater tint on the front windows from a pedestrian standpoint and also other drivers. Pulling up to a four way stop, for example, you need to make eye contact with the other driver to make

sure that they see you. With an increased tint, it is very different looking through it in a well lit room, like we are in here. It becomes virtually impossible on a cloudy day or at night to see inside the vehicle. In Bismarck we have had numerous car/pedestrian accidents in which the driver says they were not able to see the pedestrian.

**Representative Chris Olson:** Do we have a problem with the fact that Montana allows a 24% tint? Are there a lot of Montana residents that come in with that kind of tinting?

**Lt. Jeff Solemsaas:** We don't see it much in Bismarck. If someone is a resident of another state, they fall under the rules of that state. We don't enforce the laws of North Dakota on someone who is just passing through.

**Chairman Dan Ruby:** Are you aware of law enforcement stating that there is a problem in the states that allow 25%?

**Lt. Jeff Solemsaas:** I am not aware of any issues from other states.

**1:07:03**

**Pat Heinert, Sheriff of Burleigh County,** spoke in opposition to HB 1427. He provided written testimony. See attachment #5.

**Representative Chris Olson:** How do you think they are doing in Montana? They are a northern state just as us, and they allow 24%. Do you know how law enforcement in Montana feels about that?

**Pat Heinert:** I can tell you that typically law enforcement does not like it in Williston. They know it is a Montana law, and they have to live with it.

**Representative Chris Olson:** In Illinois and Massachusetts which are both northern states that have high populations, they have a 35% tinting law. If they were having a major problem with tinting at that level, I would think it would be changed. Do you think that 35% is a reasonable compromise?

**Pat Heinert:** I don't know what their law is, and if they have a higher number of accidents per population base than we do. My suggestion is to stay at the 50%.

**Representative Gary Sukut:** We are discussing safety of pedestrians and officer safety, and we have a wide range of tints. Are there any studies that show any statistics relating to crime rates and safety issues with the various stages of the tinting?

**Pat Heinert:** I am not aware of any, but I have not researched it.

**Vice Chairman Lisa Meier:** Do you have any idea of how many citations are issued for illegal tinting?

**Pat Heinert:** The Sheriff's Department issues between 50 and 75 on an annual basis.

**Vice Chairman Lisa Meier:** Is it usually younger people that have the tinted windows?

**Pat Heinert:** It seems to be the younger generation that has this type of darker tint. We also issue more citations on week-ends and nights.

**Representative Mike Schatz:** Would you like to see a larger fine for a second or third offense?

**Pat Heinert:** That is a pretty heavy question for a cop that thinks that are fines are pretty weak in North Dakota. I think we have many more important areas to raise fines to stop violations of the law than this. In our agency we try to issue a citation and give a warning ticket to remove the tint.

**1:17:30**

**Captain Greg Smith, Commander of the North Dakota Highway Patrol Southwest Region,** spoke in opposition to HB 1427. Written testimony was provided. See attachment #6.

**Representative Chris Olson:** Do you see South Dakota and Montana cars with darker tints and is it a problem?

**Captain Greg Smith:** From my experiences when we end up stopping those vehicles that are in violation, they are usually even exceeding their own state violation. In those situations we issue a warning.

**Representative Chris Olson:** What would you think of 35% across the board, eliminating the blacked out back windows and letting more light in. It may find a medium with some of the other states.

**Captain Greg Smith:** The Highway Patrol believes that the law is sufficient now.

**Representative Gary Paur:** If we would remove the tint in the rear window, what would we do with commercial vans and other vehicles with no rear windows?

**Captain Greg Smith:** We usually have those individuals open their door. We do come across that. We are just trying to alleviate some of the safety issues.

**Chairman Dan Ruby:** Could you comment on the semis that have the tint on the bottom and top of their windows?

**Captain Greg Smith:** We follow the federal CFR codes for the Commercial Motor Vehicle Industry. There is some leeway, so you see some tint on the top and on the bottom.

**Courtney Koebele, the North Dakota Medical Association,** spoke in opposition to HB 1427.

**Mike Seminary, resident of Bismarck and an elected policymaker for the city of Bismarck,** stood in opposition to HB 1427. He stated that he is not in favor of anything that would cause law enforcement to be at any further disadvantage than they already are. I am also a runner, five miles every day. Distracted driving has never been worse than it is

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today. To not be able to make eye contact with a driver puts me at risk. It is becoming more difficult all the time.

There was no further testimony in opposition to HB 1427.

The hearing on HB 1427 was closed.

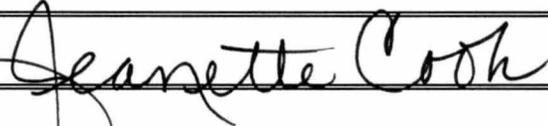
# 2015 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee  
Fort Totten Room, State Capitol

HB1427  
2/13/2015  
#23845

Subcommittee  
Conference Committee

Committee Clerk Signature



## Explanation or reason for introduction of bill/resolution:

A bill relating to windshield tinting.

## Minutes:

**Chairman Dan Ruby** brought HB 1427 back before the committee. He explained that he had a few changes he would like after hearing the testimony.

- Add an amendment to remove the language from Line 15 - 17
- Move from 20% to 35% on the tint.

We can have discussion from there.

**Rep. Mark Owens:** I would suggest on Line 10 strike "or six inches from the visor".

**Representative Mike Schatz:** I think that there should be no dark tint on the back window; you should be able to see through it. I don't want to change anything on the front windows and side windows; leave it the way that it is. I would like to increase the fine for the second, third, and subsequent violations. Change from \$20 to \$100 on the second violation, and then maybe more on the third and so on.

**Representative Robin Weisz:** What was the reason for striking Line 9?

**Rep. Mark Owens:** Currently the windshield is 70%, so the only part you can change is the top six inches.

**Chairman Dan Ruby:** I received an e-mail from Sheriff Kaiser from the Stutsman County Sheriff's Office. He personally doesn't mind window tint as long as it is not black. He has had a vehicle that had Idaho legal tint, 35% on front side windows and back windows and 20% on second windows. He thinks that if you have all the windows the same, except the windshield, 30% - 35% would be easy for everyone to remember, and it would still be safe for night driving. You could also still see occupants for officer safety. He thinks that 20% is pretty dark for night time driving. If the percentage were increased to an amount that both sides could live with, there would be more support for HB 1427.

**Representative Robin Weisz:** I would oppose changing the back windows because of the fact that there are some vehicles that have **no** back windows which is acceptable now.

**Representative Gary Paur:** If we change the black tint on the back windows, there will be a lot of people that are illegal now.

**Representative Robin Weisz moved the amendments. (15.0479.02001)**  
**Representative Ben Hanson seconded the motion.**

**A voice vote was taken. The motion carried.**

Discussion on graduated penalties:

**Representative Gary Paur:** The Burleigh County Sheriff was not in favor of raising the fines. He said that they go about this in different ways.

**Vice Chairman Lisa Meier:** I would not be in favor of raising the fines at this time. This wasn't a fine bill. It was a tinted window bill. I think that changes the intent of the bill.

**Representative Ben Hanson:** I would concur with Vice Chairman Lisa Meier.

**Vice Chairman Lisa Meier** repeated her resistance to raising fines with this legislation.

**Representative Mike Schatz:** Are the front side windows changed in this bill?

**Chairman Dan Ruby:** The rear window and the back side lights are the same. The side front windows would go from 50% to 35%.

**Representative Mike Schatz:** I am **totally** against that. I would like them to stay the way they are. I have a number of reasons for that. I have a CDL, drive semi, and ride motorcycle. **DO NOT** make these windows **DARKER**. It is very dangerous when you are driving and cannot see, or eyeball, the person that is possibly going drive out into your lane and run into you. If we make the windows darker, we cannot see the other drivers. To me that the worst thing in the world. Many motorcycle riders have been killed.

I would like to increase the fines for the second and third violations. It is a danger.

**Representative Chris Olson:** I certainly agree with Representative Mike Schatz that you certainly need to see the other driver. But, I question if we really won't be able to see the driver with 35%. 10% is a very dark tint. I think many people have a 35% tint right now. The majority of the states have 35%.

**Representative Mike Schatz:** We have more weather related issues on our highways than many states have, so we may need lighter tints. I feel that our tint now is just right. Any darker and it will be hard to see.

**Chairman Dan Ruby:** Mr. Montgomery stated that 35% is a step in the right direction. He doesn't think it is very much at all.

Many people are taught to watch the tire on the car in the intersection. It can be seen at a greater distance than trying to get eye contact with people. That is the first thing I look for.

**Representative Gary Sukut moved a DO PASS as amended.  
Representative Chris Olson seconded the motion.**

**A roll call vote was taken on HB 1427: Aye 6 Nay 5 Absent 3  
The motion carried.**

**Representative Chris Olson will carry HB 1427.**

February 13, 2015

JH  
2-13-15

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1427

Page 1, line 10, remove "or six inches from the top of the visor"

Page 1, line 12, replace "twenty" with "thirty-five"

Page 1, line 15, remove "The director may provide exemptions from this subsection for front"

Page 1, remove lines 16 and 17

Renumber accordingly

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." 1427**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15, 0479, 02001

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:     Reconsider     \_\_\_\_\_

Motion Made By Weisz    Seconded By Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby			Rep. Lois Delmore		
Vice Chair. Lisa Meier			Ben Hanson		
Rick C. Becker			Marvin E. Nelson		
Robert Frantsvog					
Kathy Hawken					
Christopher D. Olson					
Mark S. Owens					
Gary Paur			None Vote		
Mike Schatz					
Gary R. Sukat					
Robin Weisz					

Total    (Yes) \_\_\_\_\_    No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

If the vote is on an amendment, briefly indicate intent:

Line 15-17 Remove  
 line 10-Remove "or 6 inches"  
 line 12- from 20-35

**2015 HOUSE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. "Enter Bill/Resolution No." 1427**

House Transportation Committee

Subcommittee

Amendment LC# or Description: 15,0479.02001

- Recommendation:  Adopt Amendment  
 Do Pass     Do Not Pass     Without Committee Recommendation  
 As Amended     Rerefer to Appropriations  
 Place on Consent Calendar  
 Other Actions:     Reconsider     \_\_\_\_\_

Motion Made By Sukat    Seconded By Olson

Representatives	Yes	No	Representatives	Yes	No
Chairman Dan Ruby	X		Rep. Lois Delmore		X
Vice Chair. Lisa Meier		X	Ben Hanson	X	
Rick C. Becker	A		Marvin E. Nelson	A	
Robert Frantsvog	A				
Kathy Hawken		X			
Christopher D. Olson	X				
Mark S. Owens		X			
Gary Paur	X				
Mike Schatz		X			
Gary R. Sukat	X				
Robin Weisz	X				

Total (Yes) 6    No 5

Absent 3

Floor Assignment Olson

If the vote is on an amendment, briefly indicate intent:

**REPORT OF STANDING COMMITTEE**

**HB 1427: Transportation Committee (Rep. Ruby, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 5 NAYS, 3 ABSENT AND NOT VOTING). HB 1427 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "or six inches from the top of the visor"

Page 1, line 12, replace "twenty" with "thirty-five"

Page 1, line 15, remove "The director may provide exemptions from this subsection for front"

Page 1, remove lines 16 and 17

Renumber accordingly

**2015 TESTIMONY**

**HB 1427**

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#1

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HOW DARK CAN WINDOW TINT BE IN NORTH DAKOTA

Darkness of tint is measured by Visible Light Transmission percentage (VLT%). In North Dakota, this percentage refers to percentage of visible light allowed in through the combination of film and the window.

Windsnield	Must allow more than 70% of light in
Front Side Windows	Must allow more than 50% of light in
Back Side Windows	Any darkness can be used.
Rear Window	Any darkness can be used.

HOW REFLECTIVE CAN THE TINT BE IN NORTH DAKOTA

Front Side Windows	No metallic or mirrored appearance.
Back Side Windows	No metallic or mirrored appearance.

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### HOW DARK CAN WINDOW TINT BE IN MINNESOTA

Darkness of tint is measured by Visible Light Transmission percentage (VLT%). In Minnesota, this percentage refers to percentage of visible light allowed in through the combination of film and the window.

Windshield	No tint is allowed on the windshield.
Front Side Windows	Must allow more than 50% of light in
Back Side Windows	Must allow more than 50% of light in
Rear Window	Must allow more than 50% of light in.

### HOW REFLECTIVE CAN THE TINT BE IN MINNESOTA

Similar to sunglass lenses, some tinting film contain metallic elements that help in reflecting incoming light and reducing the glare and heat generated by visible light.

Front Side Windows	Must not be more than 20% reflective.
Back Side Windows	Must not be more than 20% reflective

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HOW DARK CAN WINDOW TINT BE IN MONTANA

Darkness of tint is measured by Visible Light Transmission percentage (VLT%). In Montana, this percentage refers to percentage of visible light allowed in through the combination of film and the window.

Windshield	Non-reflective tint is allowed along the top of the windshield above the manufacturer's AS-1 line.
Front Side Windows	Must allow more than 24% of light in.
Back Side Windows	Must allow more than 14% of light in.
Rear Window	Must allow more than 14% of light in.

HOW REFLECTIVE CAN THE TINT BE IN MONTANA

Front Side Windows	Must not be more than 35% reflective.
Back Side Windows	Must not be more than 35% reflective.

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#1

HOW DARK CAN WINDOW TINT BE IN SOUTH DAKOTA

Darkness of tint is measured by Visible Light Transmission percentage (VLT%). In South Carolina, this percentage refers to percentage of visible light allowed in through the combination of film and the window.

Windshield	Non-reflective tint is allowed along the top of the windshield above the manufacturer's AS-1 line.
Front Side Windows	Must allow more than 35% of light in.
Back Side Windows	Must allow more than 20% of light in.
Rear Window	Must allow more than 20% of light in.

HOW REFLECTIVE CAN THE TINT BE IN SOUTH DAKOTA

Similar to sunglass lenses, some tinting film contain metallic elements that help in reflecting incoming light and reducing the glare and heat generated by visible light.

Front Side Windows	No metallic or mirrored appearance
Back Side Windows	No metallic or mirrored appearance

# Lewis Street Glass

Get Guarantee Work on  
Automotive Glass Installation  
& Repair.



HB 1427

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#2

Randall

Introduction

Montgomery

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Who I am & How I got started with this and Why

Dec 2013 & Spring 2014

No local reps wanted this and were referred to Dan by local member. Gary Co-Sponsored it.

Dan said someone asked him about Law in last secession on updating the current law & it didn't get very far- Local tint shop in Bismarck tried it with no luck. Have No info on that Bill.

SE Area and many States allow tint and never had any issues with it, never pulled over either.

### Different Kinds of Tint and what they Mean & Do

- 70% Clear
- 55% ND Legal (Lightest)
- 45% Very Light
- 35% Legal in many states
- 25% Medium Tint
- 20% Medium Tint
- 15% Darker
- 10% Darker
- 5% Limo (Darkest)

Show Glass & Tint

All factory automobile glass has light glaze on the vehicle so the tint makes it darker than the %.

Higher % the more % will drop when applied to glass. Ex: 35% might go to 28%. 15% might go to 11%. They do not have any tint on them unless it was put on by factory.

20%-25% is a popular tint along with 35%. This is what I hear all along the board here and back home. It is a nice shade that is still not too dark. The 55% in ND after film added is still illegal.

Safer because if in a wreck the glass will not break with window tint.

Pros: Stays Cooler, Security, Medical Issues, Nice Look, Used by Govt & Law Enforcement a lot. Skin, Eye and other Medical Issues.

Con: Rare crime with guns, Can't see in vehicle on some Dark kinds of Tint, Can be hard to see out of.

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## Research

Started in Dec 2014 for about a month and into Jan some.

Talked to several tinting places all around ND on what they thought of the law, what is should be, why they continue to tint illegal.

- Can't understand why the back can be any shade, can spray paint the back windows.
  - Officer approach from the back, leans near the back window, check plate 1<sup>st</sup>,
  - Can't understand why if there is fear from gun, why even pull over to begin with.
  - Why pull over in a construction zone with nowhere to pull over at all for tint.
  - Minot Shop has Police with personal vehicles getting tint, they think law is stupid.
  - Military in Minot with out of state plates get pulled over for tint.
  - My cars and the tint they have and what all can be seen.
- 
- Over Rated Gun Issue/Myth always come up, very few cases come up with tint as a issue. Real issue is the criminal element. Google search has little that comes up. Other issues in the crime come up but little know about the circumstances with dark tinted car.
  - Most laws were from 80s-90s and very little update and no one really knew much on the tinting. Cars very plain back then.
  - Never challenged or mentioned so no one ever tried to fix it even if it made no sense.

Fines are only \$10-\$30 so no deterrent, not for revenue,

Is this for safely or a reason for pull over to begin with?

No one is here because people will do what they want and don't care, Businesses do anything customer wants. One shop tried 2 years ago and had no luck so he gave up.

Places were in Williston, Minot, Bismarck (2), Fargo (3). All places had a slightly different agency that pulled people over. Mostly State Patrol but some local.

Called back home in Nashville, TN & Evansville, IN tinting places.  
Called MT Patrol office and talked to a local Williston sheriff as well.

Tint in TN, SD, IN is 30% - 35%, MT is 24% - 14%. MN is 50%.

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Evansville, Nashville Metro, SD State Patrol all have illegal tint and nobody cares. Evansville Police chief knows illegal tint, as long as it is not too dark it seems to be ok.

Mostly Blue states, NE area seem to be stricter where as Red states more relaxed.

IWFA International Window Film Association

Help to educate & promote window film in the Country, Canada and parts of the world. Lynnwood Butler was there legislative assistant who helps officials and law enforcement in amending laws concerning for window film and if needed tools & demonstrations for enforcement.

## Opposition & Solutions

Opposition does not like the tint because of safety, criminal issue

Medical reason: This is just an option, there are Skin Issues, People need their own freedom to choose if they want to wear glasses or have tint.

Optometrists Association lobbyist and she told me they will be opposing the bill as well. They don't think the exceptions are the right approach because they have people wear wrap-around sunglasses when they are sensitive to light.

Open to solutions such as the 35% tint, higher fines on really dark tint, 30 day warning to remove it, working with the tinting shops to prevent the really dark tint. Maybe a % on back windows.

~~Current Law is 55%, 70% windshield, Any on Back windows, No exemptions for anything.~~

~~Proposal Law is: 20% front tint, Any % back windows, ASI Line or 6 inchs front windshield. Exemptions for Medical, Antique, Security, Law Enforcement -- need to put Medical~~

~~Services/Ambulances, Fire Department, Border Patrol, Anything in Government that involves Transportation.~~

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NORTH DAKOTA  
Optometric Association

**HB 1427**  
**House Transportation Committee**  
**2/12/15**

Good Afternoon Mr. Chairman and Members of the Committee. For the record my name is Dr. Brian Beattie. I am an optometrist practicing in Bismarck. I appear before you representing the North Dakota Optometric Association, in opposition to House Bill 1427.

This bill is returning to the status of old. Current statute allows for a 50% level of tinting for the driver and front passenger windows. However, the proposed revisions of House Bill 1427, reduces the light transmittance to 20%, as well as a medical/vision exemption from the entire subsection, no matter what the level of tint is established. I would think that a medical/vision exemption could place a provider in jeopardy, as to liability issues.

In addition, the exemption causes an erosion of the doctor patient relationship. We would regularly get requests for letters exempting someone from the standard level of tint. Most of the optometrists I have talked to do not believe in exemptions. Many have stories of being asked for an exemption after an individual is ticketed for an illegal window tint. They then call their optometrist for the letter of exemption. Occasionally after being told by the doctor that they will not write the letter, the patient threatens to find a new optometrist. This is not good for the long term care of an individual's vision.

I believe that a pair of sunglasses provide much better glare control for daylight hours. I also believe that a side window tint is a problem for night driving. Pedestrians in particular are harder to see through tinted side windows at night.

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I also believe that a tint darker than 50% makes it harder to see the driver of a vehicle. As an avid bicyclist I find it unnerving if I cannot see the face of the driver at a cross street. I find myself having to slow for these cars in an attempt to be safe.

The science of window tints and protection form UV radiation and control of in car heat is not well understood by the public. Darker windows do not equal more protection. According to the 3M Company's automotive window tinting website, there is no increase in UV protection or decrease in car heating by going from a legal tint to an illegal tint. They do decrease the ability to see in dim conditions, but provide no additional benefit.

I feel that this bill creates friction between doctors and patients. I also believe that it creates a safety risk and does not offer any benefit of UV protection or heat control in a car.

This concludes my testimony and we would encourage a DO NOT PASS on House Bill 1427. I would be happy to answer any questions you may have of me.

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February 12, 2015

**HB 1427**

Chairman Ruby, Vice-Chair Meier and members of the House Transportation Committee,

My name is Dan Donlin, Chief of Police with the Bismarck Police Department. I have been in law enforcement for the past 27 years. I apologize that I cannot be present in person to provide testimony in opposition to HB 1427, but have requested that this written testimony be handed out to you at the hearing.

HB 1427 would authorize automobile owners to place tinting on the front side windows (driver's side and passenger side) of tint that would allow for 80% of the light to be blocked out (20% transmittance as written in the bill). I don't know if you truly know what that would look like, but, that would allow these windows to be very, very dark, virtually prohibiting anyone from being able to see inside the vehicle from standing right outside the front driver's or passenger's window, especially at night. If the rear windows are darkly tinted (already allowed by law) and now the front side windows are allowed to be extremely darkly tinted, there would be no way for a law enforcement officer to approach these vehicles in a safe manner.

When a law enforcement officer is pulling a vehicle over they truly have no clue who they are pulling over or whether the driver and/or passengers have or have not just committed a crime. I could give you story, upon story, upon story about officers pulling cars over for very minor traffic violations with no clue that the driver/passenger(s) had just committed a homicide or other crime that they now don't want to go back to prison for, or even may have an active warrant. The officers have no clue, but the perpetrator assumes the officer knows about it or will soon find out. In these situations the officer is at an extreme disadvantage already, because the occupant(s) of the vehicle know what they are going to do, that is attempt to kill the officer by firearm, but the officer has no clue. That officer needs as much opportunity as possible to be able to see movements inside that vehicle and definitely needs the ability to see the occupant's hands to determine if there is a firearm or other dangerous weapon or if the

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occupant(s) is/are making any sudden moves for a weapon. If you pass this bill you are putting the officers, those who put their lives on the line every single hour of every single day for your safety, at a distinct disadvantage and in extreme danger.

In case you weren't aware or have forgotten, Sgt. Steve Kenner of the Bismarck Police Department was shot and killed on July ~~8~~<sup>8</sup>, 2011 when he responded to a call of a domestic dispute. He was shot and killed by the suspect who was inside a vehicle with darkly tinted windows. Sgt. Kenner could barely see the individual (could only see a shadow moving) and was killed by a single gunshot that came from behind the tinted window. Sgt. Kenner never saw the gun because of the dark tinted windows.

I urge you, for the safety and welfare of the law enforcement officers who serve you in the community you live, to give HB 1427 a "DO NOT PASS" recommendation. ND is seeing more and more violence and serious gang activity, especially in the western side of the state. There are more and more drugs in this state and more and more guns being carried by drug traffickers and other criminals in vehicles. Please provide what little advantage our law enforcement officers already have as they approach these vehicles on traffic stops, that is keeping the window tint at 50% light transmittance, not 20%.

I have provided you some visual examples of the difference between 50% tint (already allowed by law) and 20% tint (proposed by this bill) on the next three (3) pages.

Thank you for the opportunity to provide you this information regarding a very important matter.



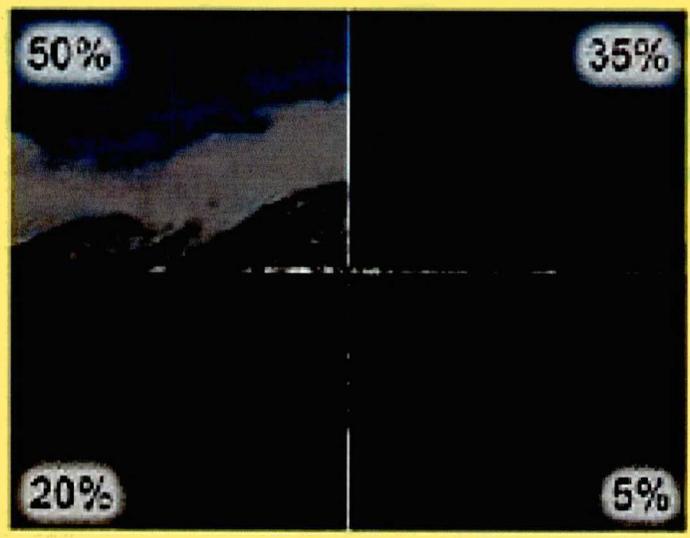
Dan Donlin

Chief of Police

Bismarck Police Department

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**VEHICLE WITH 50% WINDOW TINT**

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#### **VEHICLE WITH 20% WINDOW TINT**

**This is during the daylight; imagine it at night. You can already start to imagine it just by looking at the difference between the area on the front driver's side window where the sunlight is hitting it vs. where the shadows are hitting it on the lower portion of the window.**



# BURLEIGH COUNTY SHERIFF'S DEPT.



PAT HEINERT, SHERIFF

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BISMARCK, ND 58502-1416

TO: House of Representative, Transportation Committee  
DATE: February 12, 2015  
FROM: Pat Heinert, Sheriff *PH*  
RE: HB 1427

Good Afternoon Representative.

I am Pat Heinert, Sheriff of Burleigh County. I am here today to ask for two changes to the proposed language in HB 1427.

My first request is on Page 1, Line 12, I request that you leave the side tint on front windows as currently stated in Century Codes, 50%. My reasons behind this request are all based on safety considerations. You will hear or have already heard that we in law enforcement feel this is an officer safety issue. There are many reasons for saying officer safety, but reducing any visibility into the inside of a vehicle on a traffic stop can be dangerous for our street officers, especially in night conditions.

The other safety concern I would like to address is pedestrian safety.

How many times have you walked across a cross walk and have felt fear or danger because you have not seen the driver's eye of an approaching car. Now if we darken the windows and the time of day is later in the afternoon or evening, it will be almost impossible for a pedestrian to see into a vehicle. This visibility infringement, in my opinion will place pedestrians in greater danger not only in crosswalks but also in parking lots of retail centers.

My second request is on page 1, Line 16 and 17. I propose that all language following "medical reasons" be eliminated. I understand that the Director can have requests for darker windows, but I feel limited those request for legitimate medical reason is as far as the State of North Dakota should allow. The remainder of the others listed should be able to function properly with darker rear windows only.

Thank You.

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**House Bill 1427**  
**House Transportation Committee**  
**Rep. Dan Ruby, Chairman**  
**February 12, 2015**

Mr. Chairman, members of the House Transportation Committee, my name is Lieutenant Greg Smith, commander of the North Dakota Highway Patrol Southwest Region. I am here to testify in opposition of House Bill 1427.

This bill would allow significantly darker window tint, reducing the level of light transmittance from 50 percent to 20 percent. This bill has several safety concerns, both for law enforcement officers and the motoring public.

Dark window tint obscures the view inside of a vehicle, posing many risks to law enforcement officers who need to approach a vehicle, especially during low-light conditions and nighttime. Officers rely on many senses to keep them safe, one of the most important being vision. A criminal could easily hide a gun in a vehicle with dark tint. In a climate of increased population and criminal activity, this is a risk. This bill could potentially be sending officers walking blindly into a life-threatening situation.

In addition to officer safety concerns, there is a risk to general public safety. Darker window tinting can decrease a driver's ability to see other vehicles or objects, especially at night. This can cause minor traffic collisions or even lead to major traffic incidents. All those sharing the roadway with a driver faced with reduced visibility are potentially at risk. These include bicyclists or even pedestrians at the nearest crosswalk.

Currently, as long as a vehicle is equipped with outside mirrors, there are no restrictions on the amount of tint allowed on the windows behind the operator. The level of tint on these rear windows can be completely dark, making it impossible to observe any threatening behavior inside the vehicle. This bill makes this situation even worse by lowering the amount of light transmittance on the front windows, putting an officer at an extreme disadvantage by not even having the front windows available to view occupants.

There is another safer option to window tinting. 3M produces a clear window film allowing anywhere from 40 percent to 90 percent light transmittance. This film rejects 34 to 60 percent of solar energy, 99.9 percent of UV radiation, and 90 to 97 percent of infrared radiation. This film also reduces the heat allowed into a car's interior by 60 percent. This appears to be more practical and safe option than allowing darker tint.

Attached to my testimony are a few pictures showing levels of window tinting.

This concludes my testimony. I would be happy to answer any questions.

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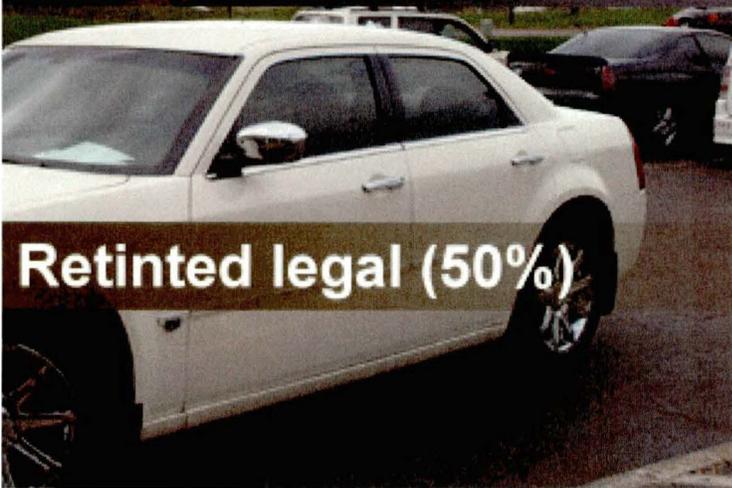
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**Illegal tint (35%)**



**No tint (after removal)**



**Retinted legal (50%)**

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