

**1999 HOUSE TRANSPORTATION**

**HB 1412**

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1412

House Transportation Committee

Conference Committee

Hearing Date

Tape Number	Side A	Side B	Meter #
machine error			
Committee Clerk Signature <i>Jamie King</i>			

Minutes:

CHAIRMAN KEISER OPENED THE HEARING ON HB 1412; A BILL RELATING TO WINDOW TINTING.

REP. STACEY MICKELSON, Dist. 38, introduced HB 1412. He noted the generals of the bill and said that it has been an issue for a long time, and he would leave the specifics and the questions for the experts in the field.

HERB KING, American Window Tinting, testified in support of HB 1412. He said that window tinting was banned in 1984 and no film was allowed on the driver's passenger doors. He testified asking for the proposed 35% film on the doors that would not exceed 25% visual light. 39 states already allow this, so it would bring North Dakota up to par with many of them. He noted that law enforcement plays a big part in this and if this bill was passed, it would help alleviate some of the calls coming in to the businesses. There is no reason why we cannot have this level of

tinting in the state. There are so many people out there putting it on illegally - we would like to try to make a compromise. He also noted that many law enforcement vehicles are tinted with their drivers passenger windows done as well at almost 35%. He said we aren't asking too much. REP. SVEEN questioned what the percentages mean.

HERB said that 70% class multiplied by 35% film nets a 25% light transmission. The higher the film number, the lighter. 100% clear is what it is now.

CHAIRMAN KEISER asked if the tint acts the same in different lighting.

HERB said yes, that the lighter it is out, the lighter the tint will appear. The same occurs with darker interiors in vehicles, or on a darker day it may look different - but the fact is that it isn't darker. The light meters do not lie.

AL MIZUR, Mizur Car Care, testified in support of HB 1412. He said that South Dakota has the exact same law that we are trying to get passed here. 35% nets the 25% light with no restrictions on driver's passenger windows. Montana and Minnesota also have the same laws. He also noted that they are not asking for a lot.

DON BRAUNAGEL, Premier Window Tinting, testified in support of HB 1412. He mentioned that window tinting is necessary for many people with skin cancer or other skin irritation problems. It prevents some UV light from coming in to 1.3%.

REP. THORPE asked what the cost is to get windows tinted?

DON said that it varies - they charge \$80.00 for the front windows. \$40.00 per window is the set charge.

SHANE NOBLE, Tint Masters of Grand Forks, testified in support of HB 1412. He noted that there is a big problem in Grand Forks especially in that it is legal in Minnesota, Manitoba, and all

surrounding areas, so visitors are really seeing problems entering our state. Grand Forks has implemented fines up to \$1,000.00, as well as time spent in jail as a penalty. Many military residents of the Air Base have been deployed to North Dakota and show up with tint on their windows. Grand Forks police say "illegal" is "illegal." No exceptions are being made and people are being stopped left and right. As a matter of fact, citations are being issued to anyone driving through the area. Many violators are having to go to court to face the charges as well, and if they are simply passing through the state are punished by this. Minnesota has gone to 50% tint laws, and they are hassled in the Red River Valley when they come to North Dakota for something that is legal in their own state. And on a personal note, Noble said that since people can't have things done, he is not making money, and the state in turn is not making any money from him. He said that we need a compromise - we are losing revenue and people from the state because of this statute.

CONNIE KUNTZ, Mazur Car Care, testified in support of HB 1412. She said that one safety factor of window tint is that if a car is broad sided, the window tint will hold the window together and it will all fall over in one piece rather than shattering.

SHANE GILBERTSON, accident victim, testified in favor of HB 1412. He too said that when he was in an accident, window tint held the window together. He said that it alleviates blinding of night drivers as well in many cases.

DAN RHOADS, Napa Auto Care of Grand Forks, testified in support of HB 1412. He said that this law is hurting his place of business and if he doesn't keep sales up he will lose his job.

JOHN GRASL, Highway Patrol, testified in opposition to HB 1412 on behalf of the North Dakota Highway Patrol. He noted two main reasons that they opposed the bill. The first one

was the officer safety. Much of the work of the Highway Patrol is done at night when it is dark out. With no exterior lights in the rural areas, the light emission is very poor. An officer cannot be sure upon approaching a vehicle that has tinted windows of whether there are weapons in the back of it or not. The second reason is the safety of the driver. Driving with tinted window at night is like driving with your sunglasses on. There is 25% light through the windows that makes for poor viewing.

CHAIRMAN KEISER CLOSED THE HEARING ON HB 1412.

COMMITTEE ACTION

REP. MICKELSON introduced amendments to HB 1412. (See attached amendments).

REP. MICKELSON moved to ADOPT THE AMENDMENTS. REP. KELSCH seconded the motion.

GENERAL DISCUSSION TOOK PLACE.

REP. SVEEN moved a DO PASS AS AMENDED on HB 1412. REP. MEYER seconded the motion. The motion carried.

ROLL CALL - 15 YEA, 0 NAE, 0 ABSENT AND NOT VOTING.

FLOOR ASSIGNMENT - REP. MICKELSON

90730.0102  
Title.0200

Prepared by the Legislative Council staff for  
Representative Mickelson  
January 18, 1999

VR  
2/5/99

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1412

Page 2, line 1, replace "twenty-five" with "thirty-five"

Page 2, line 4, remove the overstrike over "~~transparent~~"

Renumber accordingly

Date: 2/4  
Roll Call Vote #: 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1412

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken adopt am

Motion Made By Rep. Mickelson <sup>Seconded</sup> Rep Kelsch

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair			Representative Thorpe		
Representative Mickelson, V. Ch.					
Representative Belter					
Representative Jensen					
Representative Kelsch					
Representative Kempenich					
Representative Price					
Representative Sveen					
Representative Weisz					
Representative Grumbo					
Representative Lemieux					
Representative Mahoney					
Representative Meyer					
Representative Schmidt					

Total (Yes) 15 No 0

Absent \_\_\_\_\_

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

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

LR 22 2/11/05

Date: 2/14  
Roll Call Vote #: 2

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1412

House Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass as amended

Motion Made By Rep Sveen Seconded By Rep Meyer

Representatives	Yes	No	Representatives	Yes	No
Representative Keiser, Chair	✓		Representative Thorpe	✓	
Representative Mickelson, V. Ch.	✓				
Representative Belter	✓				
Representative Jensen	✓				
Representative Kelsch	✓				
Representative Kempenich	✓				
Representative Price	✓				
Representative Sveen	✓				
Representative Weisz	✓				
Representative Grumbo	✓				
Representative Lemieux	✓				
Representative Mahoney	✓				
Representative Meyer	✓				
Representative Schmidt	✓				

Total (Yes) 15 No 0

Absent \_\_\_\_\_

Floor Assignment Rep Mickelson

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



**REPORT OF STANDING COMMITTEE**

**HB 1412: Transportation Committee (Rep. Keiser, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1412 was placed on the Sixth order on the calendar.

Page 2, line 1, replace "twenty-five" with "thirty-five"

Page 2, line 4, remove the overstrike over "~~transparent~~"

Renumber accordingly

**1999 SENATE TRANSPORTATION**

**HB 1412**

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1412

Senate Transportation Committee

Conference Committee

Hearing Date March 11, 1999

Tape Number	Side A	Side B	Meter #
1	x		4,608-End
1		x	1-4382
March 18 - Tape 1	x		530-822
Committee Clerk Signature <i>Aron A. Schaeffer</i>			

Minutes:

SENATOR B. STENEHJEM opened the hearing on HB 1412. Committee members present included: Sens. Bob Stenehjem, R. Schobinger, D. Mutch, D. Cook, D. O'Connell, V. Thompson, and D. Bercier.

REPRESENTATIVE STACEY MICKELSON, DISTRICT 18 testified in support of HB 1412.

This bill is before you at the request of a constituent of mine who feel the laws in North Dakota in regards to window tinting should be changed. We had a hearing in the House where what we originally asked for was 35% of light transmittance and it was paired down to 50%. That is in compliance to states around us and I feel it is a fair proposal.

SENATOR O'CONNELL What was the feeling of law enforcement for safety?

REPRESENTATIVE MICKELSON Dick Peck and a member of the Highway Patrol did express some concern but the committee didn't feel the safety issue was a valid point.

Page 2

Senate Transportation Committee

Bill/Resolution Number Hb 1412

Hearing Date March 11, 1999

HERB KING, AMERICAN WINDOW TINTING testified in support of the original HB 1412.

This bill initially started at 35% but to get it passed through the House we negotiated to 50% which is the last film. We don't have any lighter films than that. We would be the fifth state with a 50% law in the U.S. There are 20 states that have darker window film. There are 10 or 11 that say no film at all. We are one of those. (He brought examples). The tinting also provides safety for skin and retinas. This protects against UV rays. Many people think it is legal to do it and I have to tell them it is not legal. Triple the fines for those who are doing this right now. Some states apply a sticker underneath the window showing that it is legal in that state. This would help law enforcement officers to identify it quickly. A Net Law requires a visible light meter, this is what we are asking for. A Film Law is very vague and hard to enforce. American Window Tinting will work with law enforcement.

SENATOR SCHOBINGER On page 2, line 4- The current law states that the section on window tinting doesn't apply if given a physician's consent.

HERB KING In Grand Forks, citizens are having problems. They are still being pulled over even with a physician's consent. It doesn't say what limits of film you can have.

SENATOR SCHOBINGER On page 2, line 4- it doesn't apply to the front window. The "transparent sunscreen material", is that the definition of tint?

HERB KING Yes.

SENATOR O'CONNELL Are most of the requests from those on the military base?

HERB KING Yes.

SENATOR COOK Does this only apply to what is added on after factory?

HERB KING It is after market tinting.

SENATOR B. STENEHJEM Does the tint have some UV protection? Can you measure with your instrument the UV protection?

HERB KING Some does but I cannot measure it with this meter.

ROGER PRICE, PROTINT testified in support of HB 1412. Window tinting will keep heat out of the vehicle and make it more efficient. It will keep glass together if there is an accident. All the states around us have laws pertaining to this.

DON BRONEGAL, PREMIERE DETAIL AND AUDIO testified in support of HB 1412 (see black folder).

BARRY MAYOR, FRATERNAL ORDER OF POLICE testified in opposition of HB 1412. If you look at the windows at night when there is no light coming into the vehicle it is hard to see. Many pedestrians when they are crossing the roadway take their cues by observing the driver of the motor vehicle and they can't do that with the tinted windows. In our investigated accidents, obstructed vision plays a major part. In many "hit and run" accidents, it is hard to identify the driver and they are hard to prosecute.

SENATOR B. STENEHJEM Do we have problems in the Bismarck area with those who have been stopped with medical reasons?

BARRY MAYOR They are out there but I haven't ticketed anyone for a violation.

NORM STUHMILLER, AARP testified in opposition to HB 1412 (see testimony).

SENATOR SCHOBINGER You talk about eye contact being obstructed because of the tinted windows, but don't sunglasses do the same thing?

NORM STUHMILLER You are right but you can remove the sunglasses at night.

JOHN GRASL, ND HIGHWAY PATROL We oppose this bill. This bill may be in conflict with some of the federal statutes out there. The samples look mild and light in daylight conditions but in low light the perception is different. (He presented letters.) The Highway Patrol enforces the window tinted law throughout North Dakota.

SENATOR SCHOBINGER What procedure would the Highway Patrol use for people who have tinted windows from out of state?

JOHN GRASL We honor laws from the home state but if they are here for a long time we make them aware of our law.

SENATOR COOK Does original equipment fall under this law?

JOHN GRASL Original equipment guidelines are in that handout I gave you.

SENATOR COOK If my windows are darker than the law allows, do I have to replace all of the windows if it was a used vehicle?

JOHN GRASL You would get a warning and be asked to remove the tinting and then a citation the second time around.

MAX LAIRD, NDEA testified in opposition of HB 1412. Public schools have gone from having very few cars in the parking lot to having many cars in the parking lot to having to have security in the parking lot. We don't want to figure out new methodology for supervising parking lots due to window tinting on cars. It causes us concern around the safety and 0 tolerance issue.

PATRICK SCHMIDT testified in opposition of HB 1412. My concerns are from the safety standpoint. Visibility is limited. As far as for the benefit of children, tinted windows are allowed in the back and that is where children are supposed to be seated anyway so this bill does

not affect them. What we have is working. Why don't we allow the front windshield to be tinted? Because it is dangerous and limits visibility.

RON TORGESON, NDCEL testified in opposition.

CAPTAIN JIM BALENTINE, MINOT POLICE DEPT. testified in opposition of HB 1412. I am charged to train officers of the state in traffic stops. This bill will add to the risk in traffic stops. The officers have to be able to see the occupants of that vehicle in order to make a safe traffic stop. Adding more tinting endangers the officers. The law that came out asked for two outside mirrors because of the tinting in the back of the driver as a safety issue. Now we're going to allow more tinting to those windows so that we can't see those outside mirrors.

SENATOR SCHOBINGER Are your officers trained to approach a situation where there are tinted windows?

JIM BALENTINE Yes.

DICK PECK, ND PEACE OFFICER ASSOCIATION testified in opposition to HB 1412.

SENATOR B. STENEHJEM We will close HB 1412.

MARCH 18, 1999 - Tape 1

SENATOR O'CONNELL I motion for a Do Not Pass.

SENATOR COOK I second.

SENATOR THOMPSON I've gotten a number of communications for a Do Not Pass.

SENATOR O'CONNELL I was all for the bill until I rode in a vehicle with tinted windows. There was some committee discussion.

A roll call vote was taken on HB 1412 (6 Yeas, 1 Nay and 0 Absent and Not Voting).

Senator O'Connell will carry HB 1412.

Date: March 18, 1999

Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1412

Senate Transportation Committee

Subcommittee on \_\_\_\_\_  
or  
 Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Not Pass

Motion Made By Sen. O'Connell Seconded By Sen. Cook

Senators	Yes	No	Senators	Yes	No
Sen. B. Stenehjem-Chairman	✓				
Sen. R. Schobinger-V. Chair		✓			
Sen. Duane Mutch	X				
Sen. Dwight Cook	✓				
Sen. David O'Connell	✓				
Sen. Vern Thompson	✓				
Sen. Dennis Bercier	✓				

Total (Yes) 6 No 1

Absent 0

Floor Assignment Senator O'Connell

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



REPORT OF STANDING COMMITTEE (410)  
March 19, 1999 2:35 p.m.

Module No: SR-50-5229  
Carrier: O'Connell  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**HB 1412, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)**  
recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1412 was placed on the Fourteenth order on the calendar.

**1999 TESTIMONY**

**HB 1412**

STATE	TYPE	WINDSHIELD	DRIVER/ PASSENGER	SIDE/REAR (CAR)	SIDE/REAR (MPV)	MIRROR REQUIRED	CERTIFICATE REQUIRED	STICKER/ LOCATION	MEDICAL	
AL	NET	6"	32%	32%	ANY	NO	YES	SPEC/ALL	YES	
AK	NET	5"	NO	37%	NO	NO	NO	NO	YES	
AZ	FILM	AS1	35%	ANY	ANY	YES	NO	NO	YES	
AR	NET	5"	25%	25%/10%	10%	NO	NO	SPEC/DRIVER	YES	
CA	NET	4"	NO	ANY	ANY	YES	NO	NO	YES	
CO	NET	4"	27%	27%	27%	YES	NO	RECOMMEND	NO	
CO	NET	4"	NO	ANY	ANY	NO	NO	NO	NO	
CT	NET	AS1	35%	35%/ANY	ANY	YES	YES	SPEC/ALL		
DE	NET	AS1	NO	ANY	ANY	NO	NO	SPEC/DRIVER	NO	
FL	NET	AS1	28%	15%	6%	YES	NO	SPEC/DOOR	NO	
GA	NET	6"	32%	32%	ANY	NO	YES	SPEC/DRIVER	YES	
HI	NET	4"	29%	29%	29%/ANY	YES	NO	NO	NO	
ID	FILM	AS1	35%	20%/35%	ANY	YES	NO	NO	NO	
IL	NET	6"	NO	ANY	ANY	YES	NO	NO	YES	
IN	VAGUE	AS1	30%	30%	VAGUE	NO	YES	NO	YES	
IA	NET	AS1	70%	ANY	ANY	NO	NO	NO	NO	
KS	NET	AS1	35%	35%	35%	YES	NO	RECOMMEND	NO	
KY	FILM	AS1	35%	18%	8%	NO	YES	SPEC/DOOR	NO	
LA	NET	AS1	40%	25%/12%	ANY	NO	YES	SPEC/DRIVER	NO	
ME	FILM	4"	50%	50%	ANY	YES	YES	NO	NO	
MD	NET	5"	35%	35%	ANY	YES	YES	SPEC/ALL	NO	
MA	NET	6"	35%	35%	35%	YES	NO	RECOMMEND	YES	
MI	NET	4"	4"	ANY	ANY	NO	NO	NO	YES	
MN	VAGUE	NO	50%	9%/50%	9%	NO	NO	SPEC/DRIVER	YES	
MS	NET	AS1	35%	35%	35%	NO	YES	SPEC/ALL	YES	
MO	NET	AS1	NO	ANY	ANY	REC	NO	NO	YES	
MT	FILM	AS1	35%	20%	ANY	NO	NO	RECOMMEND	YES	
NE	VAGUE	AS1	35%	20%	35%	VAGUE	NO	NO	NO	
NV	NET	AS1	28%	ANY	ANY	YES	YES	NO	YES	
NH	NET	6"	NO	35%	35%	YES	NO	RECOMMEND	NO	
NJ	NET	NO	NO	ANY	ANY	YES	NO	NO	NO	
NM	NET	AS1 or 5"	20%	20%	ANY	YES	YES	SPEC/DRIVER	YES	
NY	NET	6"	70%	70%/ANY	70%/ANY	YES	NO	SPEC/ALL	NO	
NC	NET	AS1	32%	32%	ANY	YES	NO	NO	NO	
ND	NET	AS1	NO	ANY	ANY	YES	NO	NO	YES	
OH	NET	5"	50%	50%	50%	NO	YES	SPEC/ALL	YES	
OK	NET	AS1 or 5"	25%	25%	ANY	YES	YES	NO	YES	
OR	NET	6"	35%	35%	ANY	YES	YES	NO	YES	
PA	NET	NO	70%	70%/VESC	20%	ANY	YES	NO	SPEC/REAR	YES
RI	VAGUE	AS1	NO	NR	NR	NO	NO	NO	NO	NO
SC	NET	AS1	27%	27%	ANY	YES	YES	SPEC/ALL	YES	
SD	NET	AS1	35%	NR	NR	NO	YES	NO	NO	
TN	VAGUE	AS1	35%	35%	ANY	NO	NO	SPEC/DRIVER	NO	
TX	FILM	5"	35%	35%/ANY	ANY	YES	YES	SPEC/DRIVER	YES	
UT	NET	AS1	43%	28%	15%	YES	NO	NO	NO	
VT	NET	AS1	NO	ANY	ANY	YES	NO	NO	NO	
VAN	NET	AS1	43%	28%	28%	YES	NO	NONE	YES	
WA	FILM	6"	35%	35%	ANY	YES	NO	SPEC/DRIVER	YES	
WV	NET	5"	35%	35%	ANY	YES	YES	SPEC/ALL	YES	
WI	NET	AS1	50%	35%	35%	YES	NO	NO	YES	
WY	NET	AS1 or 5"	28%	28%	ANY	YES	NO	NO	YES	

PROVINCE	TYPE	WINDSHIELD	F. SIDE	B. SIDE (CAR)	B. SIDE (MPV)	REAR (CAR)	REAR (MPV)	L/R MIRROR REQUIRED	CERTIFICATE REQUIRED	STICKER/ LOCATION	MEDICAL
ALBERTA	FILM	15cm	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
BRITISH COLUMBIA	FILM	15cm	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
MANITOBA	NET	15cm	45%	30%	ANY	30%	ANY	YES	NO	NO	NO
NEW BRUNSWICK	FILM	NO	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
NEWFOUNDLAND	FILM	15cm	VAGUE	ANY	ANY	ANY	ANY	YES	NO	NO	NO
NOVA SCOTIA	FILM	15cm	NO	NO	NO	NO	NO	NO	NO	NO	NO
ONTARIO	FILM	15cm	VAGUE	ANY	ANY	ANY	ANY	YES	NO	NO	NO
PRINCE EDWARD	FILM	15cm	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
QUEBEC	NET	15cm	70%	ANY	ANY	ANY	ANY	YES	NO	NO	NO
SASKATCHEWAN	FILM	15cm	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO

TYPE=Film - LT% refers to the film itself. NET - LT% refers to the combined LT of film & glass.  
AS1=Nothing below AS1 line marked on windshield. MPV=Multi-passenger vehicle, a vehicle used for passengers on a truck chassis.

The Honorable Tim Holden  
Member, United States House of Representatives  
Berks County Services Center  
633 Court Street  
Reading, PA 19601

Re: Mr. Gary Issod

Dear Representative Holden:

This responds to your letter on behalf of Mr. Gary Issod of Reading, regarding Federal regulations on **window tinting** and how they relate to the law in the Commonwealth of Pennsylvania. Your letter has been referred to my office for reply, because the National Highway Traffic Safety Administration (NHTSA) administers the Federal requirements for **window tinting**.

Mr. Issod objects to a Pennsylvania law requiring automobile **windows** to transmit at least 70 percent of the incident light. Mr. Issod believes that the State law is based on an erroneous interpretation of Federal Motor Vehicle Safety Standard No. 205, which regulates automotive glazing materials (**windows**). As explained below, Pennsylvania correctly interprets Standard No. 205, and we have determined that the State law is not preempted.

By way of background, NHTSA has the authority, under 49 U.S.C. 30111, to issue Federal motor vehicle safety standards applicable to new motor vehicles and motor vehicle equipment. Pursuant to this statute, we issued Safety Standard No. 205, which specifies performance requirements for vehicle glazing. The standard includes a requirement that all **windows** "requisite for driving visibility" (including all **windows** in passenger cars) have a light transmittance of at least 70 percent. Although the standard does not apply to vehicles once the vehicle has been sold to a consumer, 49 U.S.C. 30122(b) of our statute prohibits a vehicle manufacturer, distributor, dealer, or repair business from "mak[ing] inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard . . . ." Therefore, the act of **tinting** any car **window** to transmittance levels darker than 70 percent is a violation of section 30122(b), if it is performed by one of the regulated businesses listed above.

We do not regulate or limit owners **tinting** their vehicle **windows**, although NHTSA does not encourage **tinting** darker than that allowed by Standard No. 205 for new vehicles. Moreover, NHTSA does not regulate the use of vehicles. Instead, the operation or use of vehicles is under the jurisdiction of the States.

States have the authority to regulate how vehicles are operated or used, as long as the State law is not preempted by Federal law. State operational restrictions addressing an aspect of performance regulated by the Federal standard would be preempted by Federal law only to the extent that they prohibit the use of vehicles that comply with Federal regulations.

Examining Pennsylvania's law, as outlined in the letter you forwarded from Assistant Counsel Sanders, we find that the Pennsylvania law is not preempted by NHTSA's regulations. Pennsylvania's law does not prohibit the use of vehicles with **windows** allowing 70 percent light transmittance. It requires the identical level of light transmittance as the Federal standard. There appears to be no conflict between the State and Federal glazing standards, with regard to the light transmittance issue.

I hope this information is helpful. If you have any further questions, please feel free to contact me.

Sincerely,  
Frank Seales, Jr.  
Chief Counsel

NCC-20:PAteSek:6-2992:OCC# 19376:1/21/99

NHTSA # **ES99010044**, DOT # **984688**

ref: FMVSS 205  
I10, I20, NOA-01, NOA-02, NOA-03, NOA-04, NOA-10  
cc: NCC-20 Subj/Chron,  
NCC-20 PJA, NPS-01, NSA-01  
Interp.: 205, Redbook (2)

Re: Mr. Gary Issod

Dear Representative Holden:

This responds to your letter on behalf of Mr. Gary Issod of Reading, regarding Federal regulations on **window tinting** and how they relate to the law in the Commonwealth of Pennsylvania. Your letter has been referred to my office for reply, because the National Highway Traffic Safety Administration (NHTSA) administers the Federal requirements for **window tinting**.

Mr. Issod objects to a Pennsylvania law requiring automobile **windows** to transmit at least 70 percent of the incident light. Mr. Issod believes that the State law is based on an erroneous interpretation of Federal Motor Vehicle Safety Standard No. 205, which regulates automotive glazing materials (**windows**). As explained below, Pennsylvania correctly interprets Standard No. 205, and we have determined that the State law is not preempted.

By way of background, NHTSA has the authority, under 49 USC 30111, to issue Federal motor vehicle safety standards applicable to new motor vehicles and motor vehicle equipment. We issued Safety Standard No. 205, which specifies performance requirements for vehicle glazing. The standard includes a requirement that all **windows** "requisite for driving visibility" (including all **windows** in passenger cars) have a light transmittance of at least 70 percent. Although the standard does not apply to vehicles once the vehicle has been sold to a consumer, section 30122(b) of our statute prohibits a vehicle manufacturer, distributor, dealer, or repair business from "mak[ing] inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard . . . ." Therefore, the act of **tinting** any car **window** to transmittance levels darker than 70 percent is a violation of 30122(b), if it is performed by one of the regulated businesses listed above.

NHTSA's regulations do not apply to the use of vehicles by their owners. We do not regulate or limit owners **tinting** their vehicle **windows**, although NHTSA does not encourage **tinting** darker than that allowed by Standard No. 205 for new vehicles. Instead, the operation or use of vehicles is under the jurisdiction of the States.

States have the authority to regulate how vehicles are operated or used, as long as the State law is not preempted by Federal law. Preemption of State motor vehicle safety standards is addressed by section 30103(b)(1) of our statute, which states, in pertinent part: "[w]hen a motor vehicle safety standard is in effect . . . a State . . . may prescribe . . . a standard applicable to the same aspect of performance . . . only if the standard is identical to the [Federal standard]." State laws would be preempted by Federal law to the extent that they regulate the same aspect of performance in a different way, or permit an action that is prohibited by the Federal regulations (such as permitting the sale of noncomplying vehicles, not allowing the sale of complying vehicles, or permitting businesses to **tint windows** darker than 70 percent transmittance). As long as the State law restricts itself to regulating the operation or use (as opposed to the sale or modification) of vehicles, it would not be preempted by Federal law.

Examining Pennsylvania's law, as outlined in the letter you forwarded from Assistant Counsel

Sanders, we find that the Pennsylvania law is not preempted by NHTSA's regulations. Pennsylvania's law does not permit businesses to **tint** vehicle **windows** darker than 70 percent light transmittance. It requires maintenance of the identical level of light transmittance as the Federal standard. There appears to be no conflict between the State and Federal glazing standards, with regard to the light transmittance issue.

Further, the relevant State provision, 75 Pa. C.S. §4524(e)(1), states "[n]o person shall drive any motor vehicle . . ." (emphasis added). No part of the law quoted by Mr. Sanders appears to regulate anything beyond the operation of vehicles or the criteria for inspection. It does not restrict the operation of vehicles that are manufactured in compliance with Federal regulations that concern the same aspect of performance addressed by the State standard. Finally, Pennsylvania's law does not permit businesses to **tint** vehicle **windows** darker than 70 percent light transmittance. Instead, it requires maintenance of the identical level of light transmittance as the Federal standard.

I hope this information is helpful. If you have any further questions, please feel free to contact me.

Sincerely,  
Frank Seales, Jr.  
Chief Counsel  
ref:205  
d.2/11/99

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TESTIMONY BEFORE THE  
SENATE TRANSPORTATION  
COMMITTEE  
HB 1412

Senator Stenehjem and members of the committee, my name is Norm Stuhlmiller and an instructor of "55 Alive", an approved driving course offered by AARP to people 50 years old and older. The purpose of the class is to remind students of the driving skills and techniques they once learned but perhaps failed to use regularly. But more importantly the course provides new approaches and concepts, including compensating for normal age related physical changes that may affect driving ability.

Since physical changes do occur as we age, we offer suggestions that would make the older driver a safer driver in spite of these physical changes. One suggestion we stress is eye contact with other drivers, especially at intersections. However, if the windows of the other vehicle are tinted so as to make it difficult to make that eye contact it almost becomes a guessing game as to what the safe maneuver might be. Also, if a vehicle's windows are heavily tinted and the vehicle is traveling alongside of you, it is difficult to see if the other driver is checking you out or if that driver is casing you to determine if you might be a good target to be victimized, or is the driver an ordinary citizen minding his own business.

According to the "LAW AND ORDER MAGAZINE" serious injury and deaths have occurred during routine traffic stops. As any law enforcement officer will tell you, there are unknown dangers out there. The question comes up, am I dealing with a traffic violator or a heinous felon?

Observing the movement of the vehicle occupants is a must for a police officer trying to determine the presence of weapons, contraband or other factors that may require a quick response. The ability to adequately observe these factors would be diminished by heavily tinted windows.

Heavily tinted windows as this bill proposes constitute a serious hazard to drivers, police officers and pedestrians. The eye contact that is vital in anticipating a driver's action is lost. Multiple layers and shades of tinting materials compound the problems and are a serious concern of law

enforcement and of us who teach classes that enable the older driver to be a safer driver.

Even when legislation specifically addresses window tinting, enforcement has been virtually impossible due to the inability to accurately measure luminescence. Devices have been developed to measure luminescence but it is not a simple procedure to operate in the field.

I urge a do not pass for HB 1412.

Thank you for your time and I will try to answer any questions you may have..



February 23, 1999

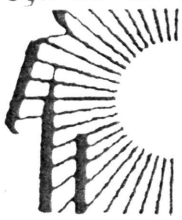
Subject: HB1412

Dear Senator:

Enclosed you will find a letter from the Skin Cancer Foundation regarding the benefits of tinted window film. Please read through it. We would appreciate your support of HB1412.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dan Ramm". The signature is written in black ink and is positioned to the right of the word "Sincerely,".



THE SKIN CANCER FOUNDATION

245 FIFTH AVENUE, SUITE 1403, NEW YORK, NY 10016 • TEL: (212) 725-5176 • FAX: (212) 725-5781

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June 26, 1998

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Senator Raymond J. Zane, Sponsor of Senate Bill 1106  
39 South Broad Street  
Woodbury, N.J. 08096

Dear Senator Zane:

Ref: Senate Bill 1106

OFFICERS  
Perry Robins, M.D.  
President  
Daniel C. Baker, M.D.  
Vice President

We understand that you are sponsoring a bill before the New Jersey State Senate which would prohibit the use of window film on all non-commercial vehicles.

Ell D. Cohen  
Secretary

The Skin Cancer Foundation is a non-profit organization dedicated to public and medical education programs concerned with the world's most prevalent malignancy - cancer of the skin. It also supports medical training and research to help reduce the incidence, morbidity, and mortality of skin cancer.

EXECUTIVE DIRECTOR  
Mitzi Moulds

Courtaulds Performance Films was recently awarded our Seal of Recommendation, which verifies that their product, LlumarUV Shield, meets our criteria as a safe and effective UV sunscreen device. Their testing data has been evaluated by our photobiology committee, which confirms that their product blocks 99.9% of UV rays.

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The Skin Cancer Foundation recommends a full program of sun protection, including seeking shade, wearing sun protective clothing, hats and sunglasses. Therefore, we were pleased to be able to award the Seal of Recommendation to a product which we believe protects adults and children in cars. Up to 80% of a person's lifetime sun exposure is received by the age of 18, so it is of extreme importance that children be protected from UV rays, including when they are sitting in cars.

CORPORATE COUNCIL  
Allergan Skin Care  
Amway Corporation  
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Sun Pharmaceuticals, Ltd.  
Tanning Research Laboratories, Inc.  
Westwood-Squibb Pharmaceuticals  
Yves Saint Laurent

We oppose Bill #1106 because we believe people should be able to choose this additional protection in the same way that they choose to use a sunscreen with an SPF of 45 or 50. We receive many telephone calls from people with a skin type which makes them particularly vulnerable to UV rays, asking us what extra protection they can obtain. I have enclosed a brochure on skin cancer which I hope you will find helpful.

Sincerely,

Jasmine Melzer  
Director, Corporate Relations

Law and Public Safety Committee Members



**INTERNATIONAL  
WINDOW FILM  
ASSOCIATION**

**STATE WINDOW TINTING  
RULES & LAWS**

09/97 Revised

STATE	YEAR	TYPE	WINDSHIELD	F SIDE	B SIDE (CAR)	B SIDE (MPV)	REAR (CAR)	REAR (MPV)	L/R MIRR. RED	CERTIF RED	STOCK/LOC	MEDICAL
ALABAMA	96	NET	6"	32	32	ANY	32	ANY	NO	YES	SPEC/ALL	YES
ALASKA	94	NET	5"	NO	37	NO	37	NO	NO	NO	NO	
ARIZONA	84	FILM	AS1	35	ANY	ANY	ANY	ANY	YES	NO	NO	
ARKANSAS	93	NET	5"	25	25	10	10	10	NO	NO	SPEC/DRIVER	
CALIFORNIA	95	NET	4"	NO	ANY	ANY	ANY	ANY	YES	NO	NO	
COLORADO	88	NET	4"	27	27	27	27	27	YES	NO	RECOMMEND	
COLORADO	89	NET	4"	NO	ANY	ANY	ANY	ANY	NO	NO	NO	NO
CONNECTICUT	94	NET	AS1	35	35	ANY	ANY	ANY	YES	YES	SPEC/ALL	NO
DELAWARE	92	NET	AS1	NO	ANY	ANY	ANY	ANY	NO	NO	SPEC/DRIVER	NO
FLORIDA	91	NET	AS1	28	15	6	15	6	YES	NO	SPEC/DOOR	NO
GEORGIA	89	NET	6"	32	32	ANY	32	ANY	NO	YES	SPEC/DRIVER	YES
HAWAII	89	NET	4"	29	29	29	29	29	YES	NO	NO	NO
IDAHO	92	FILM	AS1	35	20	ANY	35	ANY	YES	NO	NO	NO
ILLINOIS	89	NET	6"	NO	ANY	ANY	ANY	ANY	YES	NO	NO	YES
INDIANA	95	VAGUE	AS1	30	30	VAGUE	30	VAGUE	NO	YES	NO	YES
IOWA	83	NET	AS1	70	ANY	ANY	ANY	ANY	NO	NO	NO	NO
KANSAS	87	NET	AS1	35	35	35	35	35	YES	NO	RECOMMEND	NO
KENTUCKY	88	FILM	AS1	35	18	8	18	8	NO	YES	SPEC/DOOR	NO
LOUISIANA	93	NET	AS1	40	25	ANY	12	ANY	NO	YES	SPEC/DRIVER	NO
MAINE	89	FILM	4"	50	50	ANY	50	ANY	YES	YES	NO	NO
MARYLAND	91	NET	5"	35	35	ANY	35	ANY	YES	YES	SPEC/ALL	NO
MASSACHUSETTS	85	NET	6"	35	35	35	35	35	YES	NO	RECOMMEND	YES
MICHIGAN	81	NET	4"	4"	ANY	ANY	ANY	ANY	NO	NO	NO	YES
MINNESOTA	85	VAGUE	NO	50	9	9	50	9	NO	NO	SPEC/DRIVER	YES
MISSISSIPPI	89	NET	AS1	35	35	35	35	35	NO	YES	SPEC/ALL	YES
MISSOURI	87	NET	AS1	NO	ANY	ANY	ANY	ANY	REC	NO	NO	YES
MONTANA	91	FILM	AS1	35	20	ANY	20	ANY	NO	NO	RECOMMEND	YES
NEBRASKA	94	VAGUE	AS1	35	20	35	20	35	VAGUE	NO	NO	NO
NEVADA	93	NET	AS1	28	ANY	ANY	ANY	ANY	YES	YES	NO	YES
NEW HAMPSHIRE	90	NET	6"	NO	35	35	35	35	YES	NO	RECOMMEND	NO
NEW JERSEY	85	NET	NO	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
NEW MEXICO	97	NET	AS1 or 5"	20	20	ANY	20	ANY	YES	YES	SPEC/DRIVER	YES
NEW YORK	91	NET	6"	70	70	70	ANY	ANY	YES	NO	SPEC/ALL	NO
N. CAROLINA	95	NET	AS1	32	32	ANY	32	ANY	YES	NO	NO	NO
N. DAKOTA	89	NET	AS1	NO	ANY	ANY	ANY	ANY	YES	NO	NO	YES
OHIO	88	NET	5"	50	50	50	50	50	NO	YES	SPEC/ALL	YES
OKLAHOMA	95	NET	AS1 or 5"	25	25	ANY	25	ANY	YES	YES	NO	YES
OREGON	95	NET	6"	35	35	ANY	35	ANY	YES	YES	NO	YES
PENNSYLVANIA	96	NET	NO	70	70	ANY	VESC 20	ANY	YES	NO	SPEC/REAR	YES
RHODE ISLAND	84	VAGUE	AS1	NO	NR	NR	NR	NR	NO	NO	NO	NO
S. CAROLINA	92	NET	AS1	27	27	ANY	27	ANY	YES	YES	SPEC/ALL	YES
S. DAKOTA	89	NET	AS1	35	NR	NR	NR	NR	NO	YES	NO	NO
TENNESSEE	89	VAGUE	AS1	35	35	ANY	35	ANY	NO	NO	SPEC/DRIVER	NO
TEXAS	87	FILM	5"	35	35	ANY	ANY	ANY	YES	YES	SPEC/DRIVER	YES
UTAH	94	NET	AS1	43	28	15	28	15	YES	NO	NO	NO
VERMONT	84	NET	AS1	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
VIRGINIA	93	NET	AS1	43	28	28	28	28	YES	NO	NONE	YES
WASHINGTON	93	FILM	6"	35	35	ANY	35	ANY	YES	NO	SPEC/DRIVER	YES
WEST VIRGINIA	91	NET	5"	35	35	ANY	35	ANY	YES	YES	SPEC/ALL	YES
WISCONSIN	96	NET	AS1	50	35	35	35	35	YES	NO	NO	YES
WYOMING	96	NET	AS1 or 5"	28	28	ANY	28	ANY	YES	NO	NO	YES

\* Current law in question \*\* Effective 1/1/94 \*\*\* Pending Legislation-contact IWFA for details

This pamphlet was prepared for IWFA members by the volunteer State Action Committee members and represents our understanding of the law, regulations and rules of the state published in it. If you are an IWFA member and you have questions on these interpretations, call your state Chairman listed. In all cases refer to the local authority for current laws, rules or regulations. Your current state law is the final authority.



# AUTOMOTIVE

Single Pane  
1/4" Clear

G.I.S. Distributing Solar Control Window Films

PRODUCT CODE / COLOR	SHADING COEFF.	TOTAL SOLAR ENERGY %				VISIBLE LIGHT %		U.V. TRANS.
		REJECT	REFLECT	ABSORB.	TRANS.	REFLECTED	TRANSMITTED	
<b>SPUTTERED</b>								
150 Endurance 14	38	66.9	13.0	76.2	10.8	16.9	11.7	<5
150 Endurance 20	43	62.6	11.3	72.5	16.2	14.7	18.0	<5
150 Endurance 32	49	57.4	9.2	68.3	22.5	11.4	25.9	<5
150 Endurance 38	58	49.5	7.2	59.3	33.5	8.9	37.3	<5
150 Endurance 50	65	43.5	10.0	47.0	43.0	12.8	48.3	<5
<b>HIGH PERFORMANCE</b>								
HPW 150 Graphite 05	40	65.2	17.4	66.5	16.1	6.8	3.1	0.10
HPW 150 Graphite 20	54	53.0	11.0	58.1	30.9	5.6	18.7	0.90
HPW 150 Graphite 35	70	39.1	7.1	45.5	47.4	6.2	38.3	1.30
HPW 150 Graphite 50	71	38.2	10.9	39.1	50.0	9.7	49.8	1.67
HPW 150 Gray 05	58	49.5	7.9	58.9	33.2	5.9	6.3	2.38
HPW 100 Gray 20	55	52.2	11.7	56.5	31.8	6.8	21.3	0.90
HPW 100 Gray 35	65	43.5	9.8	46.9	43.3	8.7	35.3	1.20
HPW 100 Gray 50	70	39.1	11.0	39.3	49.7	9.9	49.6	4.36
HPW 100 Bronze 20	58	49.5	9.4	57.0	33.6	9.1	21.9	1.72
HPW 100 Bronze 35	68	40.8	9.9	44.2	45.9	8.4	38.1	4.24
Desert Charcoal 05	39	66.1	17.5	67.2	15.3	7.4	5.3	<5
Desert Charcoal 20	52	54.8	11.1	61.1	27.8	5.9	18.9	<5
Desert Charcoal 30	59	48.7	10.1	53.7	36.2	7.4	31.4	<5
Desert Charcoal 40	61	46.9	10.7	51.1	38.2	8.5	36.5	<5
Desert Charcoal 50	68	40.8	9.9	43.9	46.2	9.4	49.7	<5
Desert Smoke 05	46	60.0	10.6	68.9	20.5	5.1	3.7	<1
Desert Smoke 20	56	51.3	8.3	60.1	31.6	4.9	17.0	<1
Desert Smoke 30	54	53.0	9.7	60.0	30.3	9.4	30.2	<1
Desert Smoke 40	63	45.2	9.2	49.6	41.2	7.5	37.5	<1
Desert Smoke 50	68	40.8	9.6	43.3	47.1	9.4	50.6	<1
<b>NON-REFLECTIVE</b>								
NRW 100 Gray 70	85	27.0	8.0	26.0	66.0	8.0	68.0	<2
NRW 100 Charcoal 05	71	38.2	6.0	45.4	48.6	4.4	5.1	<1
NRW 100 Charcoal 20	72	37.4	5.8	45.2	49.0	4.6	21.4	<1
NRW 100 Charcoal 35	78	32.1	6.2	36.5	57.3	5.5	40.9	<1
<b>GRAPHIC FILMS</b>								
100 Black Ice 25								
100 Black Ice 65	71	38.0	10.0	40.0	50.0	11.0	63.0	21
<b>COLOR GRAPHIC</b>								
NRW 100 Kelly Green	71	38.2	8.7	41.4	49.9	7.9	38.2	<5
NRW 100 True Blue	76	31.3	9.5	30.9	59.6	7.2	29.6	<5

99.  
98.5

**SUMMARY OF SEASONAL CONDITIONS**

Shading Coefficient calculated under summer day conditions.

Time of Year	Temperature Inside	Temperature Outside	Solar Intensity	Wind Velocity
Summer Day	75°F	89°F	248.2-BTU	7.5 MPH
Mild Winter	68°F	45°F	0-BTU	15 MPH

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VISIT OUR WORLD WIDE WEB SITE [HTTP://WWW.QNI.COM/~CA/GIS](http://www.qni.com/~ca/gis)