

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1255

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10/2/03
Date

2003 HOUSE TRANSPORTATION

HB 1255

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1255

House Transportation Committee

Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
2	x		5.5 to 44.8
Committee Clerk Signature <i>Lauren B. Zisk</i>			

Minutes:

Vice Chairman Hawken opened the hearing on HB 1255, a bill for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to windshield tinting.

Rep. Dosch: Representing District 32 introduced HB 1255 on behalf of a constituent after consulting with the Bismarck Police personnel and other law enforcement officers. A copy of his prepared remarks are attached.

Rep. Bernstein: The tinting of the windows -- are those per centages for all the windows or just the side windows?

Rep. Dosch: This deals with just the windshield and the front driver side and the passenger side doors. Anything behind that -- it is my understanding that you can do pretty much whatever you want.

Rep. Galvin: In subsection 1 -- Every motor vehicle must be equipped with a windshield -- isn't that the law now ?

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Rep. Dosch: Yes that is the law now but flip over to page 2 -- the underlined section is what is changed with this bill.

Rep. Price: How is the police officer going to know when a car is going down the street -- is he going to have to stop vehicles to make sure they have their medical certificates with them?

Rep. Dosch: The bill does not address that issue -- it has been brought up and it does not address the liability issue the some brought up this morning -- I really don't know the number of people who will have the medical certificates? It is thought that the DOT will come up with a sticker that they can put in the window.

Rep. Bernstein: This says from sunrise to sunset -- and must be readily removable but may be I don't get around very much but my idea is that when they tint a window or windshield -- it is permanent.

Rep. Dosch: There are different apparatuses that can be used -- there is some foam stuff be put on the windows -- there window rollers that roll down with a sun screen on it. I think you will hear a little later -- that the best solution to something like this is to wear sunglasses -- if you have that sensitivity but right now the law is so vague that people can do virtually anything including the permanent tinting -- permanently applying this to the window which is really what is causing the problem. This the concern for both the medical community and for law enforcement.

Rep. Delmore: How reliable are these other systems for keeping the sun out and how expensive are they?

Rep. Dosch: I guess the cost of window tinting I can not answer.

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Officer McMerty: I have been a police officer for the City of Bismarck about seven years as of now. He handed out some comparison cards but no enough to go around. There is none available for these records. The problem I want to address with current law is that at this point there is no regulation as to how much tinting can be applied when they do have a medical letter. A lot of these letters we are coming across are written real generic from an optometrist or a general practitioner. What we are seeing is -- what we are recommending that the person who has a sensitive eye that he be allowed to have a vehicle tint place on his window -- what we are getting now vehicle that what is referred to as limo tint -- about 5% light passing through it -- with compounding factors we are getting reading with as little as 2% -- from experience one of our procedures when we end up making an arrest on somebody-- we like the vehicle parked -- we will park their vehicle -- and I have actually had to roll down the window -- and I can see what I am doing -- you can see headlights, -- you can see street lights -- you can not see any objects -- so my concern is when they are driving around with these vehicles -- well this only applies to the windshield and the front side windows -- if they have rear view side mirrors -- as long as they have those in place -- they can have the other windows as dark as they want. Anything that comes out form the factory -- suburbans, --- anything that comes out from the factory will automatically comply with this law. In some of these vehicles -- when they approach an intersection they can not see a child on a vehicle or on the sidewalk -- a jogger, --- they can't see a thing or even another vehicle without headlights on. The other thing we are concerned about is our safety -- when are approaching a vehicle -- we like to see any activity in the vehicle -- and our number one officer safety tip is to watch the hands -- we can see these hands when approaching with these dark tints -- this is becoming more of an issue with more amphetamines

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in the state -- some of these are the street labs -- there are more and more of these out there -- and one of the characteristics of these guys is they are very paranoid -- they are unpredictable. If you have vehicle and you can't see in there -- you don't know what is going on -- the other thing is these letters -- if I stop a vehicle -- they provide a letter and I call a Doctor to verify it -- when I explain that this car has got 10% ---20% light transmission -- we are finding they are or have been pressured by the patient to write the letter -- so the Doctor write the letter in a very vague manner -- these Doctors are saying that sun glasses is all that they need. I didn't want to completely eliminate medical exceptions as I am not qualified to say there not that need the tinting. May be there some people with skin problem who need it -- so I research the states around and I like the way that California has it -- so we basically copied the California law here -- if you have competent medical authority this allows up to 35% tint. This the most that we can seen and that they can safely see out. The other thing is allows removable sun screens or those that roli up and down for day time use. That is about it.

Rep. Weisz: Are there a lot of people getting these medical letters now?

Officer McMerty: Yes we are seeing a lot of these letter and they are young kids and they tell us they have sensitive eyes. I would say that last year I saw 15 -20 % with those. When it came right down to it when I talked to them -- they wanted them for cosmetic reasons. In fact some of these people don't where sun glasses. Sometimes they say it is because their car gets hot (inside).

Rep. Delmore. (20. 1) Are these removable devices durable, reliable and how pricey are they to buy?

Officer McMerty: I have not researched them but I have seen them.

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Rep. Thorpe: When I have been to an optometrist, he has never asked me what kind of windows I had -- they always want to sell me sunglasses.

Officer McMerty: that is an excellent point -- I tried to say that the Doctors aren't pushing these -- people are pressuring the doctor for the letters.

Rep. Thorpe: I just looked at the Code here and I don't see the exemption.

Rep. Weisz: It is in subsection 4 and what we are referencing is part of the new language.

Rep. Zaiser: Are any of these people applying to get these exemption when they get their eyes checked -- have you ever heard of anybody being turned down?

Officer McMerty: I can't tell you.

Rep. Ruby: It seems to me that if they have such a sensitivity to light -- especially teenagers -- they should be prescribed sunglasses.

Officer McMerty: I agree 100% -- I don't they do need them.

Bob Benson: Representing the Fraternal Order of Police -- I have been a law enforcement officer since 1991 -- some of the questions as far the medical exemptions -- I would say I would stop a 100 vehicles a year -- about six of them can provide me with a letter. A lot of the excuses except for the skin cancer -- is I have migraine headaches, sensitive eyes, -- that's why I need the tinting -- if it is a family owned vehicle -- they answer my husband needs it and we all use the car -- If there is a medical need they can have it on there -- during the daytime when the tint is needed but at night time it can be removed -- at nighttime with tinting it is difficult to see an intersection. In the past this the reason this committee has refused to allow window tinting in past sessions -- for driver compartment. The cost of sunglasses is about \$8.00 -- the cost of the roll down tinting -- about \$8.00 each -- having your windows permanently tinted - about \$200 to

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