

SB3024



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB3024

Introduced 2/4/2010, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-503

from Ch. 95 1/2, par. 12-503

Amends the Illinois Vehicle Code. Deletes a provision concerning side window tinting on multipurpose passenger vehicles and adds a provision providing that on vehicles where a nonreflective smoked or tinted glass that was originally installed by the manufacturer on the windows to the rear of the driver's seat, a nonreflective tint that allows at least 50% light transmittance may be used on the vehicle windows immediately adjacent to each side of the driver. Provides that the use of a nonreflective, smoked, or tinted glass or nonreflective film is not allowed on the window's to the rear of the driver if window treatment has been applied to the windows immediately adjacent to each side of the driver. Makes other technical changes. Effective immediately.

LRB096 19932 AJT 35406 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 12-503 as follows:

6 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

7 Sec. 12-503. Windshields must be unobstructed and equipped
8 with wipers.

9 (a) No person shall drive a motor vehicle with any sign,
10 poster, window application, reflective material, nonreflective
11 material or tinted film upon the front windshield, except that
12 a nonreflective tinted film may be used along the uppermost
13 portion of the windshield if such material does not extend more
14 than 6 inches down from the top of the windshield.

15 (a-5) No window treatment or tinting shall be applied to
16 the windows immediately adjacent to each side of the driver,
17 except:

18 (1) on vehicles where none of the windows to the rear
19 of the driver's seat are treated in a manner that allows
20 less than 30% light transmittance, a nonreflective tinted
21 film that allows at least 50% light transmittance, with a
22 5% variance observed by any law enforcement official
23 metering the light transmittance, may be used on the

1 vehicle side windows immediately adjacent to each side of
2 the driver.

3 (2) on vehicles where none of the windows to the rear
4 of the driver's seat are treated in a manner that allows
5 less than 35% light transmittance, a nonreflective tinted
6 film that allows at least 35% light transmittance, with a
7 5% variance observed by any law enforcement official
8 metering the light transmittance, may be used on the
9 vehicle side windows immediately adjacent to each side of
10 the driver.

11 (3) (Blank). ~~on multipurpose passenger vehicles, as~~
12 ~~defined by Section 1-148.3b of this Code, a nonreflective~~
13 ~~tinted film originally applied by the manufacturer, that~~
14 ~~allows at least 50% light transmittance, with a 5% variance~~
15 ~~observed by any law enforcement official metering the light~~
16 ~~transmittance, may be used on the side windows immediately~~
17 ~~adjacent to each side of the driver.~~

18 (4) on vehicles where a nonreflective smoked or tinted
19 glass that was originally installed by the manufacturer on
20 the windows to the rear of the driver's seat, a
21 nonreflective tint that allows at least 50% light
22 transmittance, with a 5% variance observed by a law
23 enforcement official metering the light transmittance, may
24 be used on the vehicle windows immediately adjacent to each
25 side of the driver.

26 (a-10) ~~(a-5)~~ No person shall install or repair any material

1 prohibited by subsection (a) of this Section.

2 (1) Nothing in this subsection shall prohibit a person
3 from removing or altering any material prohibited by
4 subsection (a) to make a motor vehicle comply with the
5 requirements of this Section.

6 (2) Nothing in this subsection shall prohibit a person
7 from installing window treatment for a person with a
8 medical condition described in subsection (g) of this
9 Section. An installer who installs window treatment for a
10 person with a medical condition described in subsection (g)
11 must obtain a copy of the certified statement or letter
12 written by a physician described in subsection (g) from the
13 person with the medical condition prior to installing the
14 window treatment. The copy of the certified statement or
15 letter must be kept in the installer's permanent records.

16 (b) On motor vehicles where window treatment has not been
17 applied to the windows immediately adjacent to each side of the
18 driver, the use of a ~~nonreflective, smoked or tinted glass,~~
19 ~~nonreflective film,~~ perforated window screen or other
20 decorative window application on windows to the rear of the
21 driver's seat shall be allowed. ~~, except that any~~

22 (b-5) Any motor vehicle with a window to the rear of the
23 driver's seat treated in this manner shall be equipped with a
24 side mirror on each side of the motor vehicle which are in
25 conformance with Section 12-502.

26 (c) No person shall drive a motor vehicle with any objects

1 placed or suspended between the driver and the front
2 windshield, rear window, side wings or side windows immediately
3 adjacent to each side of the driver which materially obstructs
4 the driver's view.

5 (d) Every motor vehicle, except motorcycles, shall be
6 equipped with a device, controlled by the driver, for cleaning
7 rain, snow, moisture or other obstructions from the windshield;
8 and no person shall drive a motor vehicle with snow, ice,
9 moisture or other material on any of the windows or mirrors,
10 which materially obstructs the driver's clear view of the
11 highway.

12 (e) No person shall drive a motor vehicle when the
13 windshield, side or rear windows are in such defective
14 condition or repair as to materially impair the driver's view
15 to the front, side or rear. A vehicle equipped with a side
16 mirror on each side of the vehicle which are in conformance
17 with Section 12-502 will be deemed to be in compliance in the
18 event the rear window of the vehicle is materially obscured.

19 (f) Paragraphs (a), (a-5), ~~and~~ (b), and (b-5) of this
20 Section shall not apply to:

21 (1) (Blank).

22 (2) ~~to~~ those motor vehicles properly registered in
23 another jurisdiction.

24 (g) Paragraphs (a) and (a-5) of this Section shall not
25 apply to window treatment, including but not limited to a
26 window application, nonreflective material, or tinted film,

1 applied or affixed to a motor vehicle for which distinctive
2 license plates or license plate stickers have been issued
3 pursuant to subsection (k) of Section 3-412 of this Code, and
4 which:

5 (1) is owned and operated by a person afflicted with or
6 suffering from a medical disease, including but not limited
7 to systemic or discoid lupus erythematosus, disseminated
8 superficial actinic porokeratosis, or albinism, which
9 would require that person to be shielded from the direct
10 rays of the sun; or

11 (2) is used in transporting a person when the person
12 resides at the same address as the registered owner of the
13 vehicle and the person is afflicted with or suffering from
14 a medical disease which would require the person to be
15 shielded from the direct rays of the sun, including but not
16 limited to systemic or discoid lupus erythematosus,
17 disseminated superficial actinic porokeratosis, or
18 albinism.

19 The owner must obtain a certified statement or letter
20 written by a physician licensed to practice medicine in
21 Illinois that such person owning and operating or being
22 transported in a motor vehicle is afflicted with or suffers
23 from such disease, including but not limited to systemic or
24 discoid lupus erythematosus, disseminated superficial
25 actinic porokeratosis, or albinism. However, no exemption
26 from the requirements of subsection (a-5) shall be granted

1 for any condition, such as light sensitivity, for which
2 protection from the direct rays of the sun can be
3 adequately obtained by the use of sunglasses or other eye
4 protective devices.

5 Such certification must be carried in the motor vehicle
6 at all times. The certification shall be legible and shall
7 contain the date of issuance, the name, address and
8 signature of the attending physician, and the name,
9 address, and medical condition of the person requiring
10 exemption. The information on the certificate for a window
11 treatment must remain current and shall be renewed annually
12 by the attending physician. The owner shall also submit a
13 copy of the certification to the Secretary of State. The
14 Secretary of State may forward notice of certification to
15 law enforcement agencies.

16 (g-5) (Blank).

17 (g-7) Installers shall only install window treatment
18 authorized by subsection (g) on motor vehicles for which
19 distinctive plates or license plate stickers have been issued
20 pursuant to subsection (k) of Section 3-412 of this Code. The
21 distinctive license plates or plate sticker must be on the
22 motor vehicle at the time of window treatment installation.

23 (h) Paragraph (a) of this Section shall not apply to motor
24 vehicle stickers or other certificates issued by State or local
25 authorities which are required to be displayed upon motor
26 vehicle windows to evidence compliance with requirements

1 concerning motor vehicles.

2 (i) (Blank).

3 (j) A person found guilty of violating paragraphs (a),
4 (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be
5 guilty of a petty offense and fined no less than \$50 nor more
6 than \$500. A second or subsequent violation of paragraphs (a),
7 (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be
8 treated as a Class C misdemeanor and the violator fined no less
9 than \$100 nor more than \$500. Any person convicted under
10 paragraphs (a), (a-5), ~~or~~ (b), or (b-5) of this Section shall
11 be ordered to alter any nonconforming windows into compliance
12 with this Section.

13 (k) Nothing in this Section shall create a cause of action
14 on behalf of a buyer against a vehicle dealer or manufacturer
15 who sells a motor vehicle with a window which is in violation
16 of this Section.

17 (l) ~~(k)~~ The Secretary of State shall provide a notice of
18 the requirements of this Section to a new resident applying for
19 vehicle registration in this State pursuant to Section 3-801 of
20 this Code. The Secretary of State may comply with this
21 subsection by posting the requirements of this Section on the
22 Secretary of State's website.

23 (Source: P.A. 95-202, eff. 8-16-07; 96-530, eff. 1-1-10;
24 96-815, eff. 10-30-09; revised 11-9-09.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.