

Senate Bill 463

Sponsored by Senator PROZANSKI (at the request of Wayne Allen, Eugene Municipal Court Judge) (Pre-session filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Permits persons who have certain physical condition to use window tinting that is darker than otherwise allowed if person shows police officer prescription or letter on letterhead from physician or optometrist.

Allows court to dismiss citation issued for offense of operating vehicle with illegal window tinting, or to reduce fine that court would otherwise have imposed for offense, if defendant establishes that at time of offense defendant had physical condition that requires lower light transmittance.

A BILL FOR AN ACT

1
2 Relating to vehicle windows; creating new provisions; and amending ORS 815.221 and 815.222.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 815.221 is amended to read:

5 815.221. (1) Notwithstanding any other provision of law, a person may apply tinting material to
6 the windows of a motor vehicle in compliance with this section.

7 (2) Tinting material may be applied to the side and rear windows of a motor vehicle if:

8 (a) The tinting material has a light transmittance of 50 percent or more;

9 (b) The tinting material has a light reflectance of 13 percent or less; and

10 (c) The total light transmittance through the window with the tinting material applied is 35
11 percent or more.

12 (3) Tinting material that has a lower light transmittance or produces a lower total light
13 transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to the top
14 six inches of a windshield. Tinting material may not be applied to any other portion of the
15 windshield.

16 (4) Tinting material that has a lower light transmittance or produces a lower total light
17 transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to all win-
18 dows of a multipurpose passenger vehicle that are behind the driver. This subsection applies only
19 to vehicles that are equipped with rearview mirrors on each side of the vehicle. The windows as
20 tinted shall meet the requirements for AS-3 glazing material established by federal regulation. For
21 purposes of this subsection, a "multipurpose passenger vehicle" is a motor vehicle with motive
22 power that is designed to carry 10 or fewer persons and is constructed either on a truck chassis or
23 with special features for occasional off-road operation.

24 (5) Tinting material that has a lower light transmittance or produces a lower total light
25 transmittance than permitted in subsection (2)(a) and (c) of this section may be applied to the side
26 and rear windows of a vehicle registered in the name of a person, or the person's legal guardian,
27 if the person has [*an affidavit*] **any of the following documents** signed by a validly licensed phy-
28 sician or optometrist stating that the person has a physical condition requiring window tinting that

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 produces a lower light transmittance than allowed by this section[.];

2 (a) **An affidavit.**

3 (b) **A prescription.**

4 (c) **A letter on the practitioner's letterhead.**

5 (6) The [affidavit] **document** required by [this] subsection (5) of this section shall be kept in
6 the vehicle and shall be shown to a police officer who inquires about the tint.

7 [(6)] (7) There are no light transmittance requirements for glazing materials applied to AS-3 type
8 windows.

9 [(7)] (8) The following types of tinting material are not permitted:

10 (a) Mirror finish products.

11 (b) Red, gold, yellow, amber or black material.

12 (c) Tinting material that is in liquid preapplication form and is brushed or sprayed on.

13 [(8)] (9) Each person who installs window tinting material in compliance with this section shall
14 give the person who requested the installation a certificate stating:

15 (a) The name and address of the person who installed the tint;

16 (b) The light transmittance of the tinting material;

17 (c) The light reflectance of the tinting material; and

18 (d) That the total light transmittance through each window with the tinting material applied is
19 not less than 35 percent.

20 [(9)] (10) The certificate issued under subsection [(8)] (9) of this section shall be kept in the
21 motor vehicle and shall be shown to a police officer who inquires about the tint.

22 [(10)] (11) Prohibitions and penalties related to the standards established under this section are
23 provided under ORS 815.222.

24 **SECTION 2.** ORS 815.222 is amended to read:

25 815.222. (1) A person commits the offense of illegal window tinting if the person applies window
26 tinting material that does not comply with ORS 815.221 or applies window tinting material to a
27 window of a motor vehicle that is not authorized by ORS 815.221 to be equipped with window tinting
28 material.

29 (2) A person commits the offense of operating a vehicle with illegal window tinting if the person
30 operates a vehicle registered or required to be registered in Oregon that is equipped with window
31 tinting material that is not in compliance with or authorized by ORS 815.221.

32 (3) Each offense described in this section is a Class B traffic violation.

33 (4) A court may dismiss a citation issued for violation of subsection (2) of this section, or reduce
34 the fine that the court would otherwise have imposed for the offense, if the defendant establishes
35 to the satisfaction of the court that after the citation for the offense was issued the windows of the
36 vehicle were modified to comply with the requirements of ORS 815.221. In determining whether the
37 windows of the vehicle were modified to comply with the requirements of ORS 815.221, the court
38 may consider:

39 (a) A receipt from a business for removing nonconforming window tinting or installation of
40 conforming window tinting;

41 (b) A written statement by a law enforcement officer indicating that the window tinting was
42 modified to comply with the requirements of ORS 815.221; and

43 (c) Any other evidence produced by the defendant to show modification or removal of the non-
44 conforming window tinting.

45 (5) **A court may dismiss a citation issued for violation of subsection (2) of this section,**

1 or reduce the fine that the court would otherwise have imposed for the offense, if the de-
2 fendant establishes to the satisfaction of the court that at the time the citation for the of-
3 fense was issued the person had a physical condition requiring window tinting that produces
4 a lower light transmittance than allowed by ORS 815.221. In determining whether the person
5 had a physical condition that requires window tinting that produces a lower light
6 transmittance, the court may consider any of the following documents signed by a validly
7 licensed physician or optometrist stating that the person has a physical condition requiring
8 window tinting that produces a lower light transmittance than allowed by ORS 815.221:

9 (a) An affidavit.

10 (b) A prescription.

11 (c) A letter on the practitioner's letterhead.

12 **SECTION 3.** The amendments to ORS 815.221 and 815.222 by sections 1 and 2 of this 2015
13 Act apply to offenses committed on or after the effective date of this 2015 Act.

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