
A BILL FOR AN ACT

RELATING TO WINDSHIELD TINTING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that darker tints on car
2 windows have a measurable impact on reducing heat trapped in a
3 car's interior. The legislature additionally finds that the
4 current light transmittance limit of thirty-five per cent for
5 glazing on car windows is inadequate to address the increased
6 temperatures caused by climate change.

7 The purpose of this Act is to:

- 8 (1) Prohibit a person from installing, mounting, adhering,
9 affixing, or using any sun screening device in
10 conjunction with the glazing material of a motor
11 vehicle with mirrored or high reflective finishes that
12 produce a red, yellow, amber, or blue appearance;
- 13 (2) Require all drivers and passengers of motor vehicles
14 with applied tint to fully roll down their windows
15 when stopped by a law enforcement officer at a traffic
16 stop, subject to certain exceptions;



- 1 (3) Clarify the light transmittance levels on sun
2 screening devices used in conjunction with glazing
3 material for front side windows and wing windows;
- 4 (4) Exempt rear windows, including rear windshields on
5 certain vehicles, and side windows to the rear of the
6 driver on sedans from sun screening device
7 requirements;
- 8 (5) Increase the minimum and maximum fines for violating
9 sun screening device requirements; and
- 10 (6) Make the absence of the certificate certifying that a
11 sunscreen device complies with the law in a vehicle
12 prima facie evidence that an installer is noncompliant
13 with the law.

14 SECTION 2. Section 291-21.5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§291-21.5 Regulation of motor vehicle sun screening**
17 **devices; penalty.** (a) No person shall operate, permit the
18 operation of, cause to be operated, or park any motor vehicle on
19 a public highway if the glazing material of the motor vehicle:



(1) Does not meet the requirements of the Federal Motor Vehicle Safety Standards 205 in effect at the time of its manufacture; or

(2) Is used in conjunction with sun screening devices not exempted from this section by subsection ~~[(d) hereof.]~~ (e).

(b) No person shall install, mount, adhere, affix, or use any sun screening device or combination of devices in conjunction with the glazing material of a motor vehicle ~~[which]:~~

(1) That does not meet the requirements of the Federal Motor Vehicle Safety Standards 205 in effect at the time of the glazing material's manufacture except as provided in this section~~[-]~~; and

(2) With mirrored or high reflective finishes that produce a red, yellow, amber, or blue appearances as viewed from the exterior of the motor vehicle.

Any person who violates this section shall be liable for the removal of any sun screening device applied contrary to this section.



1 (c) A safety inspection required under section [286-25]
2 286-26 shall include a test to ensure that the glazing material
3 and any sun screening devices meet the requirements specified in
4 this section.

5 (d) Notwithstanding subsection (e), all drivers and
6 passengers of motor vehicles with applied tint shall fully roll
7 down their windows when stopped by a law enforcement officer at
8 a traffic stop. This subsection shall not apply to individuals
9 unable to do so due to physical disability or mechanical
10 failure; provided that the driver communicates or cooperates
11 through other means reasonably available. A driver's or
12 passenger's failure to comply with this subsection may be cited
13 as a noncriminal traffic infraction.

14 [~~(d)~~] (e) This section shall not apply to:

15 (1) Rearview mirrors;

16 (2) Adjustable nontransparent sun visors [~~which~~] that are
17 mounted forward of the side windows and are not
18 attached to the glazing material;

19 (3) Signs, stickers, or other materials [~~which~~] that are
20 displayed in a seven-inch square in the lower corner
21 of the windshield farthest removed from the driver or



1 signs, stickers, or other materials [~~which~~] that are
2 displayed in a five-inch square in the lower corner of
3 the windshield nearest the driver;

4 (4) Rear trunk lid handle or hinges;

5 (5) Window wipers and window wiper motors;

6 (6) Transparent sun screening film materials [~~which~~] that
7 are installed, affixed, or applied along the top edge
8 of the windshield so long as [~~such~~] the materials do
9 not encroach upon the AS-1 portion of the windshield
10 as provided by Federal Motor Vehicle Safety Standard
11 205 or no lower than four inches below the top of the
12 windshield, when measured from the middle point of the
13 bottom edge of the top windshield moulding if no AS-1
14 markings can be found in the left or right upper
15 margin of the windshield;

16 (7) Sun screening devices for front side wing vents and
17 windows [~~which,~~] that, when used in conjunction with
18 the glazing material, have a light transmittance of no
19 less than thirty-five per cent plus or minus six per
20 cent;



1 (8) Sun screening devices for front side windows and wing
2 windows necessary for driving visibility [~~which~~] that
3 are adjacent to the [~~rear of the~~] driver and [~~for rear~~
4 ~~windows~~] necessary for driving [~~visibility which,~~]
5 that, when used in conjunction with the glazing
6 material, have a light transmittance of no less than
7 thirty-five per cent plus or minus six per cent;

8 (9) [~~Side~~] Rear windows [~~which are~~], including the rear
9 windshield on sedans, vans, minivans, trucks, buses,
10 or other motor vehicles; and side windows to the rear
11 of the driver [~~and rear windows~~] on sedans, vans,
12 minivans, trucks, or buses; provided that the vehicles
13 are equipped with rearview mirrors on both sides;

14 (10) Privacy drapes, curtains, or blinds, or any
15 combination, installed on the interior of motor homes;
16 or

17 (11) Transparent sun screening materials, when applied to
18 the AS-1 portion of the windshield, [~~which meets~~] that
19 meet the requirements of Federal Motor Vehicle Safety
20 Standard 205.



1 [~~(e)~~] (f) Any person who violates this section shall be
2 fined:

3 (1) [~~Not~~] No less than [~~\$250~~] \$300 [~~or~~] and no more than
4 [~~\$500~~] \$550 for each separate offense if the person is
5 the owner of the motor vehicle [~~which~~] that is in
6 violation; and

7 (2) [~~Not~~] No less than [~~\$500~~ ~~nor~~] \$700 and no more than
8 [~~\$1,000~~] \$1,200 for each separate offense if the
9 person or business entity is the installer of any sun
10 screening device [~~which~~] that does not meet the
11 requirements of this section. The installer shall
12 also reinstall sun protective devices [~~which~~] that
13 comply with this section, free of charge, or reimburse
14 the motor vehicle owner for the cost of installing sun
15 protective devices by another installer [~~which~~] that
16 comply with this section.

17 The receipt from the installer in the possession of the person
18 in the motor vehicle at the time of the issuance of the citation
19 shall be prima facie evidence of the identity of the installer.
20 The installer shall issue a certificate to the vehicle owner at
21 the time the sunscreen device is installed certifying that the



1 device complies with law. Failure of an installer to issue the
2 required certificate shall be considered a violation of this
3 section. The certificate shall be stored in the motor vehicle
4 at all times. The absence of the certificate in the vehicle at
5 the time of citation shall constitute prima facie evidence of
6 installer noncompliance.

7 (g) The department of transportation may adopt rules
8 pursuant to chapter 91 to establish standard criteria or visual
9 references for the enforcement of tint color and reflectivity
10 prohibitions."

11 SECTION 3. The department of transportation shall notify
12 all licensed motor vehicle inspection stations of the changes
13 made by this Act no later than ninety days after the effective
14 date of this Act.

15 SECTION 4. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Motor Vehicles; Window Glazing; Levels; Sun Screening Devices;
Fines

Description:

Prohibits a person from installing, mounting, adhering, affixing, or using any sun screening device in conjunction with the glazing material of a motor vehicle with mirrored or high reflective finishes that produce a red, yellow, amber, or blue appearances from the exterior. Requires all drivers and passengers of motor vehicles with applied tint to fully roll down their windows when stopped by a law enforcement officer at a traffic stop, with certain exceptions. Clarifies the light transmittance levels on sun screening devices used in conjunction with glazing material for front side windows and wing windows. Exempts rear windows, including rear windshields on certain vehicles, and side windows to the rear of the driver on sedans from sun screening device requirements. Increases the minimum and maximum fines for violating sun screening device requirements. Specifies that failure of an installer to issue a required certificate to be a violation of sun screening device requirements. Makes the absence of the required certificate in a vehicle prima facie evidence that an installer is noncompliant with the law. (CD1)

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