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# 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, metallic, red, yellow, amber,  
12       or blue tint;

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;



(3) Exempt side windows to the rear of the driver and rear windows on sedans from sun screening device requirements; and

(4) Increase the minimum and maximum fines for violating sun screening device requirements.

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

**"§291-21.5 Regulation of motor vehicle sun screening devices; penalty.** (a) No person shall operate, permit the operation of, cause to be operated, or park any motor vehicle on 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        (1) That does not meet the requirements of the Federal  
2           Motor Vehicle Safety Standards 205 in effect at the  
3           time of the glazing material's manufacture except as  
4           provided in this section~~[+]~~; and

5        (2) With mirrored, metallic, red, yellow, amber, or blue  
6           tint.

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

10        (c) A safety inspection required under section [~~286-25~~]  
11   286-26 shall include a test to ensure that the glazing material  
12   and any sun screening devices meet the requirements specified in  
13   this section.

14        (d) Notwithstanding subsection (e), all drivers and  
15   passengers of motor vehicles with applied tint shall fully roll  
16   down their windows when stopped by a law enforcement officer at  
17   a traffic stop.

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

19        (1) Rearview mirrors;



- 1 (2) Adjustable nontransparent sun visors [~~which~~] that are  
2 mounted forward of the side windows and are not  
3 attached to the glazing material;
- 4 (3) Signs, stickers, or other materials [~~which~~] that are  
5 displayed in a seven-inch square in the lower corner  
6 of the windshield farthest removed from the driver or  
7 signs, stickers, or other materials [~~which~~] that are  
8 displayed in a five-inch square in the lower corner of  
9 the windshield nearest the driver;
- 10 (4) Rear trunk lid handle or hinges;
- 11 (5) Window wipers and window wiper motors;
- 12 (6) Transparent sun screening film materials [~~which~~] that  
13 are installed, affixed, or applied along the top edge  
14 of the windshield so long as [~~such~~] the materials do  
15 not encroach upon the AS-1 portion of the windshield  
16 as provided by Federal Motor Vehicle Safety Standard  
17 205 or no lower than four inches below the top of the  
18 windshield, when measured from the middle point of the  
19 bottom edge of the top windshield moulding if no AS-1  
20 markings can be found in the left or right upper  
21 margin of the windshield;



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

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

(9) Side windows ~~[which]~~ that are to the rear of the driver and rear windows on sedans, vans, minivans, trucks, or buses; provided that the vehicles are equipped with rearview mirrors on both sides;

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

(11) Transparent sun screening materials, when applied to the AS-1 portion of the windshield, ~~[which-meets]~~ that



1           meet the requirements of Federal Motor Vehicle Safety  
2           Standard 205.

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

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

9           (2)   ~~[Not]~~ No less than ~~[\$500 or]~~ \$700 and no more than  
10          ~~[\$1,000]~~ \$1,200 for each separate offense if the  
11          person or business entity is the installer of any sun  
12          screening device ~~[which]~~ that does not meet the  
13          requirements of this section. The installer shall  
14          also reinstall sun protective devices ~~[which]~~ that  
15          comply with this section, free of charge, or reimburse  
16          the motor vehicle owner for the cost of installing sun  
17          protective devices by another installer ~~[which]~~ that  
18          comply with this section.

19   The receipt from the installer in the possession of the person  
20   in the motor vehicle at the time of the issuance of the citation  
21   shall be prima facie evidence of the identity of the installer.



1 The installer shall issue a certificate to the vehicle owner at  
2 the time the sunscreen device is installed certifying that the  
3 device complies with law. The certificate shall be stored in  
4 the motor vehicle at all times."

5 SECTION 3. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 4. This Act shall take effect on July 1, 3000.



**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, metallic, red, yellow, amber, or blue tint. 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. Exempts side windows to the rear of the driver and rear windows on sedans from sun screening device requirements. Increases the minimum and maximum fines for violating sun screening device requirements. Effective 7/1/3000. (SD1)

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