

A Bill for an Act Relating to Motor Vehicle Equipment.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The purpose of this Act is to regulate the installation and use of sun screening devices, including glass tinting, which are used on motor vehicles. It is the intent of the legislature to allow the use of the sun screening devices provided in this chapter in order that:

- (1) People may continue to enjoy the increased comfort provided their vehicles by the devices;
- (2) The State and the public may continue to benefit from the energy savings derived from sun screening devices which reduce the need for air conditioning in motor vehicles;
- (3) The State may continue to benefit from taxes paid by businesses which install sun screening devices.

The legislature also intends that the standards for such screening devices be established at reasonable levels which do not interfere with the vision of the driver. It is the purpose of this Act to accomplish all of these goals.

SECTION 2. Chapter 291, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

“§291- Definitions. As used in this chapter:

“FMVSS” means the Federal Motor Vehicle Safety Standards.

“Glazing material” means any glass, plastic, or like material, manufactured for use in or on a vehicle, including but not limited to windshields, window openings, or interior partitions.

“Light transmittance” means the ratio of the amount of total visible light, expressed in percentages, which is allowed to pass through the product or material, including the glazing material, to the amount of total visible light falling on the product or material and the glazing material.

“Luminous reflectance” means the ratio of the amount of total visible light, expressed in percentages, which is reflected outward by the product or material to the amount of total visible light falling on the product or material.

“Sun screening devices” means products or materials used or designed to be used in conjunction with glazing materials for the purpose of reducing the effects of the sun, including, but not limited to tinting films and perforated sun screening materials, but excluding louvered materials.

§291- 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 FMVSS 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.
- (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 does not meet the requirements of FMVSS 205 in effect at the time of the glazing material's manufacture except as provided in this section. Any person who violates this section shall be liable for the removal of any sun screening device applied contrary to this section.

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

(d) This section shall not apply to:

- (1) Rearview mirrors;
- (2) Adjustable nontransparent sun visors which are mounted forward of the side windows and are not attached to the glazing material;
- (3) Signs, stickers, or other materials which are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials which are displayed in a five-inch square in the lower corner of the windshield nearest the driver;
- (4) Rear trunk lid handle or hinges;
- (5) Window wipers and window wiper motors;
- (6) Transparent sun screening film materials which are installed, affixed, or applied along the top edge of the windshield so long as such materials do not encroach upon the AS-1 portion of the windshield as provided by FMVSS 205 and FMVSS 128;
- (7) Sun screening devices for front side wing vents and windows which, when used in conjunction with the glazing material have a light transmittance of no less than thirty-five per cent plus or minus three per cent and a luminous reflectance of no more than twenty per cent plus or minus three per cent;
- (8) Sun screening devices for side windows necessary for driving visibility which are to the rear of the driver and for rear windows necessary for driving visibility which, when used in conjunction with the glazing material, have a light transmittance of no less than thirty-five per cent plus or minus three per cent and a luminous reflectance of no more than twenty per cent plus or minus three per cent;
- (9) Privacy drapes, curtains, or blinds, or any combination, installed on the interior of motor homes.

(e) Any person who violates this section shall be fined not less than \$50 nor more than \$250 for each separate offense."

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 4. New material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved June 14, 1983.)

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Note

1. Edited pursuant to HRS §23G-16.5.