

By: Representatives Horne, Nelson, Hines,
Steverson, Clark, Brown (20th), Hood

To: Transportation;
Appropriations

HOUSE BILL NO. 982
(As Sent to Governor)

1 AN ACT TO REPEAL SECTIONS 63-13-1 THROUGH 63-13-29,
2 MISSISSIPPI CODE OF 1972, WHICH CREATE THE MISSISSIPPI MOTOR
3 VEHICLE SAFETY INSPECTION LAW; TO REQUIRE THE COMMISSIONER OF
4 PUBLIC SAFETY TO ANNUALLY ISSUE PERMITS FOR, AND FURNISH
5 INSTRUCTIONS AND ALL NECESSARY FORMS TO, OFFICIAL TINT INSPECTION
6 STATIONS FOR THE INSPECTION OF WINDSHIELDS AND ISSUANCE OF LABELS
7 AS REQUIRED BY SECTION 63-7-59; TO PROVIDE THAT A FEE OF \$10.00
8 SHALL BE CHARGED FOR SUCH PERMITS; TO AUTHORIZE THE COMMISSIONER
9 OF PUBLIC SAFETY TO SUSPEND OR REVOKE PERMITS ISSUED TO A STATION
10 THAT IS NOT PROPERLY EQUIPPED OR CONDUCTED; TO AMEND SECTIONS
11 63-7-59, 37-41-53 AND 63-1-33, MISSISSIPPI CODE OF 1972, IN
12 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

14 **SECTION 1.** Sections 63-13-1, 63-13-3, 63-13-5, 63-13-7,
15 63-13-8, 63-13-9, 63-13-11, 63-13-13, 63-13-15, 63-13-17,
16 63-13-19, 63-13-21, 63-13-23, 63-13-25, 63-13-27 and 63-13-29,
17 Mississippi Code of 1972, which create the Mississippi Motor
18 Vehicle Safety Inspection Law, are hereby repealed.

19 **SECTION 2.** (1) The Commissioner of Public Safety shall
20 annually issue permits for and furnish instructions and all
21 necessary forms to official tint inspection stations for the
22 inspection of windshields and issuance of any label as required by
23 Section 63-7-59.



24 (2) Application for a permit to operate an official tint
25 inspection station shall be made on an official form and shall be
26 granted only when the Commissioner of Public Safety is satisfied
27 that the station is properly equipped and has competent personnel
28 to make the inspection required by Section 63-7-59 and that the
29 inspections will be properly conducted. A fee of Ten Dollars
30 (\$10.00) shall be charged any person or facility seeking a permit
31 as an official tint inspection station, or a renewal thereof, for
32 the purpose of defraying the cost of administering the processing
33 of the application.

34 (3) The Commissioner of Public Safety shall properly
35 supervise and cause inspections to be made of official tint
36 stations and may, after reasonable notice, suspend or revoke and
37 require the surrender of the permit issued to a station which he
38 finds is not properly equipped or conducted. The Commissioner of
39 Public Safety shall maintain and post at the Office of the
40 Department of Public Safety lists of all stations holding permits
41 and of those whose permits have been suspended or revoked.

42 (4) The Commissioner of Public Safety is authorized to make
43 necessary rules and regulations for the administration and
44 enforcement of this section and Section 63-7-59, including a
45 reasonable provision for the bonding of official tint inspection
46 stations.

47 **SECTION 3.** Section 63-7-59, Mississippi Code of 1972, is
48 amended as follows:



49 63-7-59. (1) No person shall drive any motor vehicle
50 required to be registered in this state upon the public roads,
51 streets or highways in this state with any sign or poster, or with
52 any glazing material which causes a mirrored effect, upon the
53 front windshield, side wings or side or rear windows of the
54 vehicle, other than a certificate or other paper required or
55 authorized to be so displayed by law. No person shall drive any
56 motor vehicle required to be registered in this state upon the
57 public roads, streets or highways in this state with any tinted
58 film, glazing material or darkening material of any kind on the
59 windshield of a motor vehicle except material designed to replace
60 or provide a sun shield in the uppermost area as authorized to be
61 installed by manufacturers of vehicles under federal law.

62 (2) From and after July 1, 2006, no person shall drive any
63 motor vehicle required to be registered in this state upon the
64 public roads, streets or highways in this state with any window
65 tinted or darkened, by tinted film or otherwise, unless:

66 (a) The windshield of the vehicle has affixed to it a
67 label as provided under subsection (6) of this section certifying
68 that all the windows of the vehicle have a light transmittance of
69 twenty-eight percent (28%) or more; or

70 (b) The owner or operator of the vehicle has a
71 certificate of medical exemption issued under subsection (4) of
72 this section.



73 (3) The prohibitions of subsection (2) of this section shall
74 not apply to:

75 (a) School buses, other buses used for public
76 transportation, any bus or van owned or leased by a nonprofit
77 organization duly incorporated under the laws of this state or any
78 funeral home services vehicle, any limousine owned or leased by a
79 private or public entity, or any government-owned law enforcement
80 or fire department vehicle or any volunteer fire department
81 vehicle;

82 (b) Any window behind the front two (2) side windows,
83 including the rear window, of any pickup truck, van, motor home,
84 recreational vehicle, sport utility vehicle or multipurpose
85 vehicle that has been tinted or darkened after factory delivery to
86 the extent that the light transmittance of the window meets the
87 minimum light transmittance requirements authorized to be
88 installed for that window and for that vehicle under federal law
89 or regulations before factory delivery; or

90 (c) Any other motor vehicle the windows of which have
91 been tinted or darkened before factory delivery as permitted by
92 federal law or federal regulations.

93 (4) Notwithstanding the provisions of subsection (2) of this
94 section, it shall be lawful for any person who has been diagnosed
95 by a physician licensed to practice medicine in the State of
96 Mississippi as having a physical condition or disease that is
97 seriously aggravated by minimum exposure to sunlight to place or



98 have placed upon the windshield or windows of any motor vehicle
99 which he owns or operates or within which he regularly travels as
100 a passenger tinted film or other darkening material that would
101 otherwise be in violation of this section. However, any vehicle,
102 in order to be exempt under this subsection (4), shall have
103 prominently displayed on the vehicle dashboard a certificate of
104 medical exemption on a form prepared by the Commissioner of Public
105 Safety and signed by the person on whose behalf the certificate is
106 issued. The special certificate authorized by this subsection (4)
107 shall be issued free of charge to the applicants through the
108 offices of the tax collectors of the counties. Each applicant
109 shall present to the issuing official:

110 (a) An affidavit signed personally by the applicant and
111 signed and attested by a physician which states the applicant's
112 physical condition or disease which entitles him to an exemption
113 under this subsection (4); and

114 (b) Proof of ownership of the motor vehicle by the
115 applicant, or a signed affidavit by the owner of a motor vehicle
116 operated for the use of the applicant, for which he is obtaining
117 the certificate.

118 (5) The windshield on every motor vehicle shall be equipped
119 with a device for cleaning rain, snow or other moisture from the
120 windshield, which device shall be so constructed as to be
121 controlled or operated by the driver of the vehicle.



122 (6) The Department of Public Safety shall issue labels to
123 official * * * tint inspection stations for affixing to the
124 windshield of every motor vehicle required to be inspected in this
125 state with a window therein which has been tinted or darkened with
126 any tinted film or other darkening material after factory
127 delivery. The label shall be affixed to the lower left corner of
128 the windshield * * *, shall be legible from outside the vehicle,
129 and shall indicate the label registration number, a certification
130 of compliance with Mississippi law, and such other information as
131 the Commissioner of Public Safety deems appropriate. The labels
132 shall be of a type which is pressure-sensitive, self-destructive
133 upon removal, and no larger than one (1) inch square in size.
134 Before affixing the label, the inspection station shall conduct a
135 test to determine that the window complies with the light
136 transmittance requirements prescribed under subsection (2) of this
137 section. The test shall be conducted using such methods or
138 devices as may be approved and certified not less often than
139 annually by the Department of Public Safety. * * * For conducting
140 such tests, * * * tint inspection stations shall charge and
141 collect a fee of Five Dollars (\$5.00). Two Dollars (\$2.00) of the
142 fee shall be retained by the inspection station, and Three Dollars
143 (\$3.00) of the fee shall be remitted to the Department of Public
144 Safety and may be expended, upon legislative appropriation, for
145 the operational expenses of the department. No fee shall be
146 charged unless a test is actually performed under this subsection



147 (6) * * *. The presence of a label upon the windshield of a motor
148 vehicle shall indicate that the person who affixed the label
149 certifies that the windows of the vehicle meet the restrictions of
150 subsection (2) of this section as to light transmittance.

151 (7) No person shall install any tinted film, darkening
152 material, glazing material or any other material upon the
153 windshield or any window of a motor vehicle which, after the
154 installation thereof, would result in such vehicle being in
155 violation of subsection (2) of this section.

156 (8) No * * * label shall be issued for a vehicle on which
157 the windshield or any window of the vehicle has been darkened by
158 the installation of tinted film or by other means, except as
159 authorized under this section. * * *

160 (9) It shall be unlawful for any person to alter or
161 reproduce any label or certificate of medical exemption approved
162 by the Commissioner of Public Safety under this section for the
163 purpose of misleading law enforcement officers or motor vehicle
164 inspection stations, or to knowingly use any approved label or
165 certificate except as authorized by this section.

166 (10) Any person violating subsection (7), (8) or (9) of this
167 section, upon conviction, shall be punished by a fine of not more
168 than One Thousand Dollars (\$1,000.00), or imprisonment in the
169 county jail for not more than three (3) months, or by both such
170 fine and imprisonment.



171 (11) Any violation of this section other than a violation of
172 subsection (7), (8) or (9) of this section shall be punishable
173 upon conviction as provided in Section 63-7-7.

174 (12) Violations of this section shall be enforced only by
175 law enforcement officers of the Mississippi Department of Public
176 Safety and municipal law enforcement officers of municipalities
177 having a population of two thousand (2,000) or more on the public
178 roads, streets and highways under their jurisdiction.

179 (13) The Department of Public Safety shall initiate a public
180 awareness program designed to inform and educate persons of the
181 provisions of this section. Funds for such public awareness
182 program shall be available through the office of the Governor's
183 representative for highway safety programs.

184 **SECTION 4.** Section 37-41-53, Mississippi Code of 1972, is
185 amended as follows:

186 37-41-53. (1) Each school board, person, firm or
187 corporation transporting public school district children on the
188 public roads, streets and highways of the state with motor
189 vehicles shall have the motor vehicles inspected according
190 to * * * regulations promulgated by the State Department of
191 Education. Each motor vehicle shall be inspected by a competent
192 mechanic to be safe for transporting pupils on the roads, streets
193 and highways of the state before it is released for such purpose.
194 If * * * the motor vehicle is found to be unsafe for transporting
195 pupils, then it shall be properly repaired or adjusted as



196 necessary before being used to transport pupils. The provisions
197 of this subsection shall not apply to vehicles owned by
198 individuals and under private contract to the school district and
199 used exclusively for transporting members of their immediate
200 families.

201 (2) The State Department of Education may inspect, at its
202 discretion, any school bus used for transporting school district
203 pupils to and from the public schools or for activity purposes to
204 determine the safety of such motor vehicle for operation on the
205 roads, streets and highways of this state. In the event a vehicle
206 is inspected and is found to be unsafe for transporting pupils, a
207 report shall be filed with the appropriate school district
208 official indicating its deficiencies with recommendations for
209 correcting such deficiencies.

210 (3) If it is determined that any school district buses are
211 in such defective condition as to constitute an emergency safety
212 hazard, those buses may be condemned and removed from service and
213 shall not be returned to service until adequate repairs are
214 completed and * * * the buses are reinspected by the State
215 Department of Education. Any school district official who
216 approves the operation of any school bus that has been removed
217 from service under the conditions listed above, prior to being
218 reinspected by the State Department of Education, shall be guilty
219 of a misdemeanor and, upon conviction, shall be punished by
220 imprisonment in the county jail for a period not to exceed sixty



221 (60) days, or a fine of not less than Five Hundred Dollars
222 (\$500.00) nor more than One Thousand Dollars (\$1,000.00), or by
223 both such fine and imprisonment, in the discretion of the court.

224 **SECTION 5.** Section 63-1-33, Mississippi Code of 1972, is
225 amended as follows:

226 63-1-33. (1) Except as otherwise provided under subsection
227 (6) of this section, it shall be the duty of the license examiner,
228 when application is made for an operator's license or regular
229 learner's permit, to test the applicant's ability to read and
230 understand road signs and to give the required signals as adopted
231 by the National Advisory Committee on Uniform Traffic Control
232 Devices and the American Association of Motor Vehicle
233 Administrators.

234 (2) Except as otherwise provided under subsection (6) of
235 this section, the commissioner shall have prepared and administer
236 a test composed of at least ten (10) questions relating to the
237 safe operation of a motor vehicle and testing the applicant's
238 knowledge of the proper operation of a motor vehicle. Every
239 examination shall ensure adequate knowledge on the part of the
240 applicant as to school bus safety requirements.

241 (3) Prior to the administration of the test, the license
242 examiner shall inspect the horn, lights, brakes, * * * vehicle
243 registration and proof of liability coverage of the motor vehicle
244 which the applicant expects to operate while being tested, and if
245 he finds that any of the aforementioned items are deficient, no



246 license or endorsement shall be issued to the applicant until same
247 have been repaired.

248 (4) An applicant for a Mississippi driver's license who, at
249 the time of application, holds a valid motor vehicle driver's
250 license issued by another state shall not be required to take a
251 written test.

252 (5) Except as otherwise provided by Section 63-1-6, when
253 application is made for an original motorcycle endorsement, the
254 applicant shall be required to pass a written test which consists
255 of questions relating to the safe operation of a motorcycle and a
256 skill test similar to the "Motorcycle Operator Skill Test," which
257 is endorsed by the American Association of Motor Vehicle
258 Administrators. The commissioner may exempt any applicant from
259 the skill test if the applicant presents a certificate showing
260 successful completion of a course approved by the commissioner,
261 which includes a similar examination of skills needed in the safe
262 operation of a motorcycle.

263 (6) The Department of Public Safety may accept the
264 certification of successful completion of an individual's training
265 in the knowledge and skills needed for the proper and safe
266 operation of a motor vehicle from a driver education and training
267 program at a secondary school that meets the standards of the
268 department, in lieu of the department administering the
269 examination of the individual for the purpose of obtaining a
270 driver's license. The commissioner and the State Board of



271 Education shall jointly promulgate rules and regulations for the
272 administration of this subsection.

273 **SECTION 6.** This act shall take effect and be in force from
274 and after July 1, 2015.

