

HB4033



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4033

Introduced 1/8/2020, by Rep. Maurice A. West, II

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-503

from Ch. 95 1/2, par. 12-503

Amends the Illinois Vehicle Code. Provides that no person shall operate a motor vehicle with any reflective material, nonreflective material, or tinted film upon the windshield, windows immediately adjacent to each side of the driver, or windows to the rear of the driver's seat unless the person is determined to suffer from light sensitivity as a result of a traumatic brain injury.

LRB101 15873 LNS 65230 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 12-503 as follows:

6 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

7 Sec. 12-503. Windshields must be unobstructed and equipped
8 with wipers.

9 (a) No person shall drive a motor vehicle with any sign,
10 poster, window application, reflective material, nonreflective
11 material or tinted film upon the front windshield, except that
12 a nonreflective tinted film may be used along the uppermost
13 portion of the windshield if such material does not extend more
14 than 6 inches down from the top of the windshield.

15 (a-3) No new or used motor vehicle dealer shall permit a
16 driver to drive a motor vehicle offered for sale or lease off
17 the premises where the motor vehicle is being offered for sale
18 or lease, including when the driver is test driving the
19 vehicle, with signs, decals, paperwork, or other material on
20 the front windshield or on the windows immediately adjacent to
21 each side of the driver that would obstruct the driver's view
22 in violation of subsection (a) of this Section. For purposes of
23 this subsection (a-3), "test driving" means when a driver, with

1 permission of the new or used vehicle dealer or employee of the
2 new or used vehicle dealer, drives a vehicle owned and held for
3 sale or lease by a new or used vehicle dealer that the driver
4 is considering to purchase or lease.

5 (a-5) No window treatment or tinting shall be applied to
6 the windows immediately adjacent to each side of the driver,
7 except:

8 (1) On vehicles where none of the windows to the rear
9 of the driver's seat are treated in a manner that allows
10 less than 30% light transmittance, a nonreflective tinted
11 film that allows at least 50% light transmittance, with a
12 5% variance observed by any law enforcement official
13 metering the light transmittance, may be used on the
14 vehicle windows immediately adjacent to each side of the
15 driver.

16 (2) On vehicles where none of the windows to the rear
17 of the driver's seat are treated in a manner that allows
18 less than 35% light transmittance, a nonreflective tinted
19 film that allows at least 35% light transmittance, with a
20 5% variance observed by any law enforcement official
21 metering the light transmittance, may be used on the
22 vehicle windows immediately adjacent to each side of the
23 driver.

24 (3) (Blank).

25 (4) On vehicles where a nonreflective smoked or tinted
26 glass that was originally installed by the manufacturer on

1 the windows to the rear of the driver's seat, a
2 nonreflective tint that allows at least 50% light
3 transmittance, with a 5% variance observed by a law
4 enforcement official metering the light transmittance, may
5 be used on the vehicle windows immediately adjacent to each
6 side of the driver.

7 (a-10) No person shall install or repair any material
8 prohibited by subsection (a) of this Section.

9 (1) Nothing in this subsection shall prohibit a person
10 from removing or altering any material prohibited by
11 subsection (a) to make a motor vehicle comply with the
12 requirements of this Section.

13 (2) Nothing in this subsection shall prohibit a person
14 from installing window treatment for a person with a
15 medical condition described in subsection (g) of this
16 Section. An installer who installs window treatment for a
17 person with a medical condition described in subsection (g)
18 must obtain a copy of the certified statement or letter
19 written by a physician described in subsection (g) from the
20 person with the medical condition prior to installing the
21 window treatment. The copy of the certified statement or
22 letter must be kept in the installer's permanent records.

23 (b) On motor vehicles where window treatment has not been
24 applied to the windows immediately adjacent to each side of the
25 driver, the use of a perforated window screen or other
26 decorative window application on windows to the rear of the

1 driver's seat shall be allowed.

2 (b-5) Any motor vehicle with a window to the rear of the
3 driver's seat treated in this manner shall be equipped with a
4 side mirror on each side of the motor vehicle which are in
5 conformance with Section 12-502.

6 (b-10) No person shall operate a motor vehicle with any
7 reflective material, nonreflective material, or tinted film
8 upon the windshield, windows immediately adjacent to each side
9 of the driver, or windows to the rear of the driver's seat, as
10 provided under subsection (a), (a-5), or (b), unless the person
11 is determined, by a physician licensed to practice medicine, to
12 suffer from light sensitivity as a result of a traumatic brain
13 injury.

14 (c) No person shall drive a motor vehicle with any objects
15 placed or suspended between the driver and the front
16 windshield, rear window, side wings or side windows immediately
17 adjacent to each side of the driver which materially obstructs
18 the driver's view.

19 (d) Every motor vehicle, except motorcycles, shall be
20 equipped with a device, controlled by the driver, for cleaning
21 rain, snow, moisture or other obstructions from the windshield;
22 and no person shall drive a motor vehicle with snow, ice,
23 moisture or other material on any of the windows or mirrors,
24 which materially obstructs the driver's clear view of the
25 highway.

26 (e) No person shall drive a motor vehicle when the

1 windshield, side or rear windows are in such defective
2 condition or repair as to materially impair the driver's view
3 to the front, side or rear. A vehicle equipped with a side
4 mirror on each side of the vehicle which are in conformance
5 with Section 12-502 will be deemed to be in compliance in the
6 event the rear window of the vehicle is materially obscured.

7 (f) Subsections (a), (a-5), (b), and (b-5) of this Section
8 shall not apply to:

9 (1) (Blank).

10 (2) those motor vehicles properly registered in
11 another jurisdiction.

12 (g) Subsections (a) and (a-5) of this Section shall not
13 apply to window treatment, including, but not limited to, a
14 window application, nonreflective material, or tinted film,
15 applied or affixed to a motor vehicle for which distinctive
16 license plates or license plate stickers have been issued
17 pursuant to subsection (k) of Section 3-412 of this Code, and
18 which:

19 (1) is owned and operated by a person afflicted with or
20 suffering from a medical disease, including, but not
21 limited to, systemic or discoid lupus erythematosus,
22 disseminated superficial actinic porokeratosis, or
23 albinism, which would require that person to be shielded
24 from the direct rays of the sun; or

25 (2) is used in transporting a person when the person
26 resides at the same address as the registered owner of the

1 vehicle and the person is afflicted with or suffering from
2 a medical disease which would require the person to be
3 shielded from the direct rays of the sun, including, but
4 not limited to, systemic or discoid lupus erythematosus,
5 disseminated superficial actinic porokeratosis, or
6 albinism.

7 The owner must obtain a certified statement or letter
8 written by a physician licensed to practice medicine in
9 Illinois that such person owning and operating or being
10 transported in a motor vehicle is afflicted with or suffers
11 from such disease, including, but not limited to, systemic
12 or discoid lupus erythematosus, disseminated superficial
13 actinic porokeratosis, or albinism. However, no exemption
14 from the requirements of subsection (a-5) shall be granted
15 for any condition, such as light sensitivity, for which
16 protection from the direct rays of the sun can be
17 adequately obtained by the use of sunglasses or other eye
18 protective devices.

19 Such certification must be carried in the motor vehicle
20 at all times. The certification shall be legible and shall
21 contain the date of issuance, the name, address and
22 signature of the attending physician, and the name,
23 address, and medical condition of the person requiring
24 exemption. The information on the certificate for a window
25 treatment must remain current and shall be renewed every 4
26 years by the attending physician. The owner shall also

1 submit a copy of the certification to the Secretary of
2 State. The Secretary of State may forward notice of
3 certification to law enforcement agencies.

4 (g-5) (Blank).

5 (g-7) Installers shall only install window treatment
6 authorized by subsection (g) on motor vehicles for which
7 distinctive plates or license plate stickers have been issued
8 pursuant to subsection (k) of Section 3-412 of this Code. The
9 distinctive license plates or plate sticker must be on the
10 motor vehicle at the time of window treatment installation.

11 (h) Subsection (a) of this Section shall not apply to motor
12 vehicle stickers or other certificates issued by State or local
13 authorities which are required to be displayed upon motor
14 vehicle windows to evidence compliance with requirements
15 concerning motor vehicles.

16 (i) (Blank).

17 (j) A person found guilty of violating subsection (a),
18 (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of this Section
19 shall be guilty of a petty offense and fined no less than \$50
20 nor more than \$500. A second or subsequent violation of
21 subsection (a), (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of
22 this Section shall be treated as a Class C misdemeanor and the
23 violator fined no less than \$100 nor more than \$500. Any person
24 convicted under subsection (a), (a-5), (b), or (b-5) of this
25 Section shall be ordered to alter any nonconforming windows
26 into compliance with this Section.

1 (k) Except as provided in subsection (a-3) of this Section,
2 nothing in this Section shall create a cause of action on
3 behalf of a buyer against a vehicle dealer or manufacturer who
4 sells a motor vehicle with a window which is in violation of
5 this Section.

6 (l) The Secretary of State shall provide a notice of the
7 requirements of this Section to a new resident applying for
8 vehicle registration in this State pursuant to Section 3-801 of
9 this Code. The Secretary of State may comply with this
10 subsection by posting the requirements of this Section on the
11 Secretary of State's website.

12 (m) A home rule unit may not regulate motor vehicles in a
13 manner inconsistent with this Section. This Section is a
14 limitation under subsection (i) of Section 6 of Article VII of
15 the Illinois Constitution on the concurrent exercise by home
16 rule units of powers and functions exercised by the State.

17 (Source: P.A. 100-346, eff. 1-1-18; 100-863, eff. 8-14-18.)