

HB0733



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0733

by Rep. Fred Crespo

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-503

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

Amends the Illinois Vehicle Code. Provides that no new or used motor vehicle dealer shall permit a driver to drive a motor vehicle offered for sale or lease off premises where the motor vehicle is being offered for sale or lease, including when the driver is test driving the vehicle, with signs, decals, paperwork, or other material on the front windshield or on the windows immediately adjacent to each side of the driver that would obstruct the driver's view. Defines "test driving". Effective January 1, 2018.

LRB100 05691 AXK 15711 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 1. This Act may be referred to as Brendan's Law.

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

7 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

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

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

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

1 in violation of subsection (a) of this Section. For purposes of
2 this subsection (a-3), "test driving" means when a driver, with
3 permission of the new or used vehicle dealer or employee of the
4 new or used vehicle dealer, drives a vehicle owned and held for
5 sale or lease by a new or used vehicle dealer that the driver
6 is considering to purchase or lease.

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

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

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

26 (3) (Blank).

1 (4) On vehicles where a nonreflective smoked or tinted
2 glass that was originally installed by the manufacturer on
3 the windows to the rear of the driver's seat, a
4 nonreflective tint that allows at least 50% light
5 transmittance, with a 5% variance observed by a law
6 enforcement official metering the light transmittance, may
7 be used on the vehicle windows immediately adjacent to each
8 side of the driver.

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

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

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

25 (b) On motor vehicles where window treatment has not been
26 applied to the windows immediately adjacent to each side of the

1 driver, the use of a perforated window screen or other
2 decorative window application on windows to the rear of the
3 driver's seat shall be allowed.

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

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

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

20 (e) No person shall drive a motor vehicle when the
21 windshield, side or rear windows are in such defective
22 condition or repair as to materially impair the driver's view
23 to the front, side or rear. A vehicle equipped with a side
24 mirror on each side of the vehicle which are in conformance
25 with Section 12-502 will be deemed to be in compliance in the
26 event the rear window of the vehicle is materially obscured.

1 (f) Paragraphs (a), (a-5), (b), and (b-5) of this Section
2 shall not apply to:

3 (1) (Blank).

4 (2) those motor vehicles properly registered in
5 another jurisdiction.

6 (g) Paragraphs (a) and (a-5) of this Section shall not
7 apply to window treatment, including but not limited to a
8 window application, nonreflective material, or tinted film,
9 applied or affixed to a motor vehicle for which distinctive
10 license plates or license plate stickers have been issued
11 pursuant to subsection (k) of Section 3-412 of this Code, and
12 which:

13 (1) is owned and operated by a person afflicted with or
14 suffering from a medical disease, including but not limited
15 to systemic or discoid lupus erythematosus, disseminated
16 superficial actinic porokeratosis, or albinism, which
17 would require that person to be shielded from the direct
18 rays of the sun; or

19 (2) is used in transporting a person when the person
20 resides at the same address as the registered owner of the
21 vehicle and the person is afflicted with or suffering from
22 a medical disease which would require the person to be
23 shielded from the direct rays of the sun, including but not
24 limited to systemic or discoid lupus erythematosus,
25 disseminated superficial actinic porokeratosis, or
26 albinism.

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

13 Such certification must be carried in the motor vehicle
14 at all times. The certification shall be legible and shall
15 contain the date of issuance, the name, address and
16 signature of the attending physician, and the name,
17 address, and medical condition of the person requiring
18 exemption. The information on the certificate for a window
19 treatment must remain current and shall be renewed every 4
20 years by the attending physician. The owner shall also
21 submit a copy of the certification to the Secretary of
22 State. The Secretary of State may forward notice of
23 certification to law enforcement agencies.

24 (g-5) (Blank).

25 (g-7) Installers shall only install window treatment
26 authorized by subsection (g) on motor vehicles for which

1 distinctive plates or license plate stickers have been issued
2 pursuant to subsection (k) of Section 3-412 of this Code. The
3 distinctive license plates or plate sticker must be on the
4 motor vehicle at the time of window treatment installation.

5 (h) Paragraph (a) of this Section shall not apply to motor
6 vehicle stickers or other certificates issued by State or local
7 authorities which are required to be displayed upon motor
8 vehicle windows to evidence compliance with requirements
9 concerning motor vehicles.

10 (i) (Blank).

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

21 (k) Except as provided in subsection (a-3) of this Section,
22 nothing ~~Nothing~~ in this Section shall create a cause of action
23 on behalf of a buyer against a vehicle dealer or manufacturer
24 who sells a motor vehicle with a window which is in violation
25 of this Section.

26 (l) The Secretary of State shall provide a notice of the

1 requirements of this Section to a new resident applying for
2 vehicle registration in this State pursuant to Section 3-801 of
3 this Code. The Secretary of State may comply with this
4 subsection by posting the requirements of this Section on the
5 Secretary of State's website.

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

11 (Source: P.A. 98-153, eff. 1-1-14; 98-737, eff. 1-1-15.)

12 Section 99. Effective date. This Act takes effect January
13 1, 2018.