

SB1524



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1524

Introduced 2/13/2013, by Sen. Matt Murphy

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-503

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

Amends the Illinois Vehicle Code. Preempts home rule powers with respect to window tints.

LRB098 06135 MLW 36176 b

HOME RULE NOTE
ACT MAY APPLY

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-5) No window treatment or tinting shall be applied to
16 the windows immediately adjacent to each side of the driver,
17 except:

18 (1) 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 30% light transmittance, a nonreflective tinted
21 film that allows at least 50% light transmittance, with a
22 5% variance observed by any law enforcement official
23 metering the light transmittance, may be used on the

1 vehicle windows immediately adjacent to each side of the
2 driver.

3 (2) On vehicles where none of the windows to the rear
4 of the driver's seat are treated in a manner that allows
5 less than 35% light transmittance, a nonreflective tinted
6 film that allows at least 35% light transmittance, with a
7 5% variance observed by any law enforcement official
8 metering the light transmittance, may be used on the
9 vehicle windows immediately adjacent to each side of the
10 driver.

11 (3) (Blank).

12 (4) On vehicles where a nonreflective smoked or tinted
13 glass that was originally installed by the manufacturer on
14 the windows to the rear of the driver's seat, a
15 nonreflective tint that allows at least 50% light
16 transmittance, with a 5% variance observed by a law
17 enforcement official metering the light transmittance, may
18 be used on the vehicle windows immediately adjacent to each
19 side of the driver.

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

22 (1) Nothing in this subsection shall prohibit a person
23 from removing or altering any material prohibited by
24 subsection (a) to make a motor vehicle comply with the
25 requirements of this Section.

26 (2) Nothing in this subsection shall prohibit a person

1 from installing window treatment for a person with a
2 medical condition described in subsection (g) of this
3 Section. An installer who installs window treatment for a
4 person with a medical condition described in subsection (g)
5 must obtain a copy of the certified statement or letter
6 written by a physician described in subsection (g) from the
7 person with the medical condition prior to installing the
8 window treatment. The copy of the certified statement or
9 letter must be kept in the installer's permanent records.

10 (b) On motor vehicles where window treatment has not been
11 applied to the windows immediately adjacent to each side of the
12 driver, the use of a perforated window screen or other
13 decorative window application on windows to the rear of the
14 driver's seat shall be allowed.

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

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

24 (d) Every motor vehicle, except motorcycles, shall be
25 equipped with a device, controlled by the driver, for cleaning
26 rain, snow, moisture or other obstructions from the windshield;

1 and no person shall drive a motor vehicle with snow, ice,
2 moisture or other material on any of the windows or mirrors,
3 which materially obstructs the driver's clear view of the
4 highway.

5 (e) No person shall drive a motor vehicle when the
6 windshield, side or rear windows are in such defective
7 condition or repair as to materially impair the driver's view
8 to the front, side or rear. A vehicle equipped with a side
9 mirror on each side of the vehicle which are in conformance
10 with Section 12-502 will be deemed to be in compliance in the
11 event the rear window of the vehicle is materially obscured.

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

14 (1) (Blank).

15 (2) those motor vehicles properly registered in
16 another jurisdiction.

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

24 (1) is owned and operated by a person afflicted with or
25 suffering from a medical disease, including but not limited
26 to systemic or discoid lupus erythematosus, disseminated

1 superficial actinic porokeratosis, or albinism, which
2 would require that person to be shielded from the direct
3 rays of the sun; or

4 (2) is used in transporting a person when the person
5 resides at the same address as the registered owner of the
6 vehicle and the person is afflicted with or suffering from
7 a medical disease which would require the person to be
8 shielded from the direct rays of the sun, including but not
9 limited to systemic or discoid lupus erythematosus,
10 disseminated superficial actinic porokeratosis, or
11 albinism.

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

24 Such certification must be carried in the motor vehicle
25 at all times. The certification shall be legible and shall
26 contain the date of issuance, the name, address and

1 signature of the attending physician, and the name,
2 address, and medical condition of the person requiring
3 exemption. The information on the certificate for a window
4 treatment must remain current and shall be renewed annually
5 by the attending physician. The owner shall also submit a
6 copy of the certification to the Secretary of State. The
7 Secretary of State may forward notice of certification to
8 law enforcement agencies.

9 (g-5) (Blank).

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

16 (h) Paragraph (a) of this Section shall not apply to motor
17 vehicle stickers or other certificates issued by State or local
18 authorities which are required to be displayed upon motor
19 vehicle windows to evidence compliance with requirements
20 concerning motor vehicles.

21 (i) (Blank).

22 (j) A person found guilty of violating paragraphs (a),
23 (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be
24 guilty of a petty offense and fined no less than \$50 nor more
25 than \$500. A second or subsequent violation of paragraphs (a),
26 (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be

1 treated as a Class C misdemeanor and the violator fined no less
2 than \$100 nor more than \$500. Any person convicted under
3 paragraphs (a), (a-5), (b), or (b-5) of this Section shall be
4 ordered to alter any nonconforming windows into compliance with
5 this Section.

6 (k) Nothing in this Section shall create a cause of action
7 on behalf of a buyer against a vehicle dealer or manufacturer
8 who sells a motor vehicle with a window which is in violation
9 of this Section.

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

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

21 (Source: P.A. 95-202, eff. 8-16-07; 96-530, eff. 1-1-10;
22 96-815, eff. 10-30-09; 96-1000, eff. 7-2-10; 96-1056, eff.
23 7-14-10.)