

HOUSE BILL NO. 5100

October 15, 2019, Introduced by Reps. Alexander, Steven Johnson, Mueller, Sabo, Berman, Sheppard, LaGrand, LaFave, Peterson, Chirkun, Sneller and Jones and referred to the Committee on Transportation.

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 709 (MCL 257.709), as amended by 2010 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 709. (1) A person shall not operate a motor vehicle with
2 any of the following:

3 (a) A sign, poster, nontransparent material, window
4 application, reflective film, or nonreflective film upon or in the
5 front windshield, ~~the side windows immediately adjacent to the~~



1 ~~driver or front passenger, or the sidewings adjacent to and forward~~
 2 ~~of the driver or front passenger, except that a tinted film may be~~
 3 ~~used along the top edge of the windshield and the side windows or~~
 4 ~~sidewings immediately adjacent to the driver or front passenger if~~
 5 ~~the material does not extend below the vehicle manufacturer's AS-1~~
 6 ~~line or more than 4-6 inches from the top of the windshield, or~~
 7 ~~lower than the shade band, whichever is closer to the top of the~~
 8 ~~windshield.~~

9 (b) A rear window ~~or side window to the rear of the driver~~
 10 ~~composed of, covered by, or treated with a material that creates a~~
 11 ~~total solar reflectance of 35% or more in the visible light range,~~
 12 ~~including a silver or gold reflective film. combined with the glass~~
 13 ~~on which it is installed has a visible light transmittance of less~~
 14 ~~than 35%, plus or minus 5 percentage points, or a visible light~~
 15 ~~reflectance of more than 20%, plus or minus 3 percentage points.~~

16 (c) An object that obstructs the vision of the driver of the
 17 vehicle, except as authorized by law.

18 (2) Except as provided in subsection (3) or (4), a person
 19 shall not operate a motor vehicle with a sign, poster,
 20 nontransparent material, window application, reflective film, or
 21 nonreflective film upon or in the side windows immediately adjacent
 22 to the driver or front passenger or the sidewings adjacent to and
 23 forward of the driver or front passenger.

24 (3) A person may operate a motor vehicle with side windows
 25 immediately adjacent to the driver or front passenger or side wing
 26 windows adjacent to and forward of the driver or front passenger
 27 that are composed of, covered by, or treated with a material that
 28 combined with the glass on which it is installed has a visible
 29 light transmittance of 35% or more, plus or minus 5 percentage



1 points, or a visible light reflectance of 20% or less, plus or
2 minus 3 percentage points.

3 (4) Notwithstanding subsection (3), a professional
4 investigator or court officer may operate a motor vehicle with a
5 material upon or in the side windows immediately adjacent to the
6 driver or front passenger or the side wing windows adjacent to and
7 forward of the driver or front passenger regardless of the visible
8 light transmittance or visible light reflectance of the material.
9 As used in this subsection, "professional investigator" means a
10 person licensed under the professional investigator licensure act,
11 1965 PA 285, MCL 338.821 to 338.851.

12 (5) ~~(2)~~—A person shall not drive a motor vehicle if driver
13 visibility through the rear window is obstructed, unless the
14 vehicle is equipped with 2 rearview mirrors, 1 on each side,
15 adjusted so that the operator has a clear view of the highway
16 behind the vehicle.

17 (6) ~~(3)~~—This section does not apply to any of the following:

18 (a) The use of draperies, louvers, or other special window
19 treatments, except those specifically designated in this section,
20 on the rear window ~~, or a side window to the rear of the driver if~~
21 the vehicle is equipped with 2 outside rearview mirrors, 1 on each
22 side, adjusted so that the driver has a clear view of the highway
23 behind the vehicle.

24 (b) The use of a nonreflective, smoked or tinted glass,
25 ~~nonreflective film, film that combined with the glass on which it~~
26 **is installed has a visible light reflectance of less than 20%, plus**
27 **or minus 3 percentage points**, perforated window screen, or other
28 decorative window application on the rear window. ~~or a side window~~
29 ~~to the rear of the driver.~~



1 (c) The placement of a necessary certificate or sticker that
 2 does not obstruct the driver's clear view of the roadway or an
 3 intersecting roadway.

4 (d) A vehicle registered in another state, territory,
 5 commonwealth of the United States, or another country or province.

6 (e) A special window treatment or application determined
 7 necessary by a physician or optometrist, for the protection of a
 8 person who is light sensitive or photosensitive, if the owner or
 9 operator of a motor vehicle has in possession a letter signed by a
 10 physician or optometrist, indicating that the special window
 11 treatment or application **on that motor vehicle** is a medical
 12 necessity. However, the special window treatment or application
 13 shall not interfere with or obstruct the driver's clear vision of
 14 the highway or an intersecting highway. **This subdivision does not**
 15 **require that the operator of a motor vehicle equipped with a**
 16 **special window treatment or application described in this**
 17 **subdivision be the individual for whom a physician or optometrist**
 18 **considers the treatment or application medically necessary.**

19 (7) ~~(4)~~—Except as provided in subsection ~~(5)~~, ~~(8)~~, the
 20 windshield on each motor vehicle shall be equipped with a device
 21 for cleaning rain, snow, or other moisture from the windshield,
 22 which ~~device~~ shall be so constructed as to be controlled or
 23 operated by the driver of the vehicle. A vehicle licensed as an
 24 historical vehicle is exempt from this subsection if the vehicle
 25 was not originally equipped with such a device. Each windshield
 26 wiper upon a motor vehicle shall be maintained in good working
 27 order.

28 (8) ~~(5)~~—A truck with a gross weight over 10,000 pounds, a
 29 truck tractor, a bus, or a truck regardless of weight carrying



1 hazardous materials on which a placard is required to be posted
 2 pursuant to 49 CFR parts 100 to 199 having a windshield shall be
 3 equipped with not less than 2 automatically operating windshield
 4 wiper blades, 1 on each side of the centerline of the windshield,
 5 for cleaning rain, snow, or other moisture from the windshield. The
 6 blades shall be in ~~such-a~~ condition ~~as~~ to provide clear vision for
 7 the driver, unless 1 blade is so arranged as to clean an area of
 8 the windshield extending to within 1 inch of the limit of vision
 9 through the windshield at each side. However, in driveaway-towaway
 10 operations, this subsection applies only to the operated vehicle.
 11 In addition, 1 windshield wiper blade suffices under this
 12 subsection when the driven vehicle in a driveaway-towaway operation
 13 constitutes part or all of the property being transported and has
 14 no provision for 2 blades. A truck and truck tractor, manufactured
 15 after June 30, 1953, that depends upon vacuum to operate the
 16 windshield wipers, shall be ~~so~~ constructed **so** that the operation of
 17 the wipers is not materially impaired by change in the intake
 18 manifold pressure.

19 **(9)** ~~(6)~~—A truck with a gross weight over 10,000 pounds, a
 20 truck tractor, a bus, or a truck regardless of weight carrying
 21 hazardous materials on which a placard is required to be posted
 22 under 49 CFR parts 100 to 199 shall not be operated on the highways
 23 **of this state** at any time unless it is equipped with a hot air
 24 windshield defroster or an electrically heated windshield or other
 25 device to heat and maintain the windshield in operable condition at
 26 all times.

27 **(10)** If a motor vehicle has side windows immediately adjacent
 28 to the driver or front passenger or side wing windows adjacent to
 29 and forward of the driver or front passenger that are composed of,



1 covered by, or treated with a material described in subsection (3)
2 or (4), the individual or individuals in the motor vehicle shall
3 cause all side windows immediately adjacent to the driver or front
4 passenger to be fully rolled down if stopped by a police officer.

5 (11) ~~(7)~~—As used in this section:

6 (a) "Physician" means that term as defined in section 17001 or
7 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
8 333.17501.

9 (b) "Optometrist" means that term as defined in section 17401
10 of the public health code, 1978 PA 368, MCL 333.17401.

11 Enacting section 1. This amendatory act takes effect 90 days
12 after the date it is enacted into law.

