

**SUBSTITUTE FOR
HOUSE BILL NO. 5100**

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~~
6 ~~driver or front passenger, or the sidewings adjacent to and forward~~
7 ~~of the driver or front passenger, except that a tinted film may be~~
8 used along the top edge of the windshield ~~and the side windows or~~
9 ~~sidewings immediately adjacent to the driver or front passenger if~~



1 the material does not extend **below the vehicle manufacturer's AS-1**
2 **line or** more than 4-6 inches from the top of the windshield, ~~or~~
3 ~~lower than the shade band,~~ whichever is closer to the top of the
4 windshield.

5 (b) A rear window or side window to the rear of the driver
6 composed of, covered by, or treated with a material that creates a
7 ~~total solar reflectance of 35% or more in the visible light range,~~
8 ~~including a silver or gold reflective film.~~**visible light**
9 **reflectance of more than 20%, plus or minus 3 percentage points.**

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

12 (2) **Except as provided in subsection (3) or (4), a person**
13 **shall not operate a motor vehicle with a sign, poster,**
14 **nontransparent material, window application, reflective film, or**
15 **nonreflective film upon or in the side windows immediately adjacent**
16 **to the driver or front passenger or the sidewings adjacent to and**
17 **forward of the driver or front passenger.**

18 (3) **Except as provided in subsection (4), a person may operate**
19 **a motor vehicle with side windows immediately adjacent to the**
20 **driver or front passenger or sidewings adjacent to and forward of**
21 **the driver or front passenger that are composed of, covered by, or**
22 **treated with a material that combined with the glass on which it is**
23 **installed has a visible light transmittance of 35% or more, plus or**
24 **minus 5 percentage points, or a visible light reflectance of 20% or**
25 **less, plus or minus 3 percentage points.**

26 (4) **A professional investigator or court officer may operate a**
27 **motor vehicle with a material upon or in the side windows**
28 **immediately adjacent to the driver or front passenger or the**
29 **sidewings adjacent to and forward of the driver or front passenger**



1 regardless of the visible light transmittance or visible light
2 reflectance of the material. As used in this subsection,
3 "professional investigator" means a person licensed under the
4 professional investigator licensure act, 1965 PA 285, MCL 338.821
5 to 338.851.

6 (5) ~~(2)~~—A person shall not drive a motor vehicle if driver
7 visibility through the rear window is obstructed, unless the
8 vehicle is equipped with 2 rearview mirrors, 1 on each side,
9 adjusted so that the operator has a clear view of the highway
10 behind the vehicle.

11 (6) ~~(3)~~—This section does not apply to any of the following:

12 (a) The use of draperies, louvers, or other special window
13 treatments, except those specifically designated in this section,
14 on the rear window, or a side window to the rear of the driver if
15 the vehicle is equipped with 2 outside rearview mirrors, 1 on each
16 side, adjusted so that the driver has a clear view of the highway
17 behind the vehicle.

18 (b) The use of a nonreflective, smoked or tinted glass,
19 nonreflective film, perforated window screen, or other decorative
20 window application on the rear window or a side window to the rear
21 of the driver.

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

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

27 (e) A special window treatment or application determined
28 necessary by a physician or optometrist, for the protection of a
29 person who is light sensitive or photosensitive, if the owner or



1 operator of a motor vehicle has in possession a letter signed by a
 2 physician or optometrist, indicating that the special window
 3 treatment or application **on that motor vehicle** is a medical
 4 necessity. However, the special window treatment or application
 5 shall not interfere with or obstruct the driver's clear vision of
 6 the highway or an intersecting highway. **This subdivision does not**
 7 **require that the operator of a motor vehicle equipped with a**
 8 **special window treatment or application described in this**
 9 **subdivision be the individual for whom a physician or optometrist**
 10 **considers the treatment or application medically necessary.**

11 (f) **The use of original equipment manufacture glass that meets**
 12 **the National Highway Traffic Safety Administration federal motor**
 13 **vehicle safety standards under 49 CFR part 571.**

14 (7) ~~(4)~~ Except as provided in subsection ~~(5)~~, ~~(8)~~, the
 15 windshield on each motor vehicle shall be equipped with a device
 16 for cleaning rain, snow, or other moisture from the windshield,
 17 which ~~device~~ shall be so constructed as to be controlled or
 18 operated by the driver of the vehicle. A vehicle licensed as an
 19 historical vehicle is exempt from this subsection if the vehicle
 20 was not originally equipped with such a device. Each windshield
 21 wiper upon a motor vehicle shall be maintained in good working
 22 order.

23 (8) ~~(5)~~ A truck with a gross weight over 10,000 pounds, a
 24 truck tractor, a bus, or a truck regardless of weight carrying
 25 hazardous materials on which a placard is required to be posted
 26 ~~pursuant to~~ **under** 49 CFR parts 100 to 199 having a windshield shall
 27 be equipped with not less than 2 automatically operating windshield
 28 wiper blades, 1 on each side of the centerline of the windshield,
 29 for cleaning rain, snow, or other moisture from the windshield. The



1 blades shall be in ~~such-a~~ condition ~~as~~ to provide clear vision for
 2 the driver, unless 1 blade is so arranged as to clean an area of
 3 the windshield extending to within 1 inch of the limit of vision
 4 through the windshield at each side. However, in driveaway-towaway
 5 operations, this subsection applies only to the operated vehicle.
 6 In addition, 1 windshield wiper blade suffices under this
 7 subsection when the driven vehicle in a driveaway-towaway operation
 8 constitutes part or all of the property being transported and has
 9 no provision for 2 blades. A truck and truck tractor, manufactured
 10 after June 30, 1953, that depends upon vacuum to operate the
 11 windshield wipers, shall be ~~so~~ constructed **so** that the operation of
 12 the wipers is not materially impaired by change in the intake
 13 manifold pressure.

14 (9) ~~(6)~~—A truck with a gross weight over 10,000 pounds, a
 15 truck tractor, a bus, or a truck regardless of weight carrying
 16 hazardous materials on which a placard is required to be posted
 17 under 49 CFR parts 100 to 199 shall not be operated on the highways
 18 **of this state** at any time unless it is equipped with a hot air
 19 windshield defroster or an electrically heated windshield or other
 20 device to heat and maintain the windshield in operable condition at
 21 all times.

22 (10) ~~(7)~~—As used in this section:

23 (a) "Physician" means that term as defined in section 17001 or
 24 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
 25 333.17501.

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

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

