



**House
Legislative
Analysis
Section**

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PENALTIES FOR COVERING VEHICLE WINDOWS

House Bill 5420 (Substitute H-1) **REVISED**
First Analysis (2-8-90)

Sponsor: Rep. Nancy Crandall
Committee: Transportation

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THE APPARENT PROBLEM:

The Michigan Vehicle Code prohibits a person from driving a vehicle with any of a number of different types of windshield or window coverings (such as windshield or window tints) which hinder the driver's ability to see. Window tints on vehicle windows reduce the amount of sunlight and glare that can cause eye strain to drivers, but many people began to use the tints apparently to prevent others from seeing inside their vehicle, for whatever reasons. Unfortunately, some darker types of window tints often hinder the driver from being able to see the road clearly, too — which is what prompted the law. Apparently, however, there are instances when a person may go to a vendor to have the tints applied without knowledge of the law, only to later be ticketed by police. Also, in some cases businesses may have window tints applied to their vehicles which the driver of the vehicle, under present law, becomes responsible for if pulled over by police. Some people feel persons who apply certain types of illegal treatments or tints to vehicle windows should also be subject to penalties under the act.

THE CONTENT OF THE BILL:

The bill would amend the Michigan Vehicle Code to specify that a person who applied a material to a motor vehicle which caused the driver of that vehicle to violate the act's provisions (which prohibit the driving of vehicles that have certain window treatments or tints) would be guilty of a misdemeanor. (Under the act currently, a person convicted of a misdemeanor is subject to up to 90 days imprisonment, or a \$100 fine, or both.) MCL 257.709

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, the bill would not have any state or local fiscal implications. (2-7-90)

ARGUMENTS:

For:

The bill would apply similar penalties to a business that applied certain types of treatments or tints to vehicle windows as are assessed persons who are caught driving these vehicles. In many cases, a person may go to a vendor to have tints applied without knowing that they are illegal. Also, drivers of certain business vehicles now are responsible for penalties for driving tinted vehicles even though their employer was responsible for having the illegal tints applied.

Against:

Under the vehicle code presently, a driver caught with illegal tints is subject to only a civil infraction — generally, a \$250 fine — while under the bill a person guilty of a misdemeanor could be subject to both a \$100 fine and up to 90 days' imprisonment.

Response: According to a Department of State Police spokesperson, civil infractions are generally easier to prove

while misdemeanors require proof "beyond a reasonable doubt." The spokesperson said that while a person guilty under the bill could be subject to imprisonment, in most cases law enforcement officials will assess only the fine. A jail term, however, could be assessed if a person found guilty under the bill continued to apply illegal tints.

POSITIONS:

The Department of State Police supports the bill. (2-7-90)

The Michigan Association of Chiefs of Police supports the bill. (2-7-90)

H.B. 5420 (2-8-90)