

**HB 5598, As Passed Senate, May 18, 2000**

April 13, 2000, Introduced by Rep. Rick Johnson 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 1988 PA 470.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 709. (1) A person shall not drive a motor vehicle with  
2 any of the following:  
3       (a) A sign, poster, nontransparent material, window applica-  
4 tion, reflective film, or nonreflective film upon or in the front  
5 windshield, the side windows immediately adjacent to the driver  
6 or front passenger, or the sidewings adjacent to and forward of  
7 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  
10 if the material does not extend more than 4 inches from the top

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1 of the windshield, or lower than the shade band, whichever is  
2 closer to the top of the windshield.

3 (b) A rear window or side window to the rear of the driver  
4 composed of, covered by, or treated with a material that creates  
5 a total solar reflectance of 35% or more in the visible light  
6 range, including a silver or gold reflective film.

7 (c) A dangling ornament or other suspended object THAT  
8 OBSTRUCTS THE VISION OF THE DRIVER OF THE VEHICLE, except as  
9 authorized by law. ~~which obstructs the vision of the driver of~~  
10 ~~the vehicle.~~

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

16 (3) This section shall not apply to:

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

23 (b) The use of a nonreflective, smoked or tinted glass, non-  
24 reflective film, perforated window screen, or other decorative  
25 window application on the rear window or a side window to the  
26 rear of the driver.

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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, com-  
5 monwealth 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  
10 a physician or optometrist, indicating ~~the need for~~ THAT the  
11 special window treatment or application ~~as~~ 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.

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

23 (5) A truck with a gross weight over 10,000 pounds, A truck  
24 tractor, A bus, or a truck regardless of weight carrying hazard-  
25 ous materials on which a placard is required to be posted pursu-  
26 ant to 49 C.F.R. ~~171~~ parts 100 to 199 having a windshield  
27 shall be equipped with not less than 2 automatically operating

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

16 (6) A truck with a gross weight over 10,000 pounds, A truck  
17 tractor, A bus, or a truck regardless of weight carrying hazard-  
18 ous materials on which a placard is required to be ~~posed~~ POSTED  
19 pursuant to 49 C.F.R. ~~171~~ parts 100 to 199 shall not be oper-  
20 ated on the highways at any time unless it is equipped with a hot  
21 air windshield defroster or an electrically heated windshield or  
22 other ~~scientific method that is devised so long as the wind-~~  
23 ~~shield is heated and maintained~~ DEVICE TO HEAT AND MAINTAIN THE  
24 WINDSHIELD in operable condition at all times.

25 ~~(7) A licensed motor vehicle which is manufactured after~~  
26 ~~January 1, 1956, shall not be operated on the highways unless it~~  
27 ~~is equipped with a windshield washer maintained in operable~~

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1 ~~condition at all times and capable of cleaning the windshield so~~  
2 ~~as to leave the driver with a clear view of the highway or an~~  
3 ~~intersecting highway.~~

4 (7) ~~(8)~~ As used in this section:

5 (a) "Physician" means ~~a person licensed by the state to~~  
6 ~~engage in the practice of medicine or the practice of osteopathic~~  
7 ~~medicine and surgery under article 15 of the public health code,~~  
8 ~~Act No. 368 of the Public Acts of 1978, being sections 333.16101~~  
9 ~~to 333.18838 of the Michigan Compiled Laws~~ THAT TERM AS DEFINED  
10 IN SECTION 17001 OR 17501 OF THE PUBLIC HEALTH CODE, 1978 PA 368,  
11 MCL 333.17001 AND 333.17501.

12 (b) "Optometrist" means ~~a person licensed by the state to~~  
13 ~~engage in the practice of optometry under article 15 of the~~  
14 ~~public health code, Act No. 368 of the Public Acts of 1978~~ THAT  
15 TERM AS DEFINED IN SECTION 17401 OF THE PUBLIC HEALTH CODE, 1978  
16 PA 368, MCL 333.17401.