

HOUSE BILL No. 4343

February 18, 2009, Introduced by Rep. Green 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 2000 PA 127.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 709. (1) A person shall not ~~drive~~**OPERATE** a motor vehicle
2 with 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
10 the material does not extend more than 4 inches from the top of the

1 windshield, or lower than the shade band, whichever is closer to
2 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 a
5 total solar reflectance of 35% or more in the visible light range,
6 including a silver or gold reflective film.

7 (c) A dangling ornament or other suspended object that
8 obstructs the vision of the ~~driver~~**OPERATOR** of the vehicle, except
9 as authorized by law.

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

15 (3) This section ~~shall~~**DOES** not apply to **ANY OF THE FOLLOWING:**

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

22 (b) The use of a nonreflective ~~—~~ smoked or tinted glass,
23 nonreflective film, perforated window screen, or other decorative
24 window application on the rear window or a side window to the rear
25 of the ~~driver~~**OPERATOR**.

26 (c) The placement of a necessary certificate or sticker that
27 does not obstruct the ~~driver's~~**OPERATOR'S** clear view of the roadway

1 or an intersecting roadway.

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

4 (e) A special window treatment or application determined
5 ~~necessary~~ by a physician or optometrist ~~—~~**TO BE NECESSARY** for the
6 protection of a person who is light sensitive or photosensitive, if
7 the owner or operator of a motor vehicle has in possession a letter
8 signed by a physician or optometrist, indicating that the special
9 window treatment or application is a medical necessity, **AND**
10 **COMPLIES WITH THE REQUIREMENTS OF SUBSECTION (4)**. However, the
11 special window treatment or application shall not interfere with or
12 obstruct the driver's clear vision of the highway or an
13 intersecting highway.

14 (F) A PERSON WHO RESIDES WITH AN OWNER OR OPERATOR DESCRIBED
15 IN SUBDIVISION (E) WHO IS OPERATING THE MOTOR VEHICLE WITH THE
16 PERMISSION OF THAT PERSON, OR ANY OTHER PERSON WHO IS OPERATING THE
17 MOTOR VEHICLE WHILE THE OWNER OR OPERATOR DESCRIBED IN SUBDIVISION
18 (E) IS A PASSENGER IN THAT MOTOR VEHICLE. A PERSON WHO OPERATES THE
19 MOTOR VEHICLE IN VIOLATION OF THIS SUBDIVISION IS RESPONSIBLE FOR A
20 CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$300.00.

21 (4) THE OWNER OF A MOTOR VEHICLE THAT IS TO BE OPERATED UNDER
22 SUBSECTION (3) (E) OR (F) SHALL PLACE A STICKER OBTAINED FROM THE
23 SECRETARY OF STATE ON THE REAR WINDOW OF THE MOTOR VEHICLE BEFORE
24 OPERATING THE MOTOR VEHICLE UNDER SUBSECTION (3) (E) OR ALLOWING THE
25 MOTOR VEHICLE TO BE OPERATED UNDER SUBSECTION (3) (E) OR (F). AN
26 OWNER WHO OPERATES A MOTOR VEHICLE WITHOUT THE REQUIRED STICKER ON
27 THE REAR WINDOW OR WHO ALLOWS THE MOTOR VEHICLE TO BE OPERATED

1 WITHOUT THE REQUIRED STICKER ON THE REAR WINDOW IS RESPONSIBLE FOR
2 A CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN \$200.00. THE FINE
3 IS IN ADDITION TO THE FINE AUTHORIZED FOR OPERATING THE MOTOR
4 VEHICLE IN VIOLATION OF SUBSECTION (3) (E) OR (F). A PERSON WHO
5 REMOVES A WINDOW STICKER PLACED ON A MOTOR VEHICLE UNDER THIS
6 SUBSECTION FOR PURPOSES OF SELLING OR TRANSFERRING THE MOTOR
7 VEHICLE TO ANOTHER PERSON AND WHO DOES NOT MODIFY OR REPLACE THE
8 WINDOWS IN ORDER FOR THE MOTOR VEHICLE TO BE IN COMPLIANCE WITH
9 MICHIGAN LAW BEFORE THE MOTOR VEHICLE IS SOLD OR TRANSFERRED IS
10 RESPONSIBLE FOR A CIVIL INFRACTION AND MAY BE FINED NOT MORE THAN
11 \$200.00.

12 (5) THE SECRETARY OF STATE SHALL ISSUE A WINDOW STICKER TO AN
13 OWNER OF A MOTOR VEHICLE TO BE OPERATED UNDER SUBSECTION (3) (E) OR
14 (F) WHO PROPERLY APPLIES FOR THE STICKER ONLY IF THE SECRETARY OF
15 STATE IS PROVIDED WITH PROOF SATISFACTORY TO THE SECRETARY OF STATE
16 OF THE MEDICAL NECESSITY FOR THE EXEMPTION UNDER SUBSECTION (3).
17 THE SECRETARY OF STATE MAY CHARGE A FEE FOR THE WINDOW STICKER THAT
18 DOES NOT EXCEED THE ACTUAL COST OF THE STICKER. THE STICKER SHALL
19 BE OF A DESIGN CONSIDERED APPROPRIATE BY THE SECRETARY OF STATE AND
20 SHALL CONTAIN A WARNING THAT THE USE OF THE MOTOR VEHICLE IS
21 RESTRICTED AS PROVIDED IN THIS SECTION AND THAT UPON SALE OF THE
22 MOTOR VEHICLE, THE WINDOWS MAY HAVE TO BE MODIFIED OR REPLACED IN
23 ORDER FOR THE MOTOR VEHICLE TO BE OPERATED IN COMPLIANCE WITH
24 MICHIGAN LAW.

25 (6) ~~(4)~~—Except as provided in subsection ~~(5)~~—(7), the
26 windshield on each motor vehicle shall be equipped with a device
27 for cleaning rain, snow, or other moisture from the windshield. 7

1 ~~which~~ **THE** device shall be so constructed as to be controlled or
2 operated by the ~~driver~~ **OPERATOR** of the vehicle. A vehicle licensed
3 as an historical vehicle is exempt from this subsection if the
4 vehicle was not originally equipped with such a device. Each
5 windshield wiper upon a motor vehicle shall be maintained in good
6 working order.

7 (7) ~~(5)~~ A truck with a gross weight over 10,000 pounds, a
8 truck tractor, a bus, or a truck regardless of weight carrying
9 hazardous materials on which a placard is required to be posted
10 ~~pursuant to~~ **UNDER** 49 C.F.R. ~~CFR~~ parts 100 to 199 having a
11 windshield shall be equipped with not less than 2 automatically
12 operating windshield wiper blades, 1 on each side of the centerline
13 of the windshield, for cleaning rain, snow, or other moisture from
14 the windshield. The blades shall be in such condition as to provide
15 clear vision for the ~~driver~~ **OPERATOR**, unless 1 blade is so arranged
16 as to clean an area of the windshield extending to within 1 inch of
17 the limit of vision through the windshield at each side. However,
18 in driveaway-towaway operations, this subsection ~~shall apply~~
19 **APPLIES** only to the ~~driven~~ **OPERATED** vehicle. In addition, 1
20 windshield wiper blade suffices under this subsection when the
21 ~~driven~~ **OPERATED** vehicle in a driveaway-towaway operation
22 constitutes part or all of the property being transported and has
23 no provision for 2 blades. A truck and truck tractor ~~—~~manufactured
24 after June 30, 1953 ~~—~~that depends upon vacuum to operate the
25 windshield wipers ~~—~~shall be so constructed that the operation of
26 the wipers is not materially impaired by change in the intake
27 manifold pressure.

1 (8) ~~(6)~~—A truck with a gross weight over 10,000 pounds, a
2 truck tractor, a bus, or a truck regardless of weight carrying
3 hazardous materials on which a placard is required to be posted
4 pursuant to ~~UNDER 49 C.F.R.—CFR~~ parts 100 to 199 shall not be
5 operated on the highways at any time unless it is equipped with a
6 hot air windshield defroster or an electrically heated windshield
7 or other device to heat and maintain the windshield in operable
8 condition at all times.

9 (9) ~~(7)~~—As used in this section:

10 (a) "Physician" means that term as defined in section 17001 or
11 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
12 333.17501.

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