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By: **Delegate DeCarlo**

Introduced and read first time: February 1, 2000

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2                                   **Vehicle Laws - Exemption from Tinted Window Requirements -**  
3                                   **Certification by Optometrist**

4 FOR the purpose of allowing a vehicle owner who must be protected from the sun for  
5 medical reasons to present, upon being stopped by a police officer, a written  
6 certification from an optometrist detailing the owner's medical need for tinted  
7 windows; making a conforming change; and generally relating to tinted  
8 windows.

9 BY repealing and reenacting, with amendments,  
10 Article - Transportation  
11 Section 22-406(i)  
12 Annotated Code of Maryland  
13 (1999 Replacement Volume and 1999 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
15 MARYLAND, That the Laws of Maryland read as follows:

16                                   **Article - Transportation**

17 22-406.

18 (i) (1) Except as provided in paragraph (4) of this subsection, a person may  
19 not operate a vehicle registered under § 13-912, § 13-913, § 13-917, or § 13-937 of  
20 this article on a highway in this State if:

21 (i) In the case of a vehicle registered under § 13-912 of this article,  
22 there is affixed to any window of the vehicle any tinting materials added to the  
23 window after manufacture of the vehicle that do not allow a light transmittance  
24 through the window of at least 35%; and

25 (ii) In the case of a vehicle registered under § 13-913, § 13-917 or §  
26 13-937 of this article, there is affixed to any window to the immediate right or left of  
27 the driver any window tinting materials added after manufacture of the vehicle that  
28 do not allow a light transmittance through the window of at least 35%.

1           (2)     If a police officer observes that a vehicle is being operated in violation  
2 of paragraph (1) of this subsection, the officer may stop the driver of the vehicle and,  
3 in addition to a citation charging the driver with the offense, issue to the driver a  
4 safety equipment repair order in accordance with the provisions of § 23-105 of this  
5 article.

6           (3)     A person may not install on a window of a vehicle any window tinting  
7 material that does not comply with the light transmittance requirements specified in  
8 paragraph (1) of this subsection.

9           (4)     (i)     A person who must be protected from the sun for medical  
10 reasons is exempt from the provisions of paragraph (1) of this subsection if the owner  
11 has, in the vehicle at the time the vehicle is stopped by a police officer, a written  
12 certification that details the owner's medical need for tinted windows, from a  
13 physician OR OPTOMETRIST licensed to practice [medicine] in the State.

14                   (ii)     This subsection does not apply to tinting materials that:

15                                 1.     Are affixed in such a manner so as to be easily removed;  
16 and

17                                 2.     Are being used to protect a child less than 10 years of age  
18 from the sun.

19                   (iii)    Nothing in this subsection may be construed to:

20                                 1.     Allow any tinting materials to be added to the windshield  
21 of a vehicle below the AS1 line or below 5 inches from the top of the windshield; or

22                                 2.     Alter or restrict the authority of the Administrator to  
23 adopt regulations regarding vehicle windows, except with respect to the light  
24 transmittance requirements specified in this section.

25     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
26 October 1, 2000.