

Department of Legislative Services
Maryland General Assembly
2015 Session

FISCAL AND POLICY NOTE

Senate Bill 125 (Senator Gladden)
Judicial Proceedings

**Vehicle Laws - Window Tinting Restrictions - Medical Exemption for Vehicle
Owner's Family**

This bill expands the medical exemption from the prohibition on operating a vehicle with a window tinted beyond a specified threshold, such that the exemption applies not only to the owner of the vehicle but also to a member of the owner's immediate family. Thus, if a vehicle is stopped due to a window tint violation, either the vehicle owner or a member of the immediate family may present to the police officer a written certification that details the medical exemption.

Fiscal Summary

State Effect: General fund revenues decrease, likely minimally, due to the collection of fewer fines associated with window tint violations. Expenditures are not affected.

Local Effect: The bill is not anticipated to materially affect local operations or finances.

Small Business Effect: Minimal.

Analysis

Current Law: A person is generally prohibited from operating specified vehicle types on a highway in the State with window tints of specified grades, as follows:

- a Class A (passenger) vehicle if any window of the vehicle has tinting materials added to the window after manufacture that do not allow a light transmittance through the window of at least 35%; and

- a Class B (for hire), Class E (truck under a specified weight and capacity), or Class M (multipurpose) vehicle if any window to the immediate right or left of the driver has window tinting materials added after manufacture of the vehicle that do not allow a light transmittance through the window of at least 35%.

A person is also prohibited from installing on a vehicle window tinting material that does not comply with these light transmittance requirements.

If a police officer observes that a vehicle is being operated with an illegally tinted window, the officer may stop the driver of the vehicle and, in addition to a citation charging the driver with the offense, issue to the driver a safety equipment repair order. A person who must be protected from the sun for medical reasons is exempt from these restrictions if the owner has, in the vehicle at the time the vehicle is stopped by a police officer, a written certification from a physician that details the owner's medical need for tinted windows.

State Revenues: General fund revenues decrease, likely minimally, as fewer fines are collected for driving with illegally tinted windows under the bill's exemption. In fiscal 2014, there were 4,096 citations for this violation, including 2,149 citations resulting in the prepayment of a \$70 fine and another 1,010 violations that resulted in a trial; 937 citations were unresolved at the end of the fiscal year. A reliable estimate of this revenue loss cannot be made without data regarding the percentage of such citations attributable to a violation involving a vehicle operated by an immediate family member of an individual eligible to drive with tinted windows. However, it is assumed that this situation represents a small percentage of the total infractions, and that the decrease in general fund penalty revenues is likely minimal (less than \$10,000).

Additional Information

Prior Introductions: None.

Cross File: HB 97 (Delegate Rosenberg, *et al.*) - Environment and Transportation.

Information Source(s): Maryland Department of Transportation, Judiciary (Administrative Office of the Courts), Department of Legislative Services

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md/ljm

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