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OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 77
133rd General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Merrin

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SUMMARY

- Eliminates the Department of Public Safety's (DPS) rule-making authority regarding window tinting.
- Codifies DPS rules regarding window tinting (such as: light transmittance standards for windshields, which motor vehicle windows are exempt from the standards, etc.).
- Decreases, from 50% to 30%, the light transmittance percentage requirement for side windows in the front of a motor vehicle (otherwise put, allows those windows to be darker).
- Names the bill the "Legalize Window Tinting Act."

DETAILED ANALYSIS

Window tinting

The bill alters the law that governs window tinting. First, the bill eliminates the Department of Public Safety's (DPS) rule-making authority regarding window tinting.¹

Second, the bill codifies the rules currently adopted by DPS regarding window tinting, and by so doing, reorganizes the window tinting sections by combining the former rules with current laws.²

Last, the bill decreases the light transmittance percentage for side windows to the right or left of the driver from 50% (plus or minus 3%) to 30% (plus or minus 3%). Otherwise put, under the bill, front side windows could be tinted darker than currently allowed.³

¹ R.C. 4513.241(A).

² R.C. 4513.241, 4513.242, and 4513.243.

³ R.C. 4513.241(B)(3).

Codified rules

Under current law, all windows in motor vehicles registered in this state must meet certain standards. The following standards, currently in rule, are codified in the bill:

--Requires privacy drapes, louvers, curtains, or blinds to be open during vehicle operation;

--Requires a windshield to have a light transmittance of not less than 70% (plus or minus 3%);

--Requires front side windows to have a light transmittance of not less than 30% (plus or minus 3%) – as mentioned above, this percentage was decreased from 50% (plus or minus 3%);

--Prohibits red or yellow windshields or side windows;

--Requires a motor vehicle to have rearview mirrors if the rear window has a light transmittance of less than 50% (plus or minus 3%).⁴

Current law also exempts certain windows or tinting features from these standards (windows on specified law enforcement vehicles and buses, etc.). The bill expands this list by codifying the following exceptions currently in rule:

--Sunscreeing or other material applied along the top, as long as the material does not extend downward beyond the AS-1 line or five inches from the top of the windshield, whichever is closer to the top;

--Windows in a motor vehicle that is registered to a person who has an affidavit signed by a licensed optometrist stating that the person has a physical condition that makes it necessary to equip the motor vehicle's windows with sunscreening material that violates light transmittance standards;

--The rear window of a chauffeured limousine;

--The rear window of a vehicle designed to transport corpses, including a hearse.⁵

Additionally, in terms of manufacturer requirements that are currently in rule, the bill codifies the following:

--The requirement that a manufacturer certify to DPS that the material the manufacturer makes or assembles complies with the light transmittance standards;

--The requirement that a manufacturer include a label that identifies the sunscreening material and percentage of light transmission;

--The requirement that a sunscreening material manufacturer notify each purchaser that the material may violate federal law if application of the material either:

□ Reduces light transmittance of the glazing below 70%;

⁴ R.C. 4513.241(B).

⁵ R.C. 4513.241(D).

- Otherwise reduces compliance of the glazing with Federal Motor Vehicle Safety Standard 250.⁶

HISTORY

Action	Date
Introduced	02-14-19

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⁶ R.C. 4513.243. The bill includes an incorrect cross reference, which inadvertently makes failure to comply with these manufacturer requirements a fourth degree misdemeanor, instead of a minor misdemeanor, which is generally the standard penalty for a violation of the window tinting law.