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Bill Analysis

Version: As Introduced

Primary Sponsor: Rep. Merrin

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SUMMARY

- Eliminates the Department of Public Safety's (DPS) rulemaking authority regarding window tinting.
- Codifies DPS rules regarding window tinting (e.g., 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).
- Caps fines for operating a motor vehicle with nonconforming windows at \$25.
- Requires a law enforcement officer who is enforcing the laws regarding window tinting to use window tint cards, a tint meter, or a similar standard device.
- Exempts a new or used motor vehicle dealer that sells a motor vehicle with nonconforming windows from criminal liability and associated penalties, provided the dealer did not install the nonconforming glass.
- 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) rulemaking authority regarding window tinting.¹

¹ R.C. 4513.241(A).

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

Third, 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

Finally, the bill modifies the current law criminal liabilities for motor vehicle dealers, the maximum fines, and the tools for enforcement.

Standards for motor vehicle windows

Under current law, all windows in motor vehicles registered in Ohio 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

Operating a motor vehicle with noncompliant windows

The bill retains current law's prohibition against operating a motor vehicle that is not in compliance with the window standards, unless an exemption applies (see "**Exemptions**," below). However, the bill sets a maximum fine for the violation at \$25, rather than current law's \$150 maximum fine. A violation is a minor misdemeanor both under the bill and current law.⁵

Additionally, the bill requires a law enforcement officer who is enforcing the window tinting standards to use window tinting cards, a tint meter, or another similar standard device in order to accurately measure the light transmittance of the windshield or window. Current law is silent on what device is used when enforcing the window tinting laws.⁶

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

³ R.C. 4513.241(B)(3).

⁴ R.C. 4513.241(B).

⁵ R.C. 4513.241(C)(1) and (E).

⁶ R.C. 4513.241(C)(2).

Exemptions

Current law exempts certain windows or tinting features from the standards (e.g., windows on specified law enforcement vehicles, buses operated outside the state, etc.). The bill expands this list by codifying the following exemptions currently in rule:

- Sunscreening or other material applied along the top of the windshield, 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 physician or 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.⁷

The bill also creates a new exemption for motor vehicle dealers. Specifically, the selling, renting, or leasing of a motor vehicle by a new or used motor vehicle dealer is exempt from the window tinting standards, provided the dealer did not install any nonconforming glass or materials on the motor vehicle. Related to this exemption, the bill removes current law's provisions that impose criminal liability on a motor vehicle dealer who knowingly sells a motor vehicle with nonconforming glass. The offense is a minor misdemeanor under current law.⁸

Installation

The bill retains current law's prohibitions against:

- Installing in or on any motor vehicle any glass or other material that fails to conform to the standards; and
- A manufacturer, remanufacturer, or distributor providing a motor vehicle dealer or any other person a motor vehicle that fails to conform to the standards.

The bill also retains current law's protections for consumers who purchase a motor vehicle with nonconforming glass or material, businesses whose employee acts outside the scope of their employment, and professional license suspensions for repeat offenders who are motor vehicle repair operators or motor vehicle dealers and who installed nonconforming glass.⁹

⁷ R.C. 4513.241(D).

⁸ R.C. 4513.241(D)(9) and 4513.241(E)(1) and (K)(2) (current law).

⁹ R.C. 4513.242(C), 4517.33, and 4775.09.

Manufacturing

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 suncreening 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%; or
 - Otherwise reduces compliance of the glazing with Federal Motor Vehicle Safety Standard 250.¹⁰

Technical and conforming changes

The bill makes multiple technical and conforming changes relating to codifying the window tinting rules. Additionally, the codification required reorganization of the already-codified laws, such as the window decal requirements.¹¹

HISTORY

Action	Date
Introduced	02-09-21

H0098-I-134/ar

¹⁰ R.C. 4513.243.

¹¹ R.C. 4513.244.