

ASSEMBLY, No. 3728

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 16, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

SYNOPSIS

Revises and clarifies law concerning permissible motor vehicle window tint.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning motor vehicle window tinting and amending
2 various parts of statutory law.

3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. R.S.39:3-74 is amended to read as follows:

8 39:3-74. Every motor vehicle having a windshield shall be
9 equipped with at least one device in good working order for
10 cleaning rain, snow or other moisture from the windshield so as to
11 provide clear vision for the driver, and all **such** of these devices
12 shall be so constructed and installed as to be operated or controlled
13 by the driver.

14 **No** A person shall not drive any motor vehicle with any sign,
15 poster, sticker or other non-transparent material upon the front
16 windshield, wings, deflectors, side shields, corner lights adjoining
17 windshield or front side windows of **such** the vehicle other than a
18 certificate or other article required to be so displayed by statute or
19 by regulations of the **commissioner** chief administrator.

20 **No** A person shall not drive any vehicle so constructed,
21 equipped or loaded as to unduly interfere with the driver's vision to
22 the front and to the sides.

23 A person shall not drive a motor vehicle with any tinted material
24 or film on the windshield or front side windows unless the material
25 or film is: (1) applied by the motor vehicle manufacturer prior to the
26 sale of the vehicle and the tinted material and film permits a light
27 transmittance of less than 70 percent, except as applied to the top
28 six inches of the windshield or above the AS-1 marking on the
29 windshield, (2) authorized pursuant to P.L.1999, c.308 (C.39:3-75.1
30 et seq.), or (3) installed on a vehicle used solely for law
31 enforcement purposes. Notwithstanding R.S.39:3-79 or any other
32 law to the contrary, a person in violation of this paragraph shall be
33 subject to a fine not to exceed \$100.

34 The chief administrator shall adopt, pursuant to the
35 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
36 seq.), rules and regulations to measure and test permissible motor
37 vehicle window tint and light transmittance requirements pursuant
38 to this section.

39 (cf: R.S.39:3-74)

40

41 2. R.S.39:3-75 is amended to read as follows:

42 39:3-75. **The term "safety"** As used in this section:

43 "Safety glass" **shall be construed as meaning** means glass **so**
44 treated or combined with other materials as to reduce, in
45 comparison with ordinary sheet glass or plate glass, the likelihood

EXPLANATION – Matter enclosed in bold-faced brackets **thus** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of injury to persons by objects from exterior sources or by glass
2 when the glass is cracked or broken. **【The term “safety】**

3 **“Safety glazing material”** **【shall be construed as meaning】** means
4 **“safety glass”** **【;】** or other glazing materials, such as plastics,
5 produced for the purpose of safety in glazing **【;】** , or a combination
6 of safety glass and other safety glazing material. **【The term**
7 **“approved】**

8 **“Approved safety glazing material”** **【shall be construed as**
9 **meaning】** means safety glazing material of a type approved by the
10 **【director】** chief administrator.

11 In the approving of safety glazing materials, the **【director】** chief
12 administrator is **【hereby given authority】** authorized to make use of
13 recognized standards to confine the use of certain types of safety
14 glazing materials to a specific location in or on the vehicle, or to a
15 certain purpose.

16 **【No】** A person shall not drive any motor vehicle manufactured
17 on or after **【July first, nineteen hundred and thirty-five】** July 1,
18 1935 and registered in this State unless **【such】** the vehicle is
19 equipped with approved safety glazing material wherever glazing is
20 used in doors, windows and windshields. The term “windshield”
21 shall **【be construed to】** include wings, deflectors and side shields;
22 also front corner lights adjoining windshields.

23 Every section of safety glazing material shall be legibly and
24 permanently marked with the manufacturers’ distinctive
25 designations, under which the safety glazing material was approved,
26 so as to be visible when installed.

27 **【No】** A person shall not drive any motor vehicle equipped with
28 safety glazing material which causes undue or unsafe distortion of
29 visibility or equipped with unduly fractured, discolored or
30 deteriorated safety glazing material, and the **【director】** chief
31 administrator may revoke the registration of any such vehicle. This
32 paragraph is not applicable to tinting materials or film permitted on
33 motor vehicle windows pursuant to R.S.39:3-74 and P.L.1999,
34 c.308 (C.39:3-75.1 et seq.).
35 (cf: P.L.1949, c.258, s.1)
36

37 3. Section 1 of P.L.1999, c.308 (C.39:3-75.1) is amended to
38 read as follows:

39 1. Notwithstanding the provisions of any other law to the
40 contrary, the owner or lessee of a motor vehicle that is driven by or
41 is used to regularly transport a person who has a medical condition
42 involving ophthalmic or dermatologic photosensitivity may apply to
43 the **【director】** chief administrator for permission to have the
44 windshield and windows of that vehicle covered by or treated with a
45 product or material that increases its light reflectance or reduces its

1 light transmittance.

2 The application shall be in a form and manner prescribed by the
3 **【director】** chief administrator and shall include, but not be limited
4 to, a written certification by a certified ophthalmologist or a
5 physician with a plenary license to practice medicine and surgery in
6 this State or a bordering state that the person for whom the
7 application is submitted has a medical condition involving
8 ophthalmic or dermatologic photosensitivity. For the purposes of
9 **【this act】** P.L.1999, c.308 (C.39:3-75.1 et seq.), medical conditions
10 involving ophthalmic or dermatologic photosensitivity shall
11 include:

- 12 a. polymorphous light eruption;
- 13 b. persistent light reactivity;
- 14 c. actinic reticuloid;
- 15 d. porphyryns;
- 16 e. solar urticaria;
- 17 f. lupus erythematosus; and
- 18 g. such other photosensitive disorders or conditions as the
19 **【director】** chief administrator shall determine.
20 (cf: P.L.1999, c.308, s.1)

21
22 4. Section 2 of P.L.1999, c.308 (C.39:3-75.2) is amended to
23 read as follows:

24 2. The **【director】** chief administrator, pursuant to the
25 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
26 seq.), shall promulgate rules and regulations to effectuate the
27 purposes of this act. The rules and regulations shall include, but
28 shall not be limited to:

29 a. Standards and specifications governing the types of
30 materials and products that may be applied to a motor vehicle
31 windshield and windows under **【this act】** P.L.1999, c.308 (C.39:3-
32 75.1 et seq.). These standards and specifications shall include the
33 color of the materials or products, the maximum allowable
34 percentage of total light reflectance of the materials or products, the
35 maximum allowable percentage of the light transmittance and
36 ultraviolet transmittance of the materials or products, and **【such】**
37 other matters as the **【director】** chief administrator shall deem
38 appropriate and necessary. In establishing the standards and
39 specifications, the **【director】** chief administrator shall consider, to
40 the greatest extent possible, the safety of law enforcement officers,
41 who during the performance of their duties may find it necessary to
42 inspect or otherwise observe the interior of a motor vehicle having a
43 windshield and windows to which an approved material or product
44 is applied.

45 b. The issuance of a certificate or card to each approved
46 applicant authorizing the approved covering or treatment. The
47 certificate or card shall be valid for a period of not more than 48

1 months and shall be exhibited to any law enforcement officer, when
2 **【so】** requested, and to a designated motor vehicle examiner
3 whenever the motor vehicle is inspected.

4 c. Standards and specifications governing the installation and
5 application of approved materials and products, including the
6 affixation of an appropriate label, in a manner and form prescribed
7 by the **【director】** chief administrator, on each windshield and
8 window to which an approved material or product is applied. The
9 label **【may】** shall identify the name and the location of the installer
10 and may identify the name of the manufacturer of the material or
11 product applied.

12 d. The registration of persons in the business of installing or
13 applying approved materials and products, including the
14 establishment of a fee to cover the costs of that registration.

15 (cf: P.L.1999, c.308, s.2)

16
17 5. Section 3 of P.L.1999, c.308 (C.39:3-75.3) is amended to
18 read as follows:

19 3. a. A person who violates the provisions of subsection b. of
20 section 2 of P.L.1999, c.308 (C.39:3-75.2) shall be subject to a fine
21 not exceeding \$100; provided, however, if a person charged with
22 **【such】** a violation can exhibit a certificate or card which was valid
23 on the day **【he】** the person was charged to the judge of the
24 municipal court before whom **【he】** the person is summoned to
25 answer the charge, the judge may dismiss the charge. The judge **【,**
26 however, may**】** shall not impose court costs.

27 b. A person who violates the provisions of the regulations
28 adopted pursuant to subsection c. or d. of section 2 of P.L.1999,
29 c.308 (C.39:3-75.2) shall be subject to a fine not to exceed \$1,000
30 for a first offense and not to exceed \$5,000 for a second or
31 subsequent offense.

32 (cf: P.L.1999, c.308, s.3)

33
34 6. Section 1 of P.L.2003, c.21 (C.56:8-117) is amended to read
35 as follows:

36 1. It shall be an unlawful practice for a person engaged in the
37 retail sale and installation of motor vehicle window tinting
38 materials or film to:

39 a. Sell any **【such】** tinting material or film without first
40 notifying the purchaser that the application of these materials or
41 film to the windshield or the front windows to the left and right of
42 the driver of any motor vehicle registered in the State is a violation
43 of State law and regulation. The notice required under this
44 paragraph shall be given by the conspicuous posting of a sign at the
45 point where the window tinting materials or film are offered for
46 sale. The sign shall state substantially the following:

47 "NJ STATE LAW PROHIBITS ADD-ON TINTING ON

1 WINDSHIELDS AND FRONT SIDE WINDOWS"

2 The notice required under this paragraph shall not apply to
3 catalog sales of motor vehicle tinting materials or film where the
4 purchase and payment are made by mail, telephone or other
5 telecommunications or electronic method; **or**

6 b. Install or apply any **such** tinting material or film on or to
7 the windshield or the windows to the left and right of the driver of
8 any motor vehicle registered in the State unless the purchaser
9 exhibits a certificate or card, issued pursuant to P.L.1999, c.308
10 (C.39:3-75.1 et seq.), authorizing the installation or application of
11 the material or film on or to the windshield or front side windows
12 **to the left and right of the driver** of that **car** vehicle for medical
13 reasons involving ophthalmic or dermatologic photosensitivity, or
14 the purchaser is a State or local law enforcement entity; or

15 c. Install or offer to install window tinting materials or film on
16 a motor vehicle without registering pursuant to subsection d. of
17 section 2 of P.L.1999, c.308 (C.39:3-75.2).

18 (cf: P.L.2003, c.21, s.1)

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20 7. Section 2 of P.L.2003, c.21 (C.56:8-118) is amended to read
21 as follows:

22 2. The Director of the Division of Consumer Affairs in the
23 Department of Law and Public Safety shall:

24 a. Pursuant to the provisions of the "Administrative Procedure
25 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), promulgate rules and
26 regulations to effectuate the purposes of **this act** P.L.2003, c.21
27 (C.56:8-117 et seq.); and

28 b. Develop and undertake a public information program to:
29 (1) inform persons engaged in the retail sale and installation of
30 motor vehicle window tinting materials and film and the general
31 public of the provisions of **this act** P.L.2003, c.21 (C.56:8-117 et
32 seq.) and P.L.1999, c.308 (C.39:3-75.1 et seq.); and

33 (2) in consultation with the Superintendent of State Police,
34 educate drivers concerning the restrictions on and penalties for
35 installing window tinting materials in violation of R.S.39:3-74 and
36 P.L.1999, c.308 (C.39:3-75.1 et seq.).

37 (cf: P.L.2003, c.21, s.2)

38
39 8. This act shall take effect on the first day of the third month
40 next following the date of enactment.

41
42
43 STATEMENT

44
45 This bill revises and clarifies the laws concerning motor vehicle
46 window tinting.

1 Multiple statutes are cited as the basis for the State's current
2 restrictions on post-production window tinting and referenced in
3 case law regarding tickets issued by law enforcement. This bill
4 amends current law to establish R.S.39:3-74 as the statutory
5 authority concerning the permissible tint of a vehicle's windshield
6 and front side windows. The bill also amends R.S.39:3-75, which
7 regulates "safety glazing material," to clarify that this section of law
8 is not applicable to tinting materials or film permitted on motor
9 vehicle windows pursuant to R.S.39:3-74 and P.L.1999, c.308
10 (C.39:3-75.1 et seq.).

11 Specifically, the bill prohibits a person from driving a vehicle
12 with any tinted material or film on the windshield or front side
13 windows unless the material or film is: (1) applied by the vehicle
14 manufacturer prior to its sale and the tinted material and film
15 permits a light transmittance of less than 70 percent, except as
16 applied to the top six inches of the windshield or above the AS-1
17 marking on the windshield, (2) a product or material that increases
18 light reflectance or reduces light transmittance, as authorized by the
19 Chief Administrator of the New Jersey Motor Vehicle Commission
20 (MVC) pursuant to P.L.1999, c.308, because the person has a
21 photosensitivity medical condition, or (3) applied on a vehicle used
22 solely for law enforcement purposes. A person in violation of this
23 provision would be subject to a fine not to exceed \$100. This
24 violation is considered a "primary offense" whereby law
25 enforcement officers are authorized to stop and ticket motorists
26 whenever they are observed driving a vehicle with illegally tinted
27 windows.

28 Currently, a person who installs tinting material is to include a
29 label on each windshield and window. This bill requires the label
30 to include the installer's name and location.

31 Under P.L.1999, c.308, each applicant approved to apply tinting
32 material for medical purposes is issued a certificate or card that is
33 valid for a period of up to 48 months. This card is to be exhibited
34 to a law enforcement officer upon request and to a designated motor
35 vehicle examiner whenever the vehicle is inspected. A person in
36 violation of this provision is subject to a fine of up to \$100;
37 however, if the person charged with the violation exhibits a
38 certificate or card to a municipal court judge that was valid on the
39 day of the charge, the judge may dismiss the charge. This bill
40 amends current law to provide that, in this case, a judge cannot
41 impose court costs.

42 The bill authorizes the chief administrator to adopt rules and
43 regulations to measure and test permissible motor vehicle window
44 tint and light transmittance requirements.

45 Lastly, the bill directs the Director of the Division of Consumer
46 Affairs in the Department of Law and Public Safety to develop and
47 undertake a public information program, in consultation with the
48 Division of State Police, to educate drivers of the restrictions on

1 and penalties for installing window tinting materials in violation of
2 State law.

3 It is the sponsor's intent to clarify the law concerning window
4 tinting to improve its interpretation and enforcement, and to
5 enhance police officer and public safety, which is beneficial to the
6 general public, law enforcement, and the courts in this State.