A BILL

To amend sections 4507.232, 4513.241, 4513.242, 4517.33, and 4775.09 and to enact sections 4513.243 and 4513.244 of the Revised Code to codify and modify rules related to the use of sunscreensing and reflectorized materials on motor vehicles and to name this act the "Legalize Window Tinting Act."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4507.232, 4513.241, 4513.242, 4517.33, and 4775.09 be amended and sections 4513.243 and 4513.244 of the Revised Code be enacted to read as follows:

Sec. 4507.232. When the registrar of motor vehicles or a deputy registrar issues a temporary instruction permit under this chapter, the registrar or deputy registrar also shall issue to the applicant a sticker or banner that reads "student driver." When the holder of the temporary instruction permit operates a motor vehicle, the sticker or banner may be displayed on the motor vehicle to inform other motor vehicle operators that the motor vehicle is being operated by a holder of a temporary instruction permit, but such display is not required.
The sticker or banner may be displayed on a side window or
the rear window of the motor vehicle notwithstanding section
4513.24 and division (F)-(B)(6) of section 4513.241 of the
Revised Code or any rule adopted thereunder.

The registrar shall determine the size of the sticker or
banner, which shall not exceed four inches in height by twelve
inches in length, and the material and all other properties of
the sticker or banner, but shall select a material so that the
sticker or banner can be transferred readily from one motor
vehicle to another.

Sec. 4513.241. (A) The director of public safety, in
accordance with Chapter 119. of the Revised Code, shall adopt
rules governing the use of tinted glass, and the use of
transparent, nontransparent, translucent, and reflectorized
materials in or on motor vehicle windshields, side windows,
sidewings, and rear windows that prevent a person of normal
vision looking into the motor vehicle from seeing or identifying
persons or objects inside the motor vehicle.

As used in this
section and sections 4513.242, 4513.243, and 4513.244 of the
Revised Code:

(1) "Chauffeured limousine" has the same meaning as in
section 4501.01 of the Revised Code.

(2) "Manufacturer" means any person who engages in the
manufacturing or assembling of sunscreening products or
materials or any person who fabricates, laminates, or tempers a
safety glazing material, incorporating, during the manufacturing
process, the capacity to reflect or reduce the transmission of
light. "Manufacturer" includes any person importing motor
vehicles or motor vehicle equipment for resale.
(3) "Motor vehicle" means every vehicle propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires, except motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, hole-digging machinery, well-drilling machinery, ditch-digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at a speed of twenty-five miles per hour or less, threshing machinery, hay-baling machinery, and agricultural tractors and machinery used in the production of horticultural, floricultural, agricultural, and vegetable products.

(4) "Sunscreening material" means materials, including film, glazing, and perforated sunscreening, that when applied to the windshield or windows of a motor vehicle, reduce the effects of the light reflectance or transmittance of the sun.

(5) "Transmittance" means the ratio of the amount of total light, expressed in percentages, that is allowed to pass through sunscreening material to the amount of total light falling on the sunscreening material.

(6) "Window" means any device designed for exterior viewing from a motor vehicle, except the windshield or any roof-mounted viewing device.

(7) "Windshield" means the front exterior viewing device of a motor vehicle.

(B) The rules adopted under this section may provide for
persons who. All motor vehicles registered in this state shall meet either of the following qualifications:

(1) On November 11, 1994, or the effective date of any rule adopted under this section, own a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section. Privacy drapes, louvers, curtains, or blinds shall be open and secure during vehicle operation.

(2) Establish residency in this state and are required to register a motor vehicle that does not conform to the requirements of this section or of any rule adopted under this section. A windshield that has sunscreening material or other material, when used in conjunction with safety glazing materials, shall have a light transmittance of not less than seventy per cent, plus or minus three per cent.

(3) A side window to the right or left of the driver that has sunscreening material or other material, when used in conjunction with safety glazing materials, shall have a light transmittance of not less than thirty per cent, plus or minus three per cent.

(4) No windshield or side window that has sunscreening material or other material, when used in conjunction with safety glazing materials, shall be red or yellow in color.

(5) A motor vehicle shall have left and right rear view mirrors if a rear window of the motor vehicle has sunscreening material or other material, when used in conjunction with safety glazing materials, that has a light transmittance of less than fifty per cent, plus or minus three per cent.

(6) No reflectorized materials shall be upon or in any front windshield, side windows, sidewings, or rear window.
(C) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state unless the motor vehicle conforms to that violates the requirements of standards established in division (B) of this section and of any applicable rule adopted under this section.

(D) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or of any rule adopted under this section.

(E)(1) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.

(2) No manufacturer, remanufacturer, or distributor, as defined in section 4517.01 of the Revised Code, shall provide to a motor vehicle dealer licensed under Chapter 4517 of the Revised Code or to any other person, a motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.

(F) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.

(G) This section and section 4513.242 of the Revised Code do not apply to the manufacturer's tinting or glazing of the following:

(1) A motor vehicle window or windshields that is otherwise in compliance with or permitted by
federal motor vehicle safety standard number two hundred five.

(2) Sunscreening material or other material applied along the top of the windshield, provided that such 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;

(3) With regard to any side window behind a driver's seat or any rear window other than any window on an emergency door, this section does not apply to any school bus used to transport a child with disabilities pursuant to Chapter 3323 of the Revised Code, whom it is impossible or impractical to transport by regular school bus in the course of regular route transportation provided by a school district. As used in this division, "child with disabilities" has the same meaning as in section 3323.01 of the Revised Code.

(4) Any school bus that is to be sold and operated outside this state;

(5) A motor vehicle used by a law enforcement agency under either of the following circumstances:

(a) The vehicle does not have distinctive markings of a law enforcement vehicle but is operated by or on behalf of the law enforcement agency in an authorized investigation or other activity requiring that the presence and identity of the vehicle occupants be undisclosed.

(b) The vehicle primarily is used by the law enforcement canine unit for transporting a police dog.

(2) As used in this division (D)(5) of this section, "law enforcement agency" means a police department, the office of a sheriff, the state highway patrol, a county prosecuting
attorney, or a federal, state, or local governmental body that
enforces criminal laws and that has employees who have a
statutory power of arrest.

(6) A motor vehicle registered in this state in the
name of a person, or the person's parent, legal guardian, or
spouse who has an affidavit signed by either a physician
licensed to practice under Chapter 4731. of the Revised Code or
by an optometrist licensed to practice under Chapter 4725. of
the Revised Code, that states that the person has a physical
condition that makes it necessary to equip such motor vehicle
with sun-screening material that is of a light transmittance in
violation of this section. The person with the physical
condition or the person's driver shall have the affidavit in the
person's or driver's possession at all times while the motor
vehicle is in operation.

(7) A window to the rear of a driver of a chauffeured
limousine;

(8) A window to the rear of a driver of a vehicle designed
to transport corpses, including a hearse, and other vehicles
adapted to such use.

(E) Whoever violates division (C), (E)(2), or (E) of this
section is guilty of a minor misdemeanor. A violation of
division (C) of this section is a strict liability offense and
section 2901.20 of the Revised Code does not apply. The
designation of this offense as a strict liability offense shall
not be construed to imply that any other offense, for which
there is no specified degree of culpability, is not a strict
liability offense.

(2) Whoever violates division (E)(1) of this section is
guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(3)(a) Whoever violates division (D) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

(b) In addition to any other penalty imposed under this section, whoever violates division (D) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.

(c) In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section and the offender is a motor vehicle repair operator registered under Chapter 4775. of the Revised Code or a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, whoever violates division (D) of this section is subject to a registration or license suspension, as applicable, for a period of not more than one hundred eighty days.

(L)(1) Every county court judge, mayor of a mayor's court, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this section. If a person is convicted of or forfeits bail in—
relation to a violation of division (D) of this section, the county court judge, mayor of a mayor's court, or clerk, within ten days after the conviction or bail forfeiture, shall prepare and immediately forward to the motor vehicle repair board and the motor vehicle dealers board, an abstract, certified by the preparer to be true and correct, of the court record covering the case in which the person was convicted or forfeited bail.

(2) The motor vehicle repair board and the motor vehicle dealers board each shall keep and maintain all abstracts received under this section. Within ten days after receipt of an abstract, each board, respectively, shall determine whether the person named in the abstract is registered or licensed with the board and, if the person is so registered or licensed, shall proceed in accordance with section 4775.09 or 4517.33 of the Revised Code, as applicable, and determine whether the person's registration or license is to be suspended for a period of not more than one hundred eighty days.

Sec. 4513.242. (A) Notwithstanding section 4513.24 and division (F) of section 4513.241 of the Revised Code or any rule adopted thereunder, a decal, whether reflectorized or not, may be displayed upon any side window or sidewing of a motor vehicle if all of the following are met:

(1) The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected;

(2) The decal is no larger than is necessary to accomplish the security arrangements;

(3) The decal does not obscure the vision of the motor vehicle operator or prevent a person looking into the motor—
vehicle from seeing or identifying persons or objects inside the motor vehicle. No person shall install in or on any motor vehicle any glass or other material that fails to conform to the requirements of section 4513.241 of the Revised Code.

(B) Whoever violates this section is guilty of a minor misdemeanor.

(1) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of section 4513.241 of the Revised Code.

(2) No manufacturer, remanufacturer, or distributor, as defined in section 4517.01 of the Revised Code, shall provide to a motor vehicle dealer licensed under Chapter 4517. of the Revised Code or to any other person, a motor vehicle that fails to conform to the requirements of section 4513.241 of the Revised Code.

(C)(1) Whoever violates division (A) of this section or section 4513.243 of the Revised Code is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.

(2) In addition to any other penalty imposed under this section, whoever violates division (A) of this section or section 4513.243 of the Revised Code is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and
attorney's fees.

(3) In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section or section 4513.243 of the Revised Code and the offender is a motor vehicle repair operator registered under Chapter 4775. of the Revised Code or a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, whoever violates division (A) of this section or section 4513.243 of the Revised Code is subject to a registration or license suspension, as applicable, for a period of not more than one hundred eighty days.

(D)(1) Every county court judge, mayor of a mayor's court, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this section or section 4513.243 of the Revised Code. If a person is convicted of or forfeits bail in relation to the violation, the county court judge, mayor of a mayor's court, or clerk, within ten days after the conviction or bail forfeiture, shall prepare and immediately forward to the motor vehicle repair board and the motor vehicle dealers board, an abstract, certified by the preparer to be true and correct, of the court record covering the case in which the person was convicted or forfeited bail.

(2) The motor vehicle repair board and the motor vehicle dealers board each shall keep and maintain all abstracts received under this section. Within ten days after receipt of an abstract, each board, respectively, shall determine whether the person named in the abstract is registered or licensed with the board and, if the person is so registered or licensed, shall proceed in accordance with section 4775.09 or 4517.33 of the Revised Code, as applicable, and determine whether the person's
registration or license is to be suspended for a period of not more than one hundred eighty days.

(E)(1) Whoever violates division (B)(1) of this section is guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.

(2) Whoever violates division (B)(2) of this section is guilty of a minor misdemeanor.

(3) A violation of division (B)(1) or (2) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

Sec. 4513.243. (A) Each manufacturer shall certify to the department of public safety that the material the manufacturer makes or assembles complies with the light transmission specifications of section 4513.241 of the Revised Code when the material is used in conjunction with the safety glazing materials of motor vehicle windshields or windows. A sunscreening device certified under this section is subject to testing by the department to determine such compliance.

(B)(1) A manufacturer shall notify each purchaser of sunscreening material from the manufacturer that the aftermarket application of the material may violate section 108(a)(2)(A) of the "National Traffic and Motor Vehicle Safety Act of 1966," as amended, when the material, as applied to a motor vehicle that has the required driving visibility as established by the national highway traffic safety administration, does either of the following:
(a) Reduces the light transmittance of the glazing to a level below seventy per cent;

(b) Otherwise reduces the compliance of the glazing with federal motor vehicle safety standard number two hundred five that is in effect at the time of the manufacture of the motor vehicle.

(2) The notice required under division (B)(1) of this section shall include a statement that an installer of the material, who is not the owner of the applicable motor vehicle, may be subject to federal civil penalties.

(C) Each manufacturer applying sunscreening material to a motor vehicle window shall include a label on the window that meets all of the following requirements:

(1) It is not larger than one and one-half inches by one and one-half inches.

(2) It is permanently installed between the sunscreening material and each glazing surface to which it is applied.

(3) It is legible.

(4) It includes the manufacturer's name.

(5) It identifies the sunscreening material and includes the percentage level of light transmission of the sunscreening material when used in conjunction with the motor vehicle manufacturer's glazing materials.

(6) It is placed in the lower left hand corner of the window.

(D) Divisions (C) and (D) of section 4513.242 of the Revised Code apply to a violation of this section.
(E) A violation of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense.

Sec. 4513.244. Section 4513.24 and division (B)(6) of section 4513.241 of the Revised Code do not apply to a decal, whether reflectorized or not, on any side window or sidewing of a motor vehicle if all of the following requirements are met:

(A) The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected.

(B) The decal is not larger than is necessary to accomplish the security arrangements.

(C) The decal does not obscure the vision of the motor vehicle operator or prevent a person looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle.

Sec. 4517.33. The motor vehicle dealers board shall hear appeals which may be taken from an order of the registrar of motor vehicles, refusing to issue a license. All appeals from any order of the registrar refusing to issue any license upon proper application must be taken within thirty days from the date of the order, or the order is final and conclusive. All appeals from orders of the registrar must be by petition in writing and verified under oath by the applicant whose application for license has been denied, and must set forth the reason for the appeal and the reason why, in the petitioner's
opinion, the order of the registrar is not correct. In such appeals the board may make investigation to determine the correctness and legality of the order of the registrar.

The board may make rules governing its actions relative to the suspension and revocation of dealers', motor vehicle leasing dealers', distributors', auction owners', salespersons', and construction equipment auction licenses, and may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the conduct of any licensee under sections 4517.01 to 4517.65 of the Revised Code. The board shall suspend or revoke or notify the registrar to refuse to renew any dealer's, motor vehicle leasing dealer's, distributor's, auction owner's, salesperson's, or construction equipment auction license, if any ground existed upon which the license might have been refused, or if a ground exists that would be cause for refusal to issue a license.

The board may suspend or revoke any license if the licensee has in any manner violated the rules issued pursuant to sections 4517.01 to 4517.65 of the Revised Code, or has violated section 4501.02 of the Revised Code, or has been convicted of committing a felony or violating any law that in any way relates to the selling, taxing, licensing, or regulation of sales of motor vehicles.

Within ten days after receipt of an abstract from a county court judge, mayor of a mayor's court, or clerk of a court of record indicating a violation of division (D)(A) of section 4513.241 4513.242 or section 4513.243 of the Revised Code, the board shall determine whether the person named in the abstract is licensed under this chapter and, if the person is so licensed, shall further determine whether the person previously
has been convicted of or pleaded guilty to a violation of that section. If the person previously has been convicted of or pleaded guilty to a violation of that section, the board, in accordance with Chapter 119. of the Revised Code but without a prior hearing, shall suspend the person's license for a period of not more than one hundred eighty days.

Sec. 4775.09. (A)(1) In accordance with Chapter 119. of the Revised Code, the motor vehicle repair board may refuse to issue or renew a registration certificate or may determine whether to waive a suspension of a registration certificate as provided in division (D) of section 4775.07 of the Revised Code.

(2) Within ten days after receipt of an abstract from a county court judge, mayor of a mayor's court, or clerk of a court of record indicating a violation of division (D) of section 4513.241, 4513.242, or section 4513.243 of the Revised Code, the board shall determine whether the person named in the abstract is registered with the board and, if the person is so registered, shall further determine whether the person previously has been convicted of or pleaded guilty to a violation of that section. If the person previously has been convicted of or pleaded guilty to a violation of that section, the board, in accordance with Chapter 119. of the Revised Code but without a prior hearing, shall suspend the person's registration for a period of not more than one hundred eighty days.

(B) The court of common pleas of Franklin county has exclusive jurisdiction over any person who conducts, or attempts to conduct, business as a motor vehicle repair operator in violation of this chapter or any rule adopted under this chapter. The court, on application of the board, may issue an
injunction, a cease and desist order, or other appropriate order
restraining the person from continuing the violation. This
section shall operate in addition to and shall not prohibit the
enforcement of any other law.

(C) Upon the request of the executive director or as a
result of complaints, the board shall investigate the alleged
violation.

(D) No person required to be registered under this chapter
shall have the benefit of any lien for labor or materials unless
the person is registered under this chapter.

(E) No person whose application for registration under
this chapter is denied shall open or operate a facility for
business as a motor vehicle collision repair facility or motor
vehicle window tint installation facility under the name of the
person designated in the application for a registration
certificate or under any other name prior to registering as a
motor vehicle repair operator in accordance with this chapter.

Section 2. That existing sections 4507.232, 4513.241,
4513.242, 4517.33, and 4775.09 of the Revised Code are hereby
repealed.

Section 3. In accordance with Chapter 119. of the Revised
Code, the Director of Public Safety shall rescind the rules
codified in Chapter 4501-41 of the Ohio Administrative Code that
were in effect immediately preceding the effective date of this
section. Until such rescission, those rules shall have no force
or effect.

Section 4. This act shall be known as the "Legalize Window
Tinting Act."