

As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 98

Representative Merrin

A BILL

To amend sections 4507.232, 4513.241, 4513.242, 1
4517.33, and 4775.09 and to enact sections 2
4513.243 and 4513.244 of the Revised Code to 3
codify and modify rules related to the use of 4
sunscreening and reflectorized materials on 5
motor vehicles and to name this act the Legalize 6
Window Tinting Act. 7

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

Section 1. That sections 4507.232, 4513.241, 4513.242, 8
4517.33, and 4775.09 be amended and sections 4513.243 and 9
4513.244 of the Revised Code be enacted to read as follows: 10

Sec. 4507.232. When the registrar of motor vehicles or a 11
deputy registrar issues a temporary instruction permit under 12
this chapter, the registrar or deputy registrar also shall issue 13
to the applicant a sticker or banner that reads "student 14
driver." When the holder of the temporary instruction permit 15
operates a motor vehicle, the sticker or banner may be displayed 16
on the motor vehicle to inform other motor vehicle operators 17
that the motor vehicle is being operated by a holder of a 18
temporary instruction permit, but such display is not required. 19

The sticker or banner may be displayed on a side window or 20
the rear window of the motor vehicle notwithstanding section 21
4513.24 and division ~~(F)~~ (B) (6) of section 4513.241 of the 22
Revised Code or any rule adopted thereunder. 23

The registrar shall determine the size of the sticker or 24
banner, which shall not exceed four inches in height by twelve 25
inches in length, and the material and all other properties of 26
the sticker or banner, but shall select a material so that the 27
sticker or banner can be transferred readily from one motor 28
vehicle to another. 29

Sec. 4513.241. ~~(A) The director of public safety, in~~ 30
~~accordance with Chapter 119. of the Revised Code, shall adopt~~ 31
~~rules governing the use of tinted glass, and the use of~~ 32
~~transparent, nontransparent, translucent, and reflectorized~~ 33
~~materials in or on motor vehicle windshields, side windows,~~ 34
~~sidewings, and rear windows that prevent a person of normal~~ 35
~~vision looking into the motor vehicle from seeing or identifying~~ 36
~~persons or objects inside the motor vehicle~~ As used in sections 37
4513.241 to 4513.244 of the Revised Code: 38

(1) "Chauffeured limousine" has the same meaning as in 39
section 4501.01 of the Revised Code. 40

(2) "Motor vehicle" has the same meaning as in section 41
4511.01 of the Revised Code. 42

(3) "Sunscreening material" means materials, including 43
film, glazing, and perforated sunscreening, that when applied to 44
the windshield or windows of a motor vehicle, reduce the effects 45
of the light reflectance or transmittance of the sun. 46

(4) "Transmittance" means the ratio of the amount of total 47
light, expressed in percentages, that is allowed to pass through 48

sunscreening material to the amount of total light falling on 49
the sunscreening material. 50

(5) "Window" means any device designed for exterior 51
viewing from a motor vehicle, except the windshield or any roof- 52
mounted viewing device. 53

(6) "Windshield" means the front exterior viewing device 54
of a motor vehicle. 55

~~(B) The rules adopted under this section may provide for~~ 56
~~persons who~~ All motor vehicles registered in this state shall 57
~~meet either of the following qualifications standards:~~ 58

~~(1) On November 11, 1994, or the effective date of any~~ 59
~~rule adopted under this section, own a motor vehicle that does~~ 60
~~not conform to the requirements of this section or of any rule~~ 61
~~adopted under this section;~~ Privacy drapes, louvers, curtains, 62
or blinds shall be open and secure during vehicle operation. 63

~~(2) Establish residency in this state and are required to~~ 64
~~register a motor vehicle that does not conform to the~~ 65
~~requirements of this section or of any rule adopted under this~~ 66
~~section~~ A windshield that has sunscreening material or other 67
material, when used in conjunction with safety glazing 68
materials, shall have a light transmittance of not less than 69
seventy per cent, plus or minus three per cent. 70

(3) A side window to the right or left of the driver that 71
has sunscreening material or other material, when used in 72
conjunction with safety glazing materials, shall have a light 73
transmittance of not less than thirty per cent, plus or minus 74
three per cent. 75

(4) No windshield or side window that has sunscreening 76
material or other material, when used in conjunction with safety 77

glazing materials, shall be red or yellow in color. 78

(5) A motor vehicle shall have left and right rear view 79
mirrors if a rear window of the motor vehicle has sunscreening 80
material or other material, when used in conjunction with safety 81
glazing materials, that has a light transmittance of less than 82
fifty per cent, plus or minus three per cent. 83

(6) No reflectorized materials shall be upon or in any 84
front windshield, side windows, sidewings, or rear window. 85

~~(C) No~~ (1) Except as provided in division (D) of this 86
section, no person shall operate, on any highway or other public 87
or private property open to the public for vehicular travel or 88
parking, lease, or rent any motor vehicle that is registered in 89
this state unless the motor vehicle conforms to that violates 90
the requirements of standards established in division (B) of 91
this section and of any applicable rule adopted under this 92
section. 93

(2) Any law enforcement officer enforcing division (C) (1) 94
of this section shall use window tint cards, a window tint 95
meter, or another similar standard device in order to accurately 96
measure the light transmittance of the windshield or window. 97

~~(D) No person shall install in or on any motor vehicle,~~ 98
~~any glass or other material that fails to conform to the~~ 99
~~requirements of this section or of any rule adopted under this~~ 100
~~section.~~ 101

~~(E) (1) No used motor vehicle dealer or new motor vehicle~~ 102
~~dealer, as defined in section 4517.01 of the Revised Code, shall~~ 103
~~sell any motor vehicle that fails to conform to the requirements~~ 104
~~of this section or of any rule adopted under this section.~~ 105

~~(2) No manufacturer, remanufacturer, or distributor, as~~ 106

~~defined in section 4517.01 of the Revised Code, shall provide to~~ 107
~~a motor vehicle dealer licensed under Chapter 4517. of the~~ 108
~~Revised Code or to any other person, a motor vehicle that fails~~ 109
~~to conform to the requirements of this section or of any rule~~ 110
~~adopted under this section.~~ 111

~~(F) No reflectorized materials shall be permitted upon or~~ 112
~~in any front windshield, side windows, sidewings, or rear~~ 113
~~window.~~ 114

~~(G) This section does and section 4513.242 of the Revised~~ 115
~~Code do not apply to the manufacturer's tinting or glazing of~~ 116
~~following:~~ 117

~~(1) A motor vehicle windows window or windshields~~ 118
~~windshield that is otherwise in compliance with or permitted by~~ 119
~~federal motor vehicle safety standard number two hundred five;~~ 120

~~(H) (2) Sunscreening material or other material applied~~ 121
~~along the top of the windshield, provided that such material~~ 122
~~does not extend downward beyond the AS-1 line or five inches~~ 123
~~from the top of the windshield, whichever is closer to the top;~~ 124

~~(3) With regard to any side window behind a driver's seat~~ 125
~~or any rear window other than any window on an emergency door,~~ 126
~~this section does not apply to any school bus used to transport~~ 127
~~a child with disabilities pursuant to Chapter 3323. of the~~ 128
~~Revised Code, whom it is impossible or impractical to transport~~ 129
~~by regular school bus in the course of regular route~~ 130
~~transportation provided by a school district. As used in this~~ 131
~~division, "child with disabilities" has the same meaning as in~~ 132
~~section 3323.01 of the Revised Code.~~ 133

~~(I) This section does not apply to any (4) Any school bus~~ 134
~~that is to be sold and operated outside this state;~~ 135

~~(J) (1) This section and the rules adopted under it do not~~ 136
~~apply to a~~ (5) A motor vehicle used by a law enforcement agency 137
under either of the following circumstances: 138

(a) The vehicle does not have distinctive markings of a 139
law enforcement vehicle but is operated by or on behalf of the 140
law enforcement agency in an authorized investigation or other 141
activity requiring that the presence and identity of the vehicle 142
occupants be undisclosed. 143

(b) The vehicle primarily is used by the law enforcement 144
canine unit for transporting a police dog. 145

~~(2) As used in this division, (D) (5) of this section,~~ 146
"law enforcement agency" means a police department, the office of a 147
sheriff, the state highway patrol, a county prosecuting 148
attorney, or a federal, state, or local governmental body that 149
enforces criminal laws and that has employees who have a 150
statutory power of arrest. 151

~~(K) (1) (6) A motor vehicle registered in this state in the~~ 152
name of a person, or the person's parent, legal guardian, or 153
spouse who has an affidavit signed by either a physician 154
licensed to practice under Chapter 4731. of the Revised Code or 155
by an optometrist licensed to practice under Chapter 4725. of 156
the Revised Code, that states that the person has a physical 157
condition that makes it necessary to equip such motor vehicle 158
with sunscreening material that is of a light transmittance in 159
violation of this section. The person with the physical 160
condition or the person's driver shall have the affidavit in the 161
person's or driver's possession at all times while the motor 162
vehicle is in operation. 163

(7) A window to the rear of a driver of a chauffeured 164

<u>limousine;</u>	165
<u>(8) A window to the rear of a driver of a vehicle designed</u>	166
<u>to transport corpses, including a hearse, and other vehicles</u>	167
<u>adapted to such use;</u>	168
<u>(9) The selling, renting, or leasing of a motor vehicle by</u>	169
<u>a new motor vehicle dealer or used motor vehicle dealer, as</u>	170
<u>defined in section 4517.01 of the Revised Code, provided the</u>	171
<u>dealer did not install any nonconforming glass or material on</u>	172
<u>the motor vehicle.</u>	173
<u>(E) Whoever violates division (C), (E) (2), or (F) of this</u>	174
<u>section is guilty of a minor misdemeanor <u>and may be fined not</u></u>	175
<u>more than twenty-five dollars. A violation of division (C) of</u>	176
<u>this section is a strict liability offense and section 2901.20</u>	177
<u>of the Revised Code does not apply. The designation of this</u>	178
<u>offense as a strict liability offense shall not be construed to</u>	179
<u>imply that any other offense, for which there is no specified</u>	180
<u>degree of culpability, is not a strict liability offense.</u>	181
(2) Whoever violates division (E) (1) of this section is	182
guilty of a minor misdemeanor if the dealer or the dealer's	183
agent knew of the nonconformity at the time of sale.	184
(3) (a) Whoever violates division (D) of this section is	185
guilty of a misdemeanor of the fourth degree, except that an	186
organization may not be convicted unless the act of installation	187
was authorized by the board of directors, trustees, partners, or	188
by a high managerial officer acting on behalf of the	189
organization, and installation was performed by an employee of	190
the organization acting within the scope of the person's	191
employment.	192
(b) In addition to any other penalty imposed under this	193

~~section, whoever violates division (D) of this section is liable— 194
in a civil action to the owner of a motor vehicle on which was— 195
installed the nonconforming glass or material for any damages— 196
incurred by that person as a result of the installation of the— 197
nonconforming glass or material, costs of maintaining the civil— 198
action, and attorney fees. 199~~

~~(c) In addition to any other penalty imposed under this— 200
section, if the offender previously has been convicted of or— 201
pleaded guilty to a violation of division (D) of this section— 202
and the offender is a motor vehicle repair operator registered— 203
under Chapter 4775. of the Revised Code or a motor vehicle— 204
dealer licensed under Chapter 4517. of the Revised Code, whoever— 205
violates division (D) of this section is subject to a— 206
registration or license suspension, as applicable, for a period— 207
of not more than one hundred eighty days. 208~~

~~(L)(1) Every county court judge, mayor of a mayor's court,— 209
and clerk of a court of record shall keep a full record of every— 210
case in which a person is charged with any violation of this— 211
section. If a person is convicted of or forfeits bail in— 212
relation to a violation of division (D) of this section, the— 213
county court judge, mayor of a mayor's court, or clerk, within— 214
ten days after the conviction or bail forfeiture, shall prepare— 215
and immediately forward to the motor vehicle repair board and— 216
the motor vehicle dealers board, an abstract, certified by the— 217
preparer to be true and correct, of the court record covering— 218
the case in which the person was convicted or forfeited bail. 219~~

~~(2) The motor vehicle repair board and the motor vehicle— 220
dealers board each shall keep and maintain all abstracts— 221
received under this section. Within ten days after receipt of an— 222
abstract, each board, respectively, shall determine whether the— 223~~

~~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 siding 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. Except as provided in division (D) of section 4513.241 of the Revised Code, 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. 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 253
Revised Code. 254

(C) (1) Whoever violates division (A) of this section is 255
guilty of a misdemeanor of the fourth degree. However, an 256
organization may not be convicted unless the act of installation 257
was authorized by the board of directors, trustees, partners, or 258
by a high managerial officer acting on behalf of the 259
organization, and installation was performed by an employee of 260
the organization acting within the scope of the person's 261
employment. 262

(2) In addition to any other penalty imposed under this 263
section, whoever violates division (A) of this section is liable 264
in a civil action to the owner of a motor vehicle on which was 265
installed the nonconforming glass or material for any damages 266
incurred by that person as a result of the installation of the 267
nonconforming glass or material, the costs of maintaining the 268
civil action, and attorney's fees. 269

(3) In addition to any other penalty imposed under this 270
section, if the offender previously has been convicted of or 271
pleaded guilty to a violation of division (A) of this section 272
and the offender is a motor vehicle repair operator registered 273
under Chapter 4775. of the Revised Code or a motor vehicle 274
dealer licensed under Chapter 4517. of the Revised Code, whoever 275
violates division (A) of this section is subject to a 276
registration or license suspension, as applicable, for a period 277
of not more than one hundred eighty days. 278

(D) (1) Every county court judge, mayor of a mayor's court, 279
and clerk of a court of record shall keep a full record of every 280
case in which a person is charged with any violation of this 281
section. If a person is convicted of or forfeits bail in 282

relation to the violation, the county court judge, mayor of a 283
mayor's court, or clerk, within ten days after the conviction or 284
bail forfeiture, shall prepare and immediately forward to the 285
motor vehicle repair board and the motor vehicle dealers board, 286
an abstract, certified by the preparer to be true and correct, 287
of the court record covering the case in which the person was 288
convicted or forfeited bail. 289

(2) The motor vehicle repair board and the motor vehicle 290
dealers board each shall keep and maintain all abstracts 291
received under this section. Within ten days after receipt of an 292
abstract, each board, respectively, shall determine whether the 293
person named in the abstract is registered or licensed with the 294
board and, if the person is so registered or licensed, shall 295
proceed in accordance with section 4775.09 or 4517.33 of the 296
Revised Code, as applicable, and determine whether the person's 297
registration or license is to be suspended for a period of not 298
more than one hundred eighty days. 299

(E)(1) Whoever violates division (B) of this section is 300
guilty of a minor misdemeanor. 301

(2) A violation of division (A) or (B) of this section is 302
a strict liability offense and section 2901.20 of the Revised 303
Code does not apply. The designation of this offense as a strict 304
liability offense shall not be construed to imply that any other 305
offense, for which there is no specified degree of culpability, 306
is not a strict liability offense. 307

Sec. 4513.243. (A) As used in this section, "manufacturer" 308
means any person who engages in the manufacturing or assembling 309
of sunscreen products or materials or any person who fabricates, 310
laminates, or tempers a safety glazing material, incorporating, 311
during the manufacturing process, the capacity to reflect or 312

reduce the transmission of light. 313

(B) 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. 314
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(C) (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: 322
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(a) Reduces the light transmittance of the glazing to a level below seventy per cent; 330
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(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. 332
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(2) The notice required under division (C) (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. 336
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(D) Each manufacturer applying suncreening material to a motor vehicle window shall include a label on the window that 340
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<u>meets all of the following requirements:</u>	342
<u>(1) It is not larger than one and one-half inches by one</u>	343
<u>and one-half inches.</u>	344
<u>(2) It is permanently installed between the sunscreening</u>	345
<u>material and each glazing surface to which it is applied.</u>	346
<u>(3) It is legible.</u>	347
<u>(4) It includes the manufacturer's name.</u>	348
<u>(5) It identifies the sunscreening material and includes</u>	349
<u>the percentage level of light transmission of the sunscreening</u>	350
<u>material when used in conjunction with the motor vehicle</u>	351
<u>manufacturer's glazing materials.</u>	352
<u>(6) It is placed in the lower left hand corner of the</u>	353
<u>window.</u>	354
<u>(E) Section 4513.99 of the Revised Code does not apply to</u>	355
<u>a violation of this section.</u>	356
<u>Sec. 4513.244. (A) Section 4513.24 and division (B) (6) of</u>	357
<u>section 4513.241 of the Revised Code do not apply to a decal,</u>	358
<u>whether reflectorized or not, on any side window or siding of</u>	359
<u>a motor vehicle if all of the following requirements are met:</u>	360
<u>(1) The decal is necessary for public or private security</u>	361
<u>arrangements to which the motor vehicle periodically is</u>	362
<u>subjected.</u>	363
<u>(2) The decal is not larger than is necessary to</u>	364
<u>accomplish the security arrangements.</u>	365
<u>(3) The decal does not obscure the vision of the motor</u>	366
<u>vehicle operator or prevent a person looking into the motor</u>	367
<u>vehicle from seeing or identifying persons or objects inside the</u>	368

motor vehicle. 369

(B) (1) Whoever violates this section is guilty of a minor 370
misdemeanor. 371

(2) A violation of this section is a strict liability 372
offense and section 2901.20 of the Revised Code does not apply. 373
The designation of this offense as a strict liability offense 374
shall not be construed to imply that any other offense, for 375
which there is no specified degree of culpability, is not a 376
strict liability offense. 377

Sec. 4517.33. The motor vehicle dealers board shall hear 378
appeals which may be taken from an order of the registrar of 379
motor vehicles, refusing to issue a license. All appeals from 380
any order of the registrar refusing to issue any license upon 381
proper application must be taken within thirty days from the 382
date of the order, or the order is final and conclusive. All 383
appeals from orders of the registrar must be by petition in 384
writing and verified under oath by the applicant whose 385
application for license has been denied, and must set forth the 386
reason for the appeal and the reason why, in the petitioner's 387
opinion, the order of the registrar is not correct. In such 388
appeals the board may make investigation to determine the 389
correctness and legality of the order of the registrar. 390

The board may make rules governing its actions relative to 391
the suspension and revocation of dealers', motor vehicle leasing 392
dealers', distributors', auction owners', salespersons', and 393
construction equipment auction licenses, and may, upon its own 394
motion, and shall, upon the verified complaint in writing of any 395
person, investigate the conduct of any licensee under sections 396
4517.01 to 4517.65 of the Revised Code. The board shall suspend 397
or revoke or notify the registrar to refuse to renew any 398

dealer's, motor vehicle leasing dealer's, distributor's, auction 399
owner's, salesperson's, or construction equipment auction 400
license, if any ground existed upon which the license might have 401
been refused, or if a ground exists that would be cause for 402
refusal to issue a license. 403

The board may suspend or revoke any license if the 404
licensee has in any manner violated the rules issued pursuant to 405
sections 4517.01 to 4517.65 of the Revised Code, or has violated 406
section 4501.02 of the Revised Code, or has been convicted of 407
committing a felony or violating any law that in any way relates 408
to the selling, taxing, licensing, or regulation of sales of 409
motor vehicles. 410

Within ten days after receipt of an abstract from a county 411
court judge, mayor of a mayor's court, or clerk of a court of 412
record indicating a violation of division ~~(D)~~ (A) of section 413
~~4513.241~~ 4513.242 of the Revised Code, the board shall determine 414
whether the person named in the abstract is licensed under this 415
chapter and, if the person is so licensed, shall further 416
determine whether the person previously has been convicted of or 417
pleaded guilty to a violation of that section. If the person 418
previously has been convicted of or pleaded guilty to a 419
violation of that section, the board, in accordance with Chapter 420
119. of the Revised Code but without a prior hearing, shall 421
suspend the person's license for a period of not more than one 422
hundred eighty days. 423

Sec. 4775.09. (A) (1) In accordance with Chapter 119. of 424
the Revised Code, the motor vehicle repair board may refuse to 425
issue or renew a registration certificate or may determine 426
whether to waive a suspension of a registration certificate as 427
provided in division (D) of section 4775.07 of the Revised Code. 428

(2) Within ten days after receipt of an abstract from a 429
county court judge, mayor of a mayor's court, or clerk of a 430
court of record indicating a violation of division ~~(D)~~(A) of 431
section ~~4513.241~~4513.242 of the Revised Code, the board shall 432
determine whether the person named in the abstract is registered 433
with the board and, if the person is so registered, shall 434
further determine whether the person previously has been 435
convicted of or pleaded guilty to a violation of that section. 436
If the person previously has been convicted of or pleaded guilty 437
to a violation of that section, the board, in accordance with 438
Chapter 119. of the Revised Code but without a prior hearing, 439
shall suspend the person's registration for a period of not more 440
than one hundred eighty days. 441

(B) The court of common pleas of Franklin county has 442
exclusive jurisdiction over any person who conducts, or attempts 443
to conduct, business as a motor vehicle repair operator in 444
violation of this chapter or any rule adopted under this 445
chapter. The court, on application of the board, may issue an 446
injunction, a cease and desist order, or other appropriate order 447
restraining the person from continuing the violation. This 448
section shall operate in addition to and shall not prohibit the 449
enforcement of any other law. 450

(C) Upon the request of the executive director or as a 451
result of complaints, the board shall investigate the alleged 452
violation. 453

(D) No person required to be registered under this chapter 454
shall have the benefit of any lien for labor or materials unless 455
the person is registered under this chapter. 456

(E) No person whose application for registration under 457
this chapter is denied shall open or operate a facility for 458

business as a motor vehicle collision repair facility or motor 459
vehicle window tint installation facility under the name of the 460
person designated in the application for a registration 461
certificate or under any other name prior to registering as a 462
motor vehicle repair operator in accordance with this chapter. 463

Section 2. That existing sections 4507.232, 4513.241, 464
4513.242, 4517.33, and 4775.09 of the Revised Code are hereby 465
repealed. 466

Section 3. In accordance with Chapter 119. of the Revised 467
Code, the Director of Public Safety shall rescind the rules 468
codified in Chapter 4501-41 of the Administrative Code that were 469
in effect immediately preceding the effective date of this 470
section. Until such rescission, those rules shall have no force 471
or effect. 472

Section 4. This act shall be known as the Legalize Window 473
Tinting Act. 474