

ASSEMBLY, No. 2453

STATE OF NEW JERSEY

INTRODUCED NOVEMBER 7, 1996

By Assemblyman GIBSON

1 AN ACT concerning the windshields and windows of certain motor  
2 vehicles and supplementing chapter 3 of Title 39 of the Revised  
3 Statutes.

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

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8 1. Notwithstanding the provisions of any other law to the  
9 contrary, the owner or lessee of a motor vehicle that is driven by or is  
10 used to regularly transport a person who has a medical condition  
11 involving ophthalmic or dermatologic photosensitivity may apply to  
12 the director for permission to have the windshield and windows of that  
13 vehicle covered by or treated with a product or material that increases  
14 its light reflectance or reduces its light transmittance.

15 The application shall be in a form and manner prescribed by the  
16 director and shall include, but not be limited to, a written certification  
17 by a certified ophthalmologist or a physician with a plenary license to  
18 practice medicine and surgery in this State or a bordering state that the  
19 person for whom the application is submitted has a medical condition  
20 involving ophthalmic or dermatologic photosensitivity. For the  
21 purposes of this act, medical conditions involving ophthalmic or  
22 dermatologic photosensitivity shall include:

- 23 a. polymorphous light eruption;  
24 b. persistent light reactivity;  
25 c. actinic reticuloid;  
26 d. porphyrins;  
27 e. solar urticaria;  
28 f. lupus erythematosus; and  
29 g. such other photosensitive disorders or conditions as the director  
30 shall determine.

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32 2. The director, pursuant to the "Administrative Procedure Act,"  
33 P.L.1968, c.410 (C.52:14B-1 et seq.), shall promulgate rules and  
34 regulations to effectuate the purposes of this act. The rules and  
35 regulations shall include, but shall not be limited to:

- 36 a. Standards and specifications governing the types of materials  
37 and products that may be applied to a motor vehicle windshield and

1 windows under this act. These standards and specifications shall  
2 include the color of the materials or products, the maximum allowable  
3 percentage of total light reflectance of the materials or products, the  
4 maximum allowable percentage of the light transmittance and  
5 ultraviolet transmittance of the materials or products, and such other  
6 matters as the director shall deem appropriate and necessary. In  
7 establishing the standards and specifications, the director shall  
8 consider, to the greatest extent possible, the safety of law enforcement  
9 officers, who during the performance of their duties may find it  
10 necessary to inspect or otherwise observe the interior of a motor  
11 vehicle having a windshield and windows to which an approved  
12 material or product is applied.

13 b. The issuance of a certificate or card to each approved applicant  
14 authorizing the approved covering or treatment. The certificate or  
15 card shall be valid for a period of not more than 48 months and shall  
16 be exhibited to any law enforcement officer, when so requested, and  
17 to a designated motor vehicle examiner whenever the motor vehicle is  
18 inspected.

19 c. Standards and specifications governing the installation and  
20 application of approved materials and products, including the  
21 affixation of an appropriate label, in a manner and form prescribed by  
22 the director, on each windshield and window to which an approved  
23 material or product is applied. The label may identify the name and  
24 the location of the installer and the name of the manufacturer of the  
25 material or product applied.

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

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30 3. a. A person who violates the provisions of subsection b. of  
31 section 2 of P.L. , c. (C. ) (now pending before the Legislature as  
32 this bill) shall be subject to a fine not exceeding \$100; provided,  
33 however, if a person charged with such a violation can exhibit a  
34 certificate or card which was valid on the day he was charged to the  
35 judge of the municipal court before whom he is summoned to answer  
36 the charge, the judge may dismiss the charge. The judge, however,  
37 may impose court costs.

38 b. A person who violates the provisions of subsection c. or d. of  
39 section 2 of P.L. , c. (C. ) (now pending before the Legislature  
40 as this bill) shall be subject to a fine not to exceed \$1,000 for a first  
41 offense and not to exceed \$5,000 for a second or subsequent offense.

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43 4. This act shall take effect on the first day of the sixth month  
44 following enactment, except that section 2 shall take effect  
45 immediately.

## STATEMENT

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3 This bill would permit the application of sun screening materials and  
4 products to the windshields and windows of motor vehicles driven by,  
5 or used to regularly transport, persons who have medical conditions  
6 involving ophthalmic or dermatological photosensitivity.

7 Under the provisions of the bill, the Director of the Division of  
8 Motor Vehicles must promulgate rules and regulations (1) setting the  
9 standards and specifications for the types of materials and products  
10 that may be applied to the windshield and windows of the motor  
11 vehicles driven or used by people suffering from dermatological  
12 photosensitive diseases and ophthalmic problems; (2) providing for the  
13 issuance of a card or other certification indicating that authorization  
14 to apply a sun screening material or product has been granted by the  
15 director; (3) standards and specifications governing the installation  
16 and application of approved materials and products; and (4) the  
17 registration of persons who install or apply the approved materials and  
18 products.

19 In promulgating the rules and regulations relating to the types of  
20 materials and products that may be applied to windshields and  
21 windows, the director must consider, to the greatest extent possible,  
22 the safety of law enforcement officers who, in the course of their  
23 regular duties, must readily inspect or observe the interior of motor  
24 vehicles which will have these approved sun screening materials and  
25 products applied to their windshields and windows.

26 Individuals who have sun screening materials installed without the  
27 approval of the director are subject to a fine of up to \$100. Installers  
28 of sun screening materials or products who violate the provisions of  
29 this act are subject to fines of up to \$1,000 for a first offense and up  
30 to \$5,000 for a second or subsequent offense.

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34 Permits application of certain tinting materials on motor vehicle  
35 windows and windshields for medical reasons.