

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO MOTOR VEHICLES; ALTERING THE RESTRICTIONS ON SUN  
SCREENING MATERIALS USED ON MOTOR VEHICLE WINDSHIELDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 66-3-846.1 NMSA 1978 (being Laws 1997,  
Chapter 151, Section 2, as amended) is amended to read:

"66-3-846.1. SUN SCREENING MATERIAL ON WINDSHIELDS AND  
WINDOWS--REQUIREMENTS--VIOLATION--PENALTY.--

A. A person shall not operate on any street or  
highway a motor vehicle that is registered or required to be  
registered in this state if that motor vehicle has a sun  
screening material on the windshield or any window that does  
not comply with the requirements of this section.

B. Except as otherwise provided in this section, a  
sun screening material:

.211741.1

underscored material = new  
~~[bracketed material] = delete~~

underscored material = new  
[bracketed material] = delete

1 (1) when used in conjunction with the  
2 windshield, shall be nonreflective, shall not be red, yellow or  
3 amber in color [~~and shall be used only along the top of the~~  
4 ~~windshield, not extending downward beyond the ASI line or more~~  
5 ~~than five inches from the top of the windshield, whichever is~~  
6 ~~closer to the top of the windshield]~~ and shall have a light  
7 transmission of at least seventy percent; and

8 (2) when used in conjunction with the safety  
9 glazing materials of the side wings or side windows located at  
10 the immediate right and left of the driver, the side windows  
11 behind the driver and the rearmost window shall be  
12 nonreflective, shall have a light transmission of not less than  
13 twenty percent and shall be used only on the windows of a motor  
14 vehicle equipped with one right and one left outside rearview  
15 mirror.

16 C. Each manufacturer shall:

17 (1) certify to the division that a sun  
18 screening material used by that manufacturer is in compliance  
19 with the nonreflectivity and light transmission requirements of  
20 this section;

21 (2) provide a label not to exceed one and one-  
22 half square inches in size that:

23 (a) is installed permanently and legibly  
24 between the sun screening material and each glazing surface to  
25 which it is applied;

.211741.1

underscoring material = new  
~~[bracketed material] = delete~~

1 (b) contains the manufacturer's name,  
2 the date that the sun screening material was manufactured and  
3 the percentage of light transmission; and

4 (c) is placed in the left lower corner  
5 of each glazing surface when facing the motor vehicle from the  
6 outside; and

7 (3) include instructions with the sun  
8 screening material for proper installation, including the  
9 affixing of the label specified in this subsection.

10 D. A person shall not:

11 (1) offer for sale or for use any sun  
12 screening material for motor vehicle use not in compliance with  
13 this section; or

14 (2) install any sun screening material on  
15 motor vehicles intended for operation on any street or highway  
16 without permanently affixing the label specified in Subsection  
17 C of this section.

18 E. The provisions of this section do not apply to a  
19 motor vehicle registered in this state in the name of a person,  
20 or the person's legal guardian, who has an affidavit signed by  
21 a physician or an optometrist licensed to practice in this  
22 state that states that the person has a physical condition that  
23 makes it necessary to equip the motor vehicle with sun  
24 screening material that is in violation of this section. The  
25 affidavit shall be in the possession of the person with such a

.211741.1

1 physical condition, or the person's legal guardian, at all  
2 times while being transported in the motor vehicle.

3 F. The light transmission requirement of this  
4 section does not apply to windows behind the driver on truck  
5 tractors, buses, recreational vehicles, multipurpose passenger  
6 vehicles or motor homes. The provisions of this section shall  
7 not apply to motor vehicle glazing that complies with federal  
8 motor vehicle safety standards.

9 G. The provisions of this section do not apply to  
10 motor vehicles that have sun screening material on the  
11 windshield or any window prior to July 1, 1997.

12 H. As used in this section:

13 (1) "light transmission" means the ratio of  
14 the amount of total light that passes through a product or  
15 material, expressed in percentages, to the amount of the total  
16 light falling on the product or material;

17 (2) "manufacturer" means any person engaged in  
18 the manufacturing or assembling of sun screening products or  
19 materials designed to be used in conjunction with motor vehicle  
20 glazing materials for the purpose of reducing the effects of  
21 the sun;

22 (3) "nonreflective" means designed to absorb  
23 light rather than to reflect it; and

24 (4) "sun screening material" means any film  
25 material, substance, device or product that is designed to be

underscoring material = new  
~~[bracketed material] = delete~~

1 used in conjunction with motor vehicle safety glazing materials  
2 for reducing the effects of the sun.

3 I. A person who violates a provision of this  
4 section is guilty of a penalty assessment misdemeanor."

5 SECTION 2. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2019.

7 - 5 -

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25