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HOUSE BILL 286

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Jason C. Harper and Debra M. Sariñana and Michael Padilla

AN ACT

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

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

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1 sun screening material:

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

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

17 C. Each manufacturer shall:

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

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

24 (a) is installed permanently and legibly
25 between the sun screening material and each glazing surface to

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1 which it is applied;

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

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

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

11 D. A person shall not:

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

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

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

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1 section. The affidavit shall be in the possession of the
2 person with such a physical condition, or the person's legal
3 guardian, at all times while being transported in the motor
4 vehicle.

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

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

14 H. As used in this section:

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

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

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

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(4) "sun screening material" means any film material, substance, device or product that is designed to be used in conjunction with motor vehicle safety glazing materials for reducing the effects of the sun.

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

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2023.