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HOUSE BILL 1033

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO MOTOR VEHICLES; AMENDING SECTION 66-3-846.1 NMSA 1978 (BEING LAWS 1997, CHAPTER 151, SECTION 2) TO PROVIDE FOR VEHICLE WINDOW SUN SCREENING MATERIAL INFORMATION TO BE PROVIDED ON AN INVOICE INSTEAD OF ON LABELS ATTACHED TO THE WINDOW.

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) 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

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1 not comply with the requirements of this section.

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

4 (1) when used in conjunction with the
5 windshield, shall be nonreflective, shall not be red, yellow or
6 amber in color and shall be used only along the top of the
7 windshield, not extending downward beyond the ASI line or more
8 than five inches from the top of the windshield, whichever is
9 closer to the top of the windshield; and

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

18 C. Each manufacturer shall:

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

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

25 ~~(a) is installed permanently and legibly~~

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1 ~~between the sun screening material and each glazing surface to~~
2 ~~which it is applied;~~

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

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

9 ~~(3)]~~ (2) include instructions with the sun
10 screening material for proper installation [~~including the~~
11 ~~affixing of the label specified in this subsection~~].

12 D. An installer of sun screening material on a
13 motor vehicle shall provide with the installation an invoice or
14 certificate specifying the vehicle identification number and
15 the manufacturer and percentage of light transmission of the
16 sun screening material used. The owner of the vehicle shall
17 maintain the invoice or certificate or a copy of the invoice or
18 certificate in the vehicle.

19 [~~D. No~~] E. A person shall not:

20 (1) offer for sale or for use any sun
21 screening material for motor vehicle use not in compliance with
22 this section; or

23 (2) install any sun screening material on
24 motor vehicles intended for operation on any street or highway
25 without [~~permanently affixing the label~~] providing the invoice

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1 or certificate specified in Subsection [G] D of this section.

2 [E-] F. The provisions of this section do not apply
3 to a motor vehicle registered in this state in the name of a
4 person, or the person's legal guardian, who has an affidavit
5 signed by a physician or an optometrist licensed to practice in
6 this state that states that the person has a physical condition
7 that makes it necessary to equip the motor vehicle with sun
8 screening material that is in violation of this section. The
9 affidavit shall be in the possession of the person with such a
10 physical condition, or the person's legal guardian, at all
11 times while being transported in the motor vehicle.

12 [F-] G. The light transmission requirement of this
13 section does not apply to windows behind the driver on truck
14 tractors, buses, recreational vehicles, multipurpose passenger
15 vehicles [~~and~~] or motor homes. The provisions of this section
16 shall not apply to motor vehicle glazing [~~which~~] that complies
17 with federal motor vehicle standards.

18 [G-] H. The provisions of this section do not apply
19 to motor vehicles that have sun screening material on the
20 windshield or any window prior to [~~the effective date of this~~
21 ~~section~~] July 1, 1997.

22 [H-] I. As used in this section:

23 (1) "light transmission" means the ratio of
24 the amount of total light that passes through a product or
25 material, expressed in percentages, to the amount of the total

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1 light falling on the product or material;

2 (2) "manufacturer" means any person engaged in
3 the manufacturing or assembling of sun screening products or
4 materials designed to be used in conjunction with motor vehicle
5 glazing materials for the purpose of reducing the effects of
6 the sun;

7 (3) "nonreflective" means designed to absorb
8 light rather [~~that~~] than to reflect it; and

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

13 [~~I. Any~~] J. A person who violates any provision of
14 this section is guilty of a petty misdemeanor and upon
15 conviction shall be punished by a fine of not more than
16 seventy-five dollars (\$75.00)."