HOUSE BILL 200

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

INTRODUCED BY

Jason C. Harper

FOR THE SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS COMMITTEE

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

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

C. Each manufacturer shall:

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

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

(a) is installed permanently and legibly between the sun screening material and each glazing surface to which it is applied;
(b) contains the manufacturer's name, the date that the sun screening material was manufactured and the percentage of light transmission; and

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

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

D. A person shall not:

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

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

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

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

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

H. As used in this section:

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

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

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

(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, 2019.

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