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HOUSE BILL 649

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

ANNA MARIE CROOK

AN ACT

**RELATING TO MOTOR VEHICLES; ESTABLISHING REQUIREMENTS FOR
SUN SCREENING MATERIAL; AMENDING AND ENACTING SECTIONS OF
THE NMSA 1978.**

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

**Section 1. Section 66-3-846 NMSA 1978 (being Laws
1978, Chapter 35, Section 152) is amended to read:**

**"66-3-846. WINDSHIELDS MUST BE UNOBSTRUCTED AND
EQUIPPED WITH WIPERS--WINDOWS MUST BE TRANSPARENT--
EXCEPTION. --**

**A. No person shall drive any motor vehicle with
any sign, poster or other nontransparent material upon or**

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1 in the front windshield, windows to the immediate right
2 and left of the driver or in the rearmost window if the
3 latter is used for driving visibility, except as provided
4 in Section 66-3-846.1 NMSA 1978. The rearmost window is
5 not necessary for driving visibility where outside
6 rearview mirrors are attached to the vehicle.
7

8 B. The windshield on every motor vehicle except
9 a motorcycle shall be equipped with a device for cleaning
10 rain, snow or other moisture from the windshield, which
11 device shall be so constructed as to be controlled or
12 operated by the driver of the vehicle.

13 C. Every windshield wiper upon a motor vehicle
14 shall be maintained in good working order."

15 Section 2. A new section of the Motor Vehicle Code,
16 Section 66-3-846.1 NMSA 1978, is enacted to read:

17 "66-3-846.1. [NEW MATERIAL] SUN SCREENING MATERIAL
18 ON WINDSHIELDS AND WINDOWS-- REQUIREMENTS-- VIOLATION--
19 PENALTY.--

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

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

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

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

20 C. Each manufacturer shall:

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

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

5 (a) is installed permanently and
6 legibly between the sun screening material and each
7 glazing surface to which it is applied;

8 (b) contains the manufacturer's name,
9 the date that the sun screening material was manufactured
10 and the percentage of light transmission; and

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

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

17 D. No person shall:

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

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

3 E. The provisions of this section do not apply
4 to a motor vehicle registered in this state in the name of
5 a person, or the person's legal guardian, who has an
6 affidavit signed by a physician or an optometrist licensed
7 to practice in this state that states that the person has
8 a physical condition that makes it necessary to equip the
9 motor vehicle with sun screening material that is in
10 violation of this section. The affidavit shall be in the
11 possession of the person with such a physical condition,
12 or the person's legal guardian, at all times while being
13 transported in the motor vehicle.
14

15 F. The light transmission requirement of this
16 section does not apply to windows behind the driver on
17 trucks, buses, recreational vehicles and motor homes.

18 G. 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
21 this section.
22

23 H. As used in this section:

24 (1) "light transmission" means the ratio
25

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1 of the amount of total light that passes through a product
2 or material, expressed in percentages, to the amount of
3 the total light falling on the product or material;

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

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

11 (4) "sun screening material" means any
12 film material, substance, device or product that is
13 designed to be used in conjunction with motor vehicle
14 safety glazing materials for reducing the effects of the
15 sun.
16

17
18 I. Any person who violates any provision of
19 this section is guilty of a petty misdemeanor and upon
20 conviction shall be punished by a fine of not more than
21 seventy-five dollars (\$75.00). "

22 Section 3. EFFECTIVE DATE. -- The effective date of
23 the provisions of this act is July 1, 1997.
24

State of New Mexico
House of Representatives

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4 FORTY-THIRD LEGISLATURE
5 FIRST SESSION, 1997
6
7

8 February 20, 1997
9

10
11 Mr. Speaker:
12

13 Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
14 whom has been referred

15
16 HOUSE BILL 649

17 has had it under consideration and reports same with
18 recommendation that it DO PASS, amended as follows:
19

20 1. On page 4, line 23, strike "trucks" and insert in lieu
21 thereof "truck tractors".
22

23 2. On page 4, line 24, after "vehicles" insert ", multi-
24 purpose passenger vehicles".

25 3. On page 4, line 24, after the period, insert "The

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HCPAC/HB 649

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provisions of this section shall not apply to motor vehicle
glazing which complies with federal motor vehicle standards.".,
and thence referred to the APPROPRIATIONS AND FINANCE
COMMI TTEE.

Respectfully submitted,

Gay Ki ng, Chai rman

Adopted _____

Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

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FIRST SESSION, 1997

HCPAC/HB 649

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The roll call vote was 8 For 0 Against

Yes: 8

Excused: Rios, Vigil

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 5, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 649, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Max Coll, Chairman

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FORTY-THIRD LEGISLATURE
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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 11 For 0 Against

Yes: 11

Excused: Bird, Picraux, Saavedra, Salazar, Wallace, Watchman

Absent: None

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FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 12, 1997

Mr. President:

Your CORPORATIONS & TRANSPORTATION COMMITTEE, to
whom has been referred

HOUSE BILL 649, as amended

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Roman M. Maes, III, Chairman

Adopted _____ Not Adopted _____

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FORTY-THIRD LEGISLATURE
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(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Fidel, Griego, Robinson

Absent: None

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**FORTY-THIRD LEGISLATURE
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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

March 22, 1997

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 649, as amended

AMENDMENT sponsored by SENATOR VERNON

1. On page 1, line 13, after the period insert "PROVIDING PENALTIES. "

Senator L. Skip Vernon

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**FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997**

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

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