

LEGISLATIVE BILL 155

Approved by the Governor March 27, 1989

Introduced by Rogers, 41; Pirsch 10

AN ACT relating to motor vehicles; to amend section 39-6,136, Reissue Revised Statutes of Nebraska, 1943; to provide for visors or shade devices as prescribed; to provide restrictions on tinting, transparent, suncreening, and luminous reflectance materials in motor vehicle windows as prescribed; to provide for waivers of and exemptions from such restrictions; to define terms; to provide penalties; to provide a duty for the Revisor of Statutes; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 39-6,136, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

39-6,136. (1) Every motor vehicle registered pursuant to Chapter 60, article 3, except motorcycles, shall be equipped with a front windshield.

(2) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster, or other nontransparent material upon the front windshield, side wings, or side or rear windows of such motor vehicle other than a certificate or other paper required to be so displayed by law. The front windshield, side wing vents, and side or rear windows may have a visor or other shade device which is easily moved aside or removable, is normally used by a motor vehicle operator during daylight hours, and does not impair the driver's field of vision.

(3) Every windshield on a motor vehicle, other than a motorcycle, shall be equipped with a device for cleaning rain, snow, or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

Sec. 2. (1) It shall be unlawful for a person to drive a motor vehicle required to be registered in this state upon a highway:

(a) If the windows in such motor vehicle are tinted so that the driver's clear view through the windshield or side or rear windows is reduced or the

ability to see into the motor vehicle is substantially impaired;

(b) If the windshield has any sunscreening material that is not clear and transparent below the AS-1 line or if it has a suncreening material that is red, yellow, or amber in color above the AS-1 line;

(c) If the front side windows have any sunscreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than thirty-five percent;

(d) If the rear window or side windows behind the front seat have sunscreening or other transparent material that has a luminous reflectance of more than thirty-five percent or has light transmission of less than twenty percent; or

(e) If the windows of a camper, motor home, pickup cover, slide-in camper, or other motor vehicle do not meet the standards for safety glazing material specified by federal law in 49 C.F.R. 571.205.

(2) For purposes of this section and sections 3 and 4 of this act:

(a) AS-1 line shall mean a line extending from the letters AS-1, found on most motor vehicle windshields, running parallel to the top of the windshield or shall mean a line five inches below and parallel to the top of the windshield, whichever is closer to the top of the windshield;

(b) Camper shall mean a structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle with motive power for the purpose of providing shelter for persons;

(c) Glass-plastic glazing material shall mean a laminate of one or more layers of glass and one or more layers of plastic in which a plastic surface of the glazing faces inward when the glazing is installed in a vehicle;

(d) Light transmission shall mean the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the sunscreening or transparent material to the amount of total light falling on the motor vehicle window;

(e) Luminous reflectance shall mean the ratio of the amount of total light, expressed in percentages, which is reflected outward by the sunscreening or transparent material to the amount of total light falling on the motor vehicle window;

(f) Motor home shall mean a multipurpose passenger vehicle that provides living accommodations;

(g) Pickup cover shall mean a camper having a

roof and sides but without a floor designated to be mounted on and removable from the cargo area of a truck by the user;

(h) Slide-in camper shall mean a camper having a roof, floor, and sides designed to be mounted on and removable from the cargo area of a truck by the user; and

(i) Sunscreening material shall mean a film, material, tint, or device applied to motor vehicle windows for the purpose of reducing the effects of the sun.

Sec. 3. Any person owning or operating a motor vehicle in violation of section 2 of this act on and after the effective date of this act and prior to January 1, 1990, shall be issued a warning citation and on and after January 1, 1990, shall be guilty of a Class V misdemeanor.

Sec. 4. After January 1, 1990, any person who applies a sunscreening material or a glass-plastic glazing material in a manner which results in a motor vehicle having a window which violates the requirements prescribed in subsection (1) of section 2 of this act shall be guilty of a Class III misdemeanor.

Sec. 5. The Nebraska State Patrol or local law enforcement agency may grant a waiver of the standards in section 2 of this act for reasons of safety or security or for medical reasons based on an affidavit signed by a licensed physician. Such waiver shall be in writing and shall include the date issued, the vehicle identification number, registration number, or other description to clearly identify the motor vehicle to which the waiver applies, the name of the owner of the vehicle, the reason for granting the waiver, the dates the waiver will be effective, and the signature of the head of the law enforcement agency granting the waiver. Such agency shall keep a copy of the waiver until the waiver expires.

Sec. 6. Sections 2 to 4 of this act shall not apply to the side or rear windows of funeral coaches, hearses, or other vehicles operated in the normal course of business by a funeral establishment licensed under section 71-1327.

Sec. 7. The Revisor of Statutes shall assign sections 2 to 6 of this act to Chapter 39, article 6, and all references to Chapter 39 or Chapter 39, article 6, shall be construed to include such sections.

Sec. 8. That original section 39-6,136, Reissue Revised Statutes of Nebraska, 1943, is repealed.