

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

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Action: Do Pass

Vote: 10 - 0 - 0

Yeas: Bentz, Cameron, Davis, Doherty, Gorsek, Lively, McKeown, Nathanson, Parrish, Read

Nays: 0

Exc.: 0

Prepared By: Troy Rayburn, Administrator

Meeting Dates: 3/18

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**WHAT THE MEASURE DOES:** Allows court to dismiss citation issued for offense of operating vehicle with illegal window tinting, or to reduce fine that court would otherwise have imposed for offense, if defendant establishes that tinting has been modified to comply with statutory requirements.

**ISSUES DISCUSSED:**

- “Fix it” type of ticket
- Citizens’ growing concern for obstructed view when trying to catch the driver’s eye before crossing street
- Law enforcement support for the measure
- Cost to remove window tinting varies, but approximately \$150 - \$300 on average, depending on type of windows

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Having a window with a tint that exceeds the legal limit is a Class B Traffic Violation according to ORS 815.222, and is punishable with a \$260 fine. There is currently no penalty for a window-tint installer to install a shade of tint that exceeds the legal limit, and the onus for following this standard is on the vehicle owner. Likewise, a seller or dealership has no legal responsibility to notify a potential buyer that a shade of tint on a vehicle violates statutory limitations, although it is generally advisable for them to notify potential buyers simply as a matter of good business practices.

Several other ‘unlawful operation of a vehicle’ offenses can be reduced or dismissed if the offender replaces or repairs the part of the vehicle that violated the law. Fenders and mud-flaps are offenses that are routinely dismissed when the vehicle owner demonstrates proof of repair, and driving without proof of insurance is written into statute as an offense that is dismissed upon demonstrating proof. However, many other offenses are similarly dismissed upon demonstrating proof of repair or replacement – broken headlight, missing taillight, inaccurate speedometer, among others – and are generally left to the discretion of the presiding judge.

Violations related to window tinting can also have broader implications on insurance coverage, as all vehicles are required to follow all applicable motor vehicle laws in order for the insurance policy to be valid.

The test used to determine whether a shade of window tint is acceptable involves putting a card on the interior of the car window and attempting to read it through the window from the outside of the car. This, too, is somewhat left to the discretion of the officer. At this time, the Oregon State Police do not have a visual aid for us to illustrate this point.