

STAFF MEASURE SUMMARY

Senate Committee On Business and Transportation

Fiscal: No Fiscal Impact

Revenue: No Revenue Impact

Action Date: 04/15/15

Action: Do Pass With Amendments. (Printed A-Eng.)

Meeting Dates: 03/02, 04/15

Vote:

Yeas: 4 - Beyer, Girod, Monroe, Riley

Nays: 1 - Thomsen

Prepared By: James LaBar, Committee Administrator

WHAT THE MEASURE DOES:

Allows person, or member of person's household, who has certain physical condition to use window tinting that is darker than otherwise allowed if person shows police officer a prescription or letter on practitioner's letterhead from physician or optometrist. Permits court to dismiss citation for offense of operating vehicle with illegal window tinting, or to reduce court fine, if defendant establishes that at time of offense defendant had physical condition that requires lower light transmittance.

ISSUES DISCUSSED:

- Certain physical conditions necessitating the use of darker window tinting
- Enabling multiple drivers in the household using the vehicle with darker window tinting
- Court procedures with related citations

EFFECT OF COMMITTEE AMENDMENT:

Modifies provision to include person or "another person in the person's household" to accommodate multiple drivers of the same vehicles.

BACKGROUND:

Current law requires drivers who are stopped for having window tinting that exceeds statutory limits to present an affidavit signed by a physician or optometrist to the officer at the time of stop in order to avoid a citation. Few defendants have such a document at the time of the stop, but many are able to acquire one after the citation. The defendants appear in court expecting that the citation be dismissed, but the court currently lacks the flexibility to do so. The driver ends up with a conviction on their driving record and a fine.

Senate Bill 463A allows the defendant in such situations to be able to prove a valid need for the window tint, supported by a physician or optometrist, after the citation is issued and permits the court to dismiss the citation. The measure also broadens the exclusive use of an affidavit because the document not familiar to physicians and optometrists. A letter on the professional's letterhead or a prescription is as effective and far more familiar to the professionals.