

SB

78

Alaska State Legislature



Senator Hollis French

SB 78 - Motor Vehicle Window Tinting

Sponsor Statement

Illegally tinted windows cause a number of safety concerns in Alaska's local communities. The dark tints create a danger for peace officers who approach vehicles, as they can completely block any view of the driver and passengers. In addition, these tints deny pedestrians, bikers and motorcyclists the opportunity to confirm they have been seen by a driver when meeting in an intersection or sharing a roadway.

Currently it is illegal for a vehicle to be on Alaska's roadways if the window tinting allows less than seventy percent of the light to transmit through the glass. However, it is not illegal for higher levels of tinting to be installed by auto detailing shops and similar businesses.

SB 78 would close this loophole by making it a violation to install illegal window tinting. The bill would also help enforcement efforts by allowing police to "go to the source" by writing violations for installers.

Please join me in supporting this legislation.



FAIRBANKS POLICE DEPARTMENT

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March 27, 2007

RE: SB 78

To Whom It May Concern:

I am writing to voice my support for Senate Bill 78, which would make it a violation to install illegal window-tinting. For some time now, the State of Alaska has required that front passenger windows on a vehicle allow 70% transmittal of light, with rear windows having a limit of 40% transmittance. These regulations were supported by our State's Department of Public Safety for a variety of safety reasons, to include:

- The necessity for drivers to see outside of their vehicle clearly
- The necessity for pedestrians and other drivers to make eye-contact with a vehicle's operator when preparing to cross a street, enter traffic, etc.
- The legitimate safety need for police officers and other first-responders to be able to see into a vehicle upon their approach.

In spite of these common-sense regulations, it appears that numerous businesses have engaged in the practice of installing window-tinting which exceeds these standards. It has further come to my attention that many of these businesses have voiced opposition to SB 78, citing that it would hurt their respective business operations.

While I understand these business-owner's concerns, I would respectfully suggest that their efforts are somewhat misplaced. If these businesses feel that current window-tint requirements are unduly restrictive, they should be working to change the underlying administrative regulation (13AAC 04.223). Regardless of whether or not a business owner personally agrees with current tint-requirements, *they all know what the current law is*. For them to consciously disregard that law and install a window-tint which they know to be illegal (and passing on the subsequent cost, for both the violation and tint-removal, to their often ignorant and unsuspecting customers) is wrong, and should not be allowed to continue.

Sincerely,

A handwritten signature in black ink that reads "Daniel P. Hoffman".

Daniel P. Hoffman, Chief
Fairbanks Police Department

OPINION

Anchorage Daily News (AK) - April 6, 2007

Author: Staff

Too dark

Why is it legal to sell this product?

In Alaska, it is illegal to drive a car with tinted front **windows** that screen out more than 30 percent of the light. Back **windows** can screen out no more than 60 percent of the light.

However, it is not illegal for an Alaska business to install **window tinting** that violates the law.

This makes no sense. It's like saying, "It's illegal to smoke marijuana, but if you want to sell it to somebody -- sure, go ahead. You're not breaking the law. Your customers are."

There are good reasons for limiting how dark a vehicle's front **windows** can be. At about sunrise and sunset, dark **tinting** makes it harder for drivers to see potential hazards. In many situations, safety requires pedestrians, bicyclists and other motorists to make eye contact with another driver.

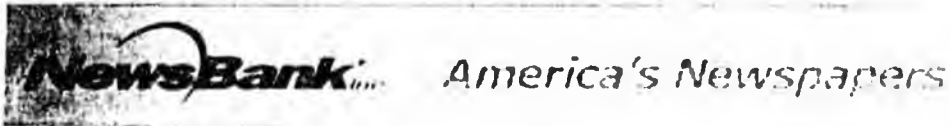
Heavily tinted **windows** are also a threat to police officers when they need to stop a vehicle. Officers can't see whether the motorist is going to be cooperative or draw a weapon.

Anchorage Sen. Hollis French wants to close the loophole that allows **window - tinting** businesses to profit from selling an illegal product. His measure, Senate Bill 78, would stop the problem at the source, instead of requiring police to chase down customers who might not know they had spent their hard-earned money to break the law.

Sen. French's original proposal made it a misdemeanor to sell illegally tinted **window** installations. That was probably too harsh, and it would have been too cumbersome to enforce. The latest version of his bill fixes that flaw by letting police issue a ticket to the business doing the installing.

After police write a few tickets, businesses should get the message: There's no profit in selling a product that violates the law.

BOTTOM LINE: Tinted car **windows** are illegal and businesses shouldn't profit from installing them.



Paper: Charlotte Observer, The (NC)
Title: TEEN CHARGED IN DEATH OF PEDESTRIAN -
DRIVER'S VISION PARTLY BLOCKED BY TINTING ON WINDOWS, POLICE SAY
Date: September 20, 2006

A Mooresville teenager who struck and killed a pedestrian earlier this month was charged Tuesday with misdemeanor death by vehicle, said Mooresville Police Chief John Crone.

Lake Norman High School student Kristina Lawson, 17, has told police she didn't see Janet Bush, 56, walking in the Morrison Plantation subdivision before she struck her.

Crone said Lawson's vision was obstructed because of tinting on her front and side car windows. Lawson had been previously cited for her window tinting and had it removed before the car was inspected in June, Crone said.

Some time after the inspection and before the Sept. 5 wreck, she put the tinting back on, Crone said.

The tinting and Lawson's failure to yield to the pedestrian's right-of-way in a crosswalk contributed to Bush's death, Crone said.

The impact of the crash hurled Bush 110 feet down Morrison Plantation Parkway.

If convicted, Lawson could face up to one year in prison, Crone said.

Lawson faces an unrelated charge of underage alcohol possession in Mecklenburg County, records show. A previous charge of reckless driving to endanger had been dismissed in Iredell County.

Morrison Plantation residents have been pushing for a traffic signal at the intersection where Bush died. It links the residential and retail sides of the development, which includes about 500 homes, Lowe's YMCA, a Harris Teeter and other businesses.

But town officials and the developers of Morrison Plantation have disagreed about who's responsible for improvements at the intersection. The parkway is a private road that belongs to the developers, but motorists use it as a cut-through between Brawley School Road and N.C. 150.

A memorial service for Bush is planned for Friday at St. Therese Catholic Church, 277 Brawley School Road.

Caption:

PHOTO: 1

Caption:

Bush

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Author KATHRYN THIER, KTHIER@CHARLOTTEOBSERVER.COM, WCNC NEWS REPORTER ALEX REED CONTRIBUTED

Section METRO

Page 2B

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America's Newspapers

Paper: San Antonio Express-News

Title: SHOOT.SIDE Premonition prompted patrolman to go home, get bulletproof vest

Date: May 19, 1992

San Antonio Patrolman **Gilbert Tovar** routinely wears his bulletproof vest only on high-crime weekend nights, but an eerie sense of foreboding prompted him to don the protective shield early Monday

He called it a life-saving premonition.

Three hours into his overnight shift, **Tovar** stopped a motorist who fired a bullet through the tinted driver's window and into **Tovar's** chest.

The slug dented **Tovar's** metal nameplate before its deadly path was deflected by the officer's vest.

"I might not be alive right now if I hadn't worn my vest," the 29-year-old officer said Monday afternoon from his home, where he was recovering from the shooting.

Other than feeling "kind of sore" from the impact of the .38-caliber bullet slamming into his body at close-range and nursing superficial neck wounds caused by glass shards and bullet fragments, **Tovar** was in good health and in good spirits

"I thank the Lord I'm still alive," said the **San Antonio** native, whose two-year police career is the realization of a dream that began his freshman year in high school.

With his parents at his side, **Tovar** spent Monday "just trying to rest up," adding that he planned to take his first shooting "as a learning experience."

One thing he has learned, he said, is that every night is a potentially dangerous night for a police officer.

"I only wore my vest on Friday and Saturdays. That was wrong," **Tovar** said. "It could happen anytime. Last night proved that's right."

The officer can't explain his death-defying forewarning.

"Last night, something didn't feel right," he said. "I just didn't feel right about the night."

So two hours after he began patrolling downtown streets, **Tovar** returned home to get his vest.

"It just so happens it saved my life," he said.

Authorities said **Tovar** pulled over a car that was driving erratically about 2 a.m. on the West Side. **Tovar**, unaware the motorist was a suspect in the slaying of a **San Antonio** College professor, walked up to the car and was shot.

"He caught me totally off guard," **Tovar** said. "He shot right through the window. He didn't roll the window down."

As the car sped away, the injured officer fired at it and then radioed for help. Police said the motorist, whom they arrested after a brief pursuit, suffered a minor graze wound in the thigh from the round fired by **Tovar**.

"I thank God that nothing happened to my son, and I'm grateful to God that that young man is OK, too," said **Tovar's** mother, Olga **Tovar**.

Mrs. **Tovar** said her son called from the ambulance to say he was injured, but all right.

"He told me not to be scared," she said.

Despite his close call, **Tovar** who became a police officer for the "challenge" and opportunity to help people will continue to proudly wear the blue uniform.

He added: "I'm going to wear my vest every night from now on, too."

Copyright 1992, 2002 San Antonio Express-News

Author: Marty Sabcta

Page: 1A

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Shades of Competition
Auto Accessories
6170 Old Seward Hwy
Anchorage, Alaska 99518

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78

DAVE

Dear Representative Kyle Johansen,

I am the owner of Shades of Competition Acc. Inc. For the past 22 years I have enjoyed earning my living as an automotive wire technician and window tint installer. My shop displays the current law relating to window tinting (13 AAC 04.223) at the cashier's counter and our customers are required to verify in writing that they must comply with the law in this regard. As someone who takes pride in his livelihood, I am writing you about my concerns regarding Senate bill 78. I believe if you carefully consider this bill you will find that it is unfair in that it threatens the honest employment of me and my co-workers and that it would actually decrease, not increase, safety.

Senate bill 78 was introduced by Senator Hollis French to increase safety and to shift the burden of law enforcement or window tinting facilities. Senator French apparently thinks that by threatening to penalize respectable business establishments such as my own, safety will somehow be increased and relevant laws may somehow be easier to enforce.

While this bill may appear sensible at first blush, I implore you to take the time to more carefully understand the existing current law and the changes that would actually result if Senate bill 78 were enacted. In his sponsor statement, Senator French advises that "Currently it is illegal for a vehicle to be on Alaska's roadways if the window tinting allows less than thirty percent of the light to transmit through the glass." This statement is correct, and will continue to reflect the state of the law after passage of SB 78. However, please do not be misled into thinking that SB78 has any effect on how dark an Alaska car's windows may be. Senate bill 78 does not change the existing glass tint standard, nor does it need to: Alaska has one of the most restrictive state laws regulating vehicular window tinting in North America.

The more light transmitted through glass, the less dark the glass' tint. Title 13, chapter 4, section 223 of the Alaska Administrative Code makes it illegal for most vehicles to be on Alaska's roadways if the window tinting allows less than 70% of the light to transmit through the glass of the driver and front passenger side windows. Current law also makes it illegal for most vehicles to be on Alaska's roadways with less than 40% of the light transmitting through vehicle rear door windows, quarter glasses, and back glasses. (It might interest you to know that the majority of requests that I receive for window tinting in violation of these standards comes from Alaska law enforcement agencies seeking to modify their official vehicles.)

Alaska laws have long reflected our value system by holding people accountable for their own actions. Senate bill 78 turns that tradition on its head by singling out a specific group of honest merchants and holding them accountable for the misconduct of their customers. In doing this, SB 78 is surely going to fail to achieve its stated purpose of increasing safety by preventing people from over-tinting their car windows. Since the people who choose to violate the law will not be the ones being punished or held accountable for their actions, it is inevitable that this

measure will fail to encourage car owners to comply with the law. Senate bill 78 is detrimental to society at large because it encourages people to not take responsibility for their actions.

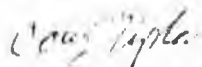
If I and/or others in my profession are going to be held liable any time someone with illegal tinting claims that they obtained it from a particular vendor, the potential liability will be so great that professionals such as myself, who are familiar with the legal standards involved, will have no choice but to refrain from installing any window tinting at all. Individual members of the public, however, would remain free to buy window tinting kits online or from numerous vendors who are not held liable under the proposed legislation. Individual vehicle owners then become free to violate the stringent standards incorporated in Alaska law, either through ignorance or design, without any intervention by professional installers. Senate bill 78 would ultimately cause window tinting to occur entirely outside of automotive shops, which honor and respect the law and encourage compliance by the public.

I believe that by pushing window tinting into an underground market, tint standards would be harder to regulate and more illegal tinting would occur. Individuals are less likely to be aware of legal standards than shops such as my own, who post the law and do our best to encourage compliance with it.

A better approach to obtain an increase in safety is available, however, and it would not preclude my co-workers and I from continuing to make an honest living through our trade in the way that SB 78 does. I suggest instead, that if the legislature wants to address the perceived problem, that it could be solved through a registration system. Safety would increase and I could continue to earn an honest living if customers were required to pay a state registration fee with any window tinting. With this fee, customers would receive a window tint hologram certifying that a shop installed a tint job that complied with legal standards. Such a system would not only encourage responsible window tinting, but it would protect shops from unfounded claims and prevent the harms to our industry that SB 78 poses. At the same time, this registration system could assist law enforcement by making verification of compliance easier and simultaneously generating revenue.

Senate bill 78 would ultimately only cause the state's law enforcement to waste valuable resources and put professional window tinters out of business. This bill does not reflect Alaskan values and would actually decrease, not increase safety in Alaskan communities. For these reasons, I strongly urge you to vote against Senate bill 78.

Sincerely,



Cory Tipton



WINDOW TINT

ALASKA / FEDERAL LAW

ALASKA LAW

- Front windshield 5” strip of tint
- Front driver and passengers side windows must allow 70% Visible Light Transmission (VLT).
- All other rear windows must allow 40% VLT, (some exemptions).
- Special use vehicles must comply with 49 C.F.R. 571.205 (Federal Law)

FEDERAL LAW

- The Federal DOT specifies a minimum of 70% VLT for window tinting on the windshield and the windows to the immediate left and right of the driver.
- The Federal DOT does not specify any VLT requirements for any other windows

OTHER JURISDICTIONS

- At least 13 other States have similar, or more restrictive laws.
- 90% of Canadian provinces have a similar or more restrictive laws.
- 5 States allow 50% VLT (front sides)
- 31 States range from 20%-40% VLT (front

rule, the hotter the climate, the
window tint allowed.

For Consideration

Driving with tinted windows at night is the same as driving with sunglasses on.

- Sunglasses are regulated by the Food and Drug Administration (FDA) as medical devices.
- Per the American National Standards Institute (ANSI) Cosmetic sunglasses must let through at least 40% of the visible light (not recommended for wear at night).
- Most people choose General Purpose sunglasses in the 15 to 25% VLT range.

Alaska's Tinted window law to allow tints that
10% of VLT.

Common filter colors

- light gray, which transmits **35 to 43%** of visible light.
- dark gray, which transmits **14 to 25%** of visible light
- light brown or tan, which transmits **27 to 29%** of visible light
- dark brown, which transmits **18 to 27%** of visible light
- yellow, which transmits **68 to 71%** of visible light
- amber, a high-definition filter that inhibits blue light
- gray or brown, for indoor or computer use, transmits **60% of visible light**

A dark, grainy, black and white photograph of a stormy sky. A bright lightning bolt strikes down from the upper center towards the bottom. The sky is filled with dark, swirling clouds, and the overall image has a high-contrast, textured appearance with many small white specks and scratches, suggesting it might be a scan of a film or a heavily processed image.

**Do tinted windows really
cause problems?**

Police Officer Shot To Death After Car Chase

(March 15, 2007)—A Dallas police officer was shot and killed Friday after a car chase in which the suspect's car ended up nose to nose with the squad car, a police spokesman said.

Senior Corporal Mark Timothy Nix, 33, was declared dead at Parkland Memorial Hospital. He had been on the force nearly seven years and was a veteran of the first Gulf War. The car chase ended in a West Dallas neighborhood when the suspect lost control of his car.

The police car and the suspect's car ended up front bumper to front bumper.

A police spokesman says the suspect opened fire, shooting from inside his car.

The chase began around 5 p.m. after officers spotted the man, initially believed to be a suspect in a killing committed earlier this week, driving down the street, the spokesman said.

Police spokesman Yoram Hale said the car's dark, tinted windows initially prevented officers from knowing how many people were inside.

Windows 65% tint / 35% VLT

Examples of other problems

- **Chicago** - Police officers unable to see clearly through a tinted window mistakenly shot a passenger they thought had a gun (cell phone). *Mayor vowed to ban all tinted windows.*

- **Numerous examples of criminals who were not identified because witnesses could not see the driver through tinted windows.**

- **Collisions with motor vehicles and pedestrians blamed on driver's inability due to tinted windows.**

- The National Highway Traffic Safety Administration has noted that tinted windows can hamper police in determining whether a vehicle's occupants are wearing seat belts or have their children properly protected in car seats.
- Heavy tints may also prevent other motorists from viewing the road ahead by looking through the cabins of cars in front of them - something many drivers do, especially when roads are congested.
- Tinted windows can impair a driver's vision, particularly at night, making it difficult to see pedestrians and bicyclists, for example.

TINT EXAMPLES

Taken from the Tint industry and photographs
of actual vehicles in Alaska



Nissan Maxima

**70% VLT
(Light / Legal)**

**30% VLT
(medium)**

**5% VLT
(Heavy /Limo)**

**These pictures taken on a
bright day (see shadows), far
from any light source. You
can see inside during
low light**



Fo DR/PS 75% VLT 20%

VL



Front DR/PS 80% VLT R.../windows



Toyota Camry DR/PS 70% VLT (before) doors 35%
VL 20% VLT (after)

Reasons not to change current law

- Our current standard assures that Alaskan vehicles are in compliance with the tinted window laws in most States and Canadian provinces.
- Increased visibility for the driver.
- Increased safety for pedestrians.
- Increased safety for Law Enforcement officers.

Reasons to support SB78

- Protects the public from unethical installers who would tint a vehicle, knowing that the installation is illegal.
- Will reduce the number of citations issued to motorists.
- Will increase safety on our highways.

You can always wear sunglasses on a sunny day, but can't wear window tint at night.

A black and white photograph of a cloudy sky. The clouds are scattered and vary in density, with some appearing as bright white patches against a darker background. The overall tone is somewhat somber due to the monochrome palette. Overlaid on the center of the image is the text "THANK YOU ANY QUESTIONS?".

THANK YOU
ANY QUESTIONS?

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: SB078(LAW) LAW-08-01-04-08
 Bill Version: CSS078(JUD)
 () Publish Date: _____

Identifier (file name): _____ Dept. Affected: LAW
 Title: Crime of relating to motor vehicle window tinting. RDU: Criminal
 Component: Criminal Justice Litigation
 Sponsor: SENATOR(S) FRENCH
 Requester: HOUSE TRANSPORTATION Component Number: _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts								
1003 JF Match								
1004 OF	3.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1005 Gr/Program Receipts								
1037 OF/Mental Health								
Other Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

SB 078 would make it a crime to install tinted windows on those parts of a motor vehicle where they are not permitted by the department (DOA) or at a level of darkness that is not allowed by the department. The penalty for conviction of this prohibition is a misdemeanor, with a maximum fine of \$500 and 90 days incarceration.

The Department of Law does not anticipate any significant fiscal impact from passage of this legislation.

Prepared by: Robert Meiners, Administrative Services Manager
 Division: Administrative Services Division
 Approved by: Tate Colberg, Attorney General
Department of Law

Phone: 907-485-5427
 Date/Time: 3/4/08, 11:10 AM
 Date: 3/4/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: CS88 78 (JUD)
 () Publish Date: _____

Identifier (file name): SB078CS(JUD)-DPS-AST-12-04-07 Dept. Affected: Public Safety
 Title: *An Act relating to the installation of window tinting in automobiles. RDU: Alaska State Troopers
 Component: AST Detachments
 Sponsor: Senator French
 Requester: House Transportation Committee Component Number: 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES								
Personal Services								
Travel								
Contractual								
Supplies								
Equipment								
Land & Structures								
Grants & Claims								
Miscellaneous								
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES								
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CHANGE IN REVENUES ()								
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FUND SOURCE (Thousands of Dollars)

	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2008) cost: _____

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

SB 78 makes it a crime to install window tinting on portions of a vehicle that the department has deemed improper or to install window tinting that does not allow for an appropriate level of light transmittance to pass through. AST does not expect a great number of these crimes to occur and predicts little impact to the Department of Public Safety.

Prepared by: Lt. Rodney Dial
 Division: Division of Alaska State Troopers
 Approved by: Commissioner Walt Monegan
Department of Public Safety

Phone: 907-247-4480
 Date/Time: 12/4/07 3:00 PM
 Date: 12/4/2007

David Scott

From: Andrew Felt [AndrewF@autotrimdesignalaska.com]
Sent: Thursday, February 28, 2008 4:28 PM
To: David Scott
Subject: SB 78



of Fairbanks, Inc.
 2550 South Cushman Street
 Fairbanks, Alaska 99701

Phone (907) 456-8400

Fax (907) 456-8406

February 27th, 2008

Dear Rep. Johansen,

On Thursday, March 6th, the House Transportation Committee is scheduled to hear SB 78, a bill regarding vehicle window tint enforcement in Alaska. Bob Boswood, the owner of Auto Trim Design and I will be attending the teleconference, and would appreciate a chance to testify.

Our position on this bill is that it will not achieve the objectives that it sets out to. Rather, it will create an environment hostile to the businesses it purports to want help from. We would rather take a more proactive path towards a more comprehensive solution, involving the window film business community in the state as a partner with law enforcement. Unfortunately, we can't be helped if we are pushed out of the business of selling window film by SB 78.

Given our large transient military population, we have many vehicles come into the state with window film already installed. As written now, every one of them fails to be in compliance with Alaska's regulations. Unless there is a 100% crackdown on every vehicle with window film, there will always be vehicles on Alaska's roads that have it.

In 1994, Alaska basically adopted the federal light transmission limits set forth for vehicles when they roll out of the factory. These regulations are rather arcane and apply differently to various types of vehicles. For instance, if you have a Chevy Tahoe SUV, you can legally have the windows behind the front doors as dark as you want, most come from the factory with a light transmission level of around 20%. However, if you have a Subaru station wagon, you can't darken the windows at all and be within the legal limits.

Window film products have many benefits that our customers enjoy beyond mere appearance. They eliminate UV rays, and reduce heat gain, a nice thing for your kid who is

strapped into the back seat on a sunny day. The window film also holds broken glass together, reducing the amount of it flying around the interior of a vehicle in the event of a collision. These products can be used in a safe, sensible manner, providing real benefits to the vehicle owner, and allow law enforcement personnel to be comfortable when approaching a vehicle.

We look forward to testifying at the upcoming hearing. If you have any questions about the business, history, or process of automotive window film products, please feel free to contact me at any time.

Andrew Felt
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andrewf@autotrimdesignalaska.com