

SB

51

Alaska State Legislature



Senator Hollis French

SB 51 - Motor Vehicle Window Tinting

Sponsor Statement

Illegally tinted motor vehicle windows create numerous safety concerns in Alaskan communities across the state. For peace officers, dark tints can completely block an outside view of a driver and passengers, hiding potential threats and essentially 'blindfolding' officers conducting traffic stops. For pedestrians, bikers and motorcyclists, illegal window tinting prevents eye contact with a driver, which is the most effective way to confirm that a driver has seen them as they share the roads.

Alaska law, like all other states in the country, currently limits how dark window tinting can be on vehicles operated on roads in the state. Alaska differs from some other states, however, in that it doesn't currently penalize the professional businesses that make a profit installing illegal window tinting. This bill makes it an infraction to install illegal window tinting.

On top of posing a safety hazard to pedestrians and peace officers, tinting windows illegally can also be a costly endeavor for consumers. After paying hundreds of dollars for a custom tint job, a citation for driving with illegal window tinting runs at \$150. While a first citation is often a correctible offense, removing professional window tinting requires a second visit to a tinting business, since the product is difficult to pull off windows. While the consumer is out hundreds of dollars, a tinting business makes even more money.

In Anchorage alone, over 1,200 citations were given out for illegal tinting during 2006. Senate Bill 51 is an act that will protect peace officers, pedestrians and consumers, and I urge your support.

LEGISLATIVE RESEARCH REPORT

MARCH 12, 2007



REPORT NUMBER 07.150

PUNISHMENT FOR ILLEGAL AUTOMOBILE WINDOW TINTING IN OTHER STATES

PREPARED FOR SENATOR HOLLIS FRENCH

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about other states' laws regarding automobile window tinting. Specifically, you wanted to know what punishments other states impose on individuals or businesses that illegally install window tinting.¹

Our review of the applicable laws of ten western states found that the punishment for illegal installation of window tinting ranged from a fixed fine of \$57 in Idaho to a maximum fine of \$1,000 and up to one year in jail in California and Nevada.² It is important to note, however, that eight of the states whose laws we reviewed allow courts the discretion to set penalties at any level below the maximum amounts prescribed in statute. The following table shows statutory citations, crime classifications, and the associated penalties for illegal installation of window tinting for the ten states we reviewed.

¹ The term "window tinting" is used in this report to describe transparent material that is applied to automobile windows to reduce or filter the amount of light coming through the windows. This material is variously described in other states' laws as "sunscreen" or "sun-shade."

² We reviewed the laws of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington. We include copies of the applicable laws of these states as Attachment A.

Selected States' Laws Regarding Illegal Installation of Window Tinting			
State	Statutes	Crime Classification	Maximum Penalty
Arizona	A.R.S. § 28-959.01 (Prohibition) A.R.S. § 28-121 (Classification) A.R.S. § 13-802 (Penalty)	Class 2 Misdemeanor	\$750 fine
California	Cal. Veh. Code § 26708.5 (Prohibition) Cal. Veh. Code § 42002 (Penalty)	Misdemeanor	\$1,000 fine and/or six months in jail
Colorado	C.R.S. § 42-4-227	Misdemeanor	\$500 (minimum) to \$5,000 fine
Idaho	Idaho Code § 49-944 (Prohibition) Idaho Infraction Rule 9 (Penalty)	Infraction	\$57.00 fine set by Court Rule
Montana	Mont. Code § 61-9-429 (Prohibition) Mont. Code § 46-18-212 (Penalty)	Misdemeanor	\$500 fine and/or six months in jail
Nevada	Nev. Rev. Stat. § 484.6195 (Prohibition) Nev. Rev. Stat. § 484.999 (Classification) Nev. Rev. Stat. § 193.150 (Penalty)	Misdemeanor	\$1,000 fine and/or six months in jail
New Mexico	N.M. Stat. § 66-30846.1	Petty Misdemeanor	\$75 fine
Oregon	O.R.S. § 815.221 (Prohibition) O.R.S. § 815.222 (Penalty) O.R.S. § 153.138 (Fine Schedule) O.R.S. § 153.800 (Violations Clerk)	"Illegal Window Tinting"	Fine amount set by the Violations Bureau of the presiding Court
Utah	Utah Code § 41-6a-1635 (Prohibition) Utah Code § 41-6a-202 (Classification) Utah Code § 76-3-301 (Penalty)	Class C Misdemeanor	\$750 fine
Washington	RCW § 46.37.430 (Prohibition) RCW § 46.37.435 (Classification) RCW § 9A.20.021 (Penalty)	Misdemeanor	\$1,000 fine and/or ninety days in jail
<p>Notes: All but two of the states we reviewed allow courts the discretion to set actual penalties at any level below the statutory maximum. Two states--Idaho and Oregon--have fixed fines. Idaho sets its fine in Court Rule while Oregon allows fines to be set by the "Violations Bureau" of each local jurisdiction.</p> <p>Source: Lexis database of states' laws.</p>			

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

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.


 FAIRBANKS

Daily News - Miner

Opera Fairbanks ready to add new voices to local arts scene

By Dermot Cole
Published March 13, 2007

NEW GROUP: The opera arrives in Fairbanks this weekend with the inaugural production of Opera Fairbanks, "A Touch of Opera."

Assisted by members of the Fairbanks Youth Symphony, the new company will perform arias and ensembles from favorite operas. The performances are Friday at 8 p.m. and Sunday at 3 p.m. in the Pioneer Park civic center.

The show is to feature Fairbanks singers Morgan Reed, Brandon Michael and Cassandra Tilly, along with Anchorage performers Anastasia Jamieson and Marlene Bateman and visiting bass singer Michael Douglas Jones.

Tickets are \$25 for adults, \$20 for senior citizens and military and \$12 for students.

As part of his visit, Jones is to present "Opera Outside the Box," a workshop Saturday at Pioneer Park from 1 to 4 p.m. The workshop is open to 15 participants for a \$35 fee or \$10 for those who attend the production.

For more information and registration, go to www.operafairbanks.org or call 456-7573.

Tickets are available at New Horizons Gallery, the Artworks and Holm Town Nursery.

TINTED WINDOWS: For about 13 years, we've had a state law that limits tinted windows in automobiles. But many drivers ignore this law, as you can tell by walking through a crowded parking lot.

Going overboard on tinted windows creates hazards for pedestrians, bicyclists and other drivers who can't tell if the driver with illegal windows is watching the road, blabbing on a cell phone or looking the other way.

Anchorage Sen. Hollis French has proposed a bill that would close a loophole by making it illegal for businesses to install tinted windows in excess of the legal limits.

The Senate Judiciary Committee has scheduled a teleconference hearing on SB 78 Wednesday at 1:30 p.m.

French said at an earlier hearing that many after-market businesses where window tints are applied are not aware of the state laws and this new requirement will go a long way toward preventing the problem from getting worse.

In 2006, Anchorage police issued 1,201 citations for drivers with illegal windows. In Fairbanks, there were 174 citations.

OIL TAXES: An oil industry representative took me to task for writing Sunday that there have been "a couple" of tax increases on the oil industry in the past 26 years. I took issue with Exxon's claim that the state has raised taxes 13 times in 20 years.

Thinking some more about this, perhaps I should have written that there have been three or four major increases in oil taxes in the past 26 years.

This includes the change to the ELF statute in 1989, the nickel-a-barrel fee after the Exxon Valdez disaster, the move by former Gov. Frank Murkowski to aggregate North Slope fields in 2005 and the new oil tax system approved by the Legislature last year.

That's hardly a track record of fiscal instability.

WALK ON: Karl Bushby plans to leave Fairbanks and resume his walk around the world in Russia by Thursday, accompanied by Dmitry Keiffer, he told the Moscow Times. He has ambition, but not a lot of money.

"When we hit the ground in Russia, we're basically broke," he told the paper.

WATER EXPO: We may still be surrounded by water in a solid form, but the 2007 Water Expo is on the way.

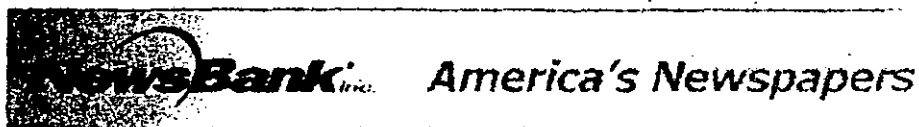
The two-day event, March 24-25, is set for Hamme Pool, featuring a variety of activities geared to events that take place when the water is free flowing.

For more information and registration, drop by Hamme Pool on Monday through Friday from 1 to 9 p.m.

MEETING: The Filipino American Society of Fairbanks is to hold its annual meeting and elect new officers during a potluck March 24 at 6 p.m. at Pioneer Park.

MUSIC: Four UAF music students won awards at the National Association of Teachers of Singing competition in Anchorage.

They are: Janene Mickel, Vanessa Cox, Gwendolyn Brazier and Walter Fourie.



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, 217 Brawley School Road.

Caption:

PHOTO:1

Caption:

Bush

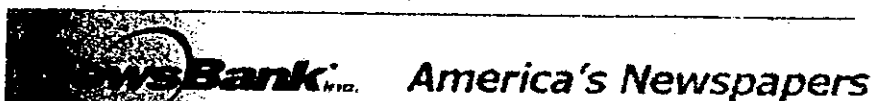
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Section: METRO

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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.

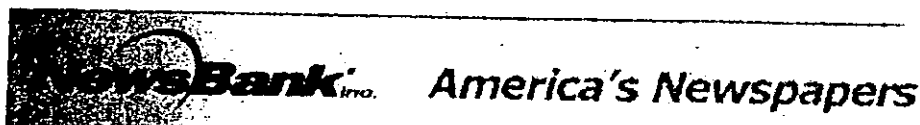
He added: "I'm going to wear my vest every night from now on, too."

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Author: Marty Sabola

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Paper: Tulsa World
Title: Motorist Killed by Train
Date: February 7, 1995

Excessive window tinting may have been a factor in the death of a teen motorist Monday morning who apparently tried to beat a train at a railroad crossing, an Oklahoma Highway Patrol trooper said.

Eric Sean Dearing, 19, of Sand Springs was crossing a railroad intersection at South 154th West Avenue and Oklahoma 51 at about 8 a.m. when his 1991 LX Ford Mustang was struck by a train, said trooper Toby McClellan

"From all indications it looks like the driver tried to beat the train," McClellan said.

The train was travelling about 48 mph.

The windows on the car were tinted darker than the law allows, McClellan said.

"When tinting is too dark on the windows, this can effect the depth perception of the driver," McClellan said.

Witnesses told troopers that after the 36-car Burlington Northern freight train hit the car, the car was airborne for about 50 feet. The driver was ejected when the car landed, witnesses said

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