

TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

H. B. NO. 10-333, HD1

THIRD REGULAR SESSION, 1997

A BILL FOR AN ACT

To amend 9 CMC, Div. 4, by adding a new Section 4116; and for other purposes.

BE IT ENACTED BY THE TENTH NORTHERN MARIANAS COMMONWEALTH LEGISLATURE:

1 Section 1. Title. This Act shall be known as the "Vehicle Sun Screening Device
2 Act of 1997".

3 Section 2. Findings. The Legislature finds that many motor vehicles in the
4 Commonwealth are equipped with window tinting, or other sun screening materials or
5 devices which are too dark and which thereby impede the operator's safe vision during
6 the operation of the motor vehicle, particularly at night. The Legislature also finds that
7 vehicles with such window tinting and devices pose problems for public safety and for
8 law enforcement .

9 Section 3. Amendment. 9 CMC, Div. 4, is hereby amended by adding a new
10 Section 4116 to read as follows:

11 "Section 4116 Regulation of Motor Vehicle Sun Screening Devices; Penalty.

12 (a) Definitions: The following terms, when used in this section, shall be
13 interpreted to have the meanings indicated below:

14 1) "Solar Reflectance" means the ratio of the amount of total light,
15 expressed in a percentage, which is reflected outward by the product or
16 material to the amount of total light falling on the product or material.

17 2) "Sun screening material" means a product or material,
18 including but not limited to, film, glazing, window tinting, or perforated
19 sun screening, which, when applied to the windshield or windows of a
20 motor vehicle, or, which is part of or contained within the glass that
21 comprises the windshield or windows of a motor vehicle, reduces the
22 effects of the sun with respect to light reflectance or transmittance.

1 3) "Transmittance" means the ratio of the amount of total light,
2 expressed in a percentage, which is allowed to pass through the product or
3 material, including glazing, to the amount of total light falling on the
4 product or material and the glazing.

5 4) "Window" means any device designated for exterior viewing
6 from a motor vehicle, except the windshield, any roof-mounted viewing
7 device, and any viewing device having less than 150 square inches in area.

8 5) "Windshield" means the front exterior viewing device of a
9 motor vehicle.

10 (b) Windshields, sun screening restrictions. A person shall not operate any
11 motor vehicle on any public highway, road, or street with any sign, sun screening
12 material, product, or covering attached to, or located in or upon, the windshield,
13 except the following:

14 (1) A certificate, other paper, or device required to be displayed by
15 law.

16 (2) Sun screening material along a strip at the top of the
17 windshield, extending not more than 6 inches from the top, so long as such
18 material is transparent and does not encroach upon the driver's direct
19 forward viewing area as more particularly described and defined in
20 Federal Motor Vehicle Safety Standards Nos. 205 and 128 as the AS/1
21 portion of the windshield.

22 (c) Rear window; sun screen restrictions. A person shall not operate any
23 motor vehicle upon any public highway, road, or street on which vehicle the rear
24 window is composed of , covered by, or treated with any material which has the
25 effect of making the window non-transparent."

26 Section 4. Penalties for Violations. A person who violates any provision of this
27 act shall be guilty of a non-criminal infraction of the law, and shall be ordered to do the
28 following:

29 (a) Remove or alter the motor vehicle that is the subject of the violation so
30 that such vehicle is in compliance with the provisions of this Act, at the violator's
31 own expense.

1 (b) Pay of fine of not less than \$50 and not more than \$250 in the
2 discretion of the Court, upon consideration of the following aggravating factors:

3 (1) whether the violation was intentional, knowing, or purposeful;

4 (2) whether the person has had prior violations under this Act;

5 (3) the extent to which the specific violation or violations posed a
6 threat to public safety or law enforcement.

7 Section 4. Severability. If any provision of this Act or the application of any
8 such provision to any person or circumstance should be held invalid by a court of
9 competent jurisdiction, the remainder of this Act or the application of its provisions to
10 persons or circumstances other than those to which it is held invalid shall not be affected
11 thereby.

12 Section 5. Savings Clause. This Act and any repealer contained herein shall not
13 be construed as affecting any existing right acquired under contract or acquired under
14 statutes repealed or under any rule, regulation or order adopted under the statutes.
15 Repealers contained in this Act shall not affect any proceeding instituted under or
16 pursuant to prior law. The enactment of this Act shall not have the effect of terminating,
17 or in any way modifying, any liability, civil or criminal, which shall already be in
18 existence at the date this Act becomes effective.

19 Section 6. Effective Date. This Act shall take effect upon its approval by the
20 Governor or upon its becoming law without such approval.

DATE: 02/04/97

Introduced by: /s/ Malua T. Peter
Rep. Maria "Malua" T. Peter

/s/ Rep. Diego T. Benavente

/s/ Rep. Pete P. Reyes

/s/ Rep. Crispin I. DLGuerrero

/s/ Rep. David M. Apatang

/s/ Rep. Melvin O. Faisao

/s/ Rep. Heinz S. Hofschneider

Reviewed for legal sufficiency: /s/ Richard Courts