S T A T E O F N E W Y O R K

798

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, KOLB, FINCH, GIGLIO, BARRA -- Multi-Sponsored by -- M. of A. ALFANO, CALHOUN, CROUCH, MILLER -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to tinting on motor vehicle windows and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 12-a of section 375 of the vehicle and traffic law, as amended by chapter 155 of the laws of 1991, is amended to read as follows:

(b) No person, UNLESS SUCH PERSON IS A PEACE OFFICER OR LAW ENFORCEMENT OFFICER, OR SUCH PERSON, FOR PURPOSES OF A DEMONSTRATED MEDICAL NECESSITY, REQUIRES THE USE OF LOW LIGHT TRANSMITTING WINDOWS, shall operate any motor vehicle upon any public highway, road or street:

(1) the front windshield of which is composed of, covered by or treated with any material which has a light transmittance of less than [seventy] NINETY percent unless such materials are limited to the uppermost six inches of the windshield; or

(2) the sidewings or side windows of which on either side forward of or adjacent to the operator's seat are composed of, covered by or treated with any material which has a light transmittance of less than [seventy] NINETY percent; or

(3) [if it is classified as a station wagon, sedan, hardtop, coupe, hatchback or convertible and any] THE rear side [window] WINDOWS WHICH ARE COMPOSED OF, COVERED BY, OR TREATED WITH ANY MATERIAL WHICH has a light transmittance of less than [seventy] NINETY percent; or

(4) the rear window of which is composed of, covered by or treated with any material which has a light transmittance of less than [seventy] NINETY percent. A rear window may have a light transmittance of less than [seventy] NINETY percent if the vehicle is equipped with side

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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mirrors on both sides of the vehicle so adjusted that the driver thereof shall have a clear and full view of the road and condition of traffic behind such vehicle.

S 2. The sum of fifty thousand dollars ($50,000), or so much thereof as may be necessary, is hereby appropriated out of moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available to the division of criminal justice services for distribution to local law enforcement agencies for the purpose of purchasing tint meters to carry out the provisions of this act relating to the seventy percent light transmittance standard. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved in the manner prescribed by law.

S 3. This act shall take effect January 1, 2011; provided, however, the provisions of this act shall not apply to persons operating a 2011 or earlier model year vehicle if the windows on such vehicle were in conformity with the provisions of paragraph (b) of subdivision 12-a of section 375 of the vehicle and traffic law as such paragraph existed on the day preceding the effective date of this act.