

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1170

H.P. 816

House of Representatives, March 18, 1991

Submitted by the Department of Public Safety pursuant to Joint Rule 24.  
Reference to the Committee on Transportation suggested and ordered printed.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative BAILEY of Township 27.

Cosponsored by Representative MACOMBER of South Portland and Senator THERIAULT of Aroostook.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**An Act to Make Emergency Changes to the Motor Vehicle Laws.**

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(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, current laws on window tinting of motor vehicles  
6 have been preempted by federal law and should, therefore, be  
repealed to decrease confusion for motor vehicle dealers and  
8 buyers; and

10  
Whereas, laws involving altered vehicles become effective  
March 1, 1991, unless repealed prior to that date; and

12  
Whereas, the laws involving altered vehicles are no longer  
14 needed and implementation of those laws would cause unnecessary  
inconvenience to the owners of the altered vehicles; and

16  
Whereas, in the judgment of the Legislature, these facts  
18 create an emergency within the meaning of the Constitution of  
Maine and require the following legislation as immediately  
20 necessary for the preservation of the public peace, health and  
safety; now, therefore,

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**Be it enacted by the People of the State of Maine as follows:**

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**Sec. 1. 29 MRSA §119-A**, as enacted by PL 1989, c. 754, Pt. D,  
26 §1 and affected by §4, is repealed.

28  
**Sec. 2. 29 MRSA §1369-A, sub-§2, ¶A**, as enacted by PL 1989, c.  
481, Pt. A, §24, is amended to read:

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A. The provisions of subsection 1 do not apply to:

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(1) A certificate or other paper required or allowed  
34 to be displayed by statute law;

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(2) The label attached to a window showing the price,  
38 estimated mileage and other federally mandated  
information commonly known as the manufacturer's  
40 suggested retail price label; or

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(3) Sun-screening or window tinting material along a  
4-inch strip at the top of the windshield in conformity  
44 with the rules adopted under subsection 9; or

46  
(4) Motor vehicles for which the Chief of the State  
Police has granted an exception because the health of  
the owner or a person who usually occupies the vehicle  
is adversely affected by sunlight. The Chief of the  
State Police may, upon proper application, provide the  
owner of a motor vehicle with a certificate of  
exemption that must be displayed upon the request of a  
52 law enforcement officer.

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Sec. 3. 29 MRSA §1369-A, sub-§2, ¶C is enacted to read:

C. The provisions of subsection 1, paragraphs C and D, do not apply to side windows behind the operator's seat or the rear window of a motor vehicle that is equipped with original installation windows or original replacement windows, originally installed or replaced in conformance with Federal Motor Vehicle Standard 205, except that any such window with a light transmittance of less than 70% may not be covered by or treated with any material that further reduces the light transmittance.

Sec. 4. 29 MRSA §1369-A, sub-§3, as repealed and replaced by PL 1989, c. 754, Pt. C, §3, is amended to read:

**3. Light transmittance certificate.** The owner or operator of any motor vehicle with tinted replacement windows or windows covered by or treated with tinting material shall acquire a light transmittance certificate and shall show the certificate to the inspection mechanic at the time of inspection to prove compliance with section 2503, subsection 2, and this section. The certificate must be on a form approved by the Bureau of State Police. Any person who, for compensation, installs tinted replacement windows or window tinting materials may issue a certificate for any motor vehicle that complies with the light transmittance standards of subsections 1 and 2, and shall ensure compliance and issue a certificate for any vehicle on which that person has installed the tinted window or tinting material.

Sec. 5. 29 MRSA §1369-A, sub-§§4 and 8, as enacted by PL 1989, c. 481, Pt. A, §24, are repealed.

Sec. 6. 29 MRSA §2502, sub-§4-A, as enacted by PL 1989, c. 754, Pt. D, §2 and affected by §4, is repealed.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

**STATEMENT OF FACT**

This bill makes the following changes to the laws governing motor vehicles.

- 1. The bill repeals 2 sections of the Maine Revised Statutes, Title 29, that otherwise become effective March 1, 1991. The sections involve altered vehicles.

2           2. The bill allows the Chief of the State Police to exempt  
3           motor vehicles from the prohibitions against window tinting when  
4           the owner shows that the owner's or another person's health is  
5           adversely affected by sunlight.

6           3. The bill exempts the original installation or  
7           replacement side windows behind the driver's seat and rear  
8           windows of multipurpose vehicles from the window-tinting  
9           prohibitions provided they are in compliance with Federal Motor  
10          Vehicle Standard 205.

11          4. The bill clarifies that the owner or operator of a motor  
12          vehicle with tinted windows has to obtain a certificate of  
13          compliance only when the windows are replacement windows or have  
14          been covered by or treated with window-tinting material.

15          5. The bill repeals a transition section of the  
16          window-tinting law and the compliance requirement for  
17          multipurpose vehicles.

18          6. The bill deletes a warning provision that is no longer  
19          effective after March 1, 1990.