

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 77

Representative Merrin

A BILL

To amend sections 4507.232, 4513.241, 4513.242, 1
4517.33, and 4775.09 and to enact sections 2
4513.243 and 4513.244 of the Revised Code to 3
codify and modify rules related to the use of 4
sunscreening and reflectorized materials on 5
motor vehicles and to name this act the 6
"Legalize Window Tinting Act." 7

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 4507.232, 4513.241, 4513.242, 8
4517.33, and 4775.09 be amended and sections 4513.243 and 9
4513.244 of the Revised Code be enacted to read as follows: 10

Sec. 4507.232. When the registrar of motor vehicles or a 11
deputy registrar issues a temporary instruction permit under 12
this chapter, the registrar or deputy registrar also shall issue 13
to the applicant a sticker or banner that reads "student 14
driver." When the holder of the temporary instruction permit 15
operates a motor vehicle, the sticker or banner may be displayed 16
on the motor vehicle to inform other motor vehicle operators 17
that the motor vehicle is being operated by a holder of a 18
temporary instruction permit, but such display is not required. 19

The sticker or banner may be displayed on a side window or 20
the rear window of the motor vehicle notwithstanding section 21
4513.24 and division ~~(F)~~ (B) (6) of section 4513.241 of the 22
Revised Code or any rule adopted thereunder. 23

The registrar shall determine the size of the sticker or 24
banner, which shall not exceed four inches in height by twelve 25
inches in length, and the material and all other properties of 26
the sticker or banner, but shall select a material so that the 27
sticker or banner can be transferred readily from one motor 28
vehicle to another. 29

Sec. 4513.241. ~~(A) The director of public safety, in~~ 30
~~accordance with Chapter 119. of the Revised Code, shall adopt~~ 31
~~rules governing the use of tinted glass, and the use of~~ 32
~~transparent, nontransparent, translucent, and reflectorized~~ 33
~~materials in or on motor vehicle windshields, side windows,~~ 34
~~sidewings, and rear windows that prevent a person of normal~~ 35
~~vision looking into the motor vehicle from seeing or identifying~~ 36
~~persons or objects inside the motor vehicle~~ As used in this 37
section and sections 4513.242, 4513.243, and 4513.244 of the 38
Revised Code: 39

(1) "Chauffeured limousine" has the same meaning as in 40
section 4501.01 of the Revised Code. 41

(2) "Manufacturer" means any person who engages in the 42
manufacturing or assembling of sunscreening products or 43
materials or any person who fabricates, laminates, or tempers a 44
safety glazing material, incorporating, during the manufacturing 45
process, the capacity to reflect or reduce the transmission of 46
light. "Manufacturer" includes any person importing motor 47
vehicles or motor vehicle equipment for resale. 48

(3) "Motor vehicle" means every vehicle propelled or drawn 49
by power other than muscular power or power collected from 50
overhead electric trolley wires, except motorized bicycles, road 51
rollers, traction engines, power shovels, power cranes, and 52
other equipment used in construction work and not designed for 53
or employed in general highway transportation, hole-digging 54
machinery, well-drilling machinery, ditch-digging machinery, 55
farm machinery, trailers used to transport agricultural produce 56
or agricultural production materials between a local place of 57
storage or supply and the farm when drawn or towed on a public 58
road or highway at a speed of twenty-five miles per hour or 59
less, threshing machinery, hay-baling machinery, and 60
agricultural tractors and machinery used in the production of 61
horticultural, floricultural, agricultural, and vegetable 62
products. 63

(4) "Sunscreening material" means materials, including 64
film, glazing, and perforated sunscreening, that when applied to 65
the windshield or windows of a motor vehicle, reduce the effects 66
of the light reflectance or transmittance of the sun. 67

(5) "Transmittance" means the ratio of the amount of total 68
light, expressed in percentages, that is allowed to pass through 69
sunscreening material to the amount of total light falling on 70
the sunscreening material. 71

(6) "Window" means any device designed for exterior 72
viewing from a motor vehicle, except the windshield or any roof- 73
mounted viewing device. 74

(7) "Windshield" means the front exterior viewing device 75
of a motor vehicle. 76

~~(B) The rules adopted under this section may provide for-~~ 77

~~persons who~~ All motor vehicles registered in this state shall 78
~~meet either of the following qualifications~~ standards: 79

~~(1) On November 11, 1994, or the effective date of any~~ 80
~~rule adopted under this section, own a motor vehicle that does~~ 81
~~not conform to the requirements of this section or of any rule~~ 82
~~adopted under this section.~~ Privacy drapes, louvers, curtains, 83
or blinds shall be open and secure during vehicle operation. 84

~~(2) Establish residency in this state and are required to~~ 85
~~register a motor vehicle that does not conform to the~~ 86
~~requirements of this section or of any rule adopted under this~~ 87
~~section.~~ A windshield that has sunscreening material or other 88
material, when used in conjunction with safety glazing 89
materials, shall have a light transmittance of not less than 90
seventy per cent, plus or minus three per cent. 91

~~(3) A side window to the right or left of the driver that~~ 92
~~has suncreening material or other material, when used in~~ 93
~~conjunction with safety glazing materials, shall have a light~~ 94
~~transmittance of not less than thirty per cent, plus or minus~~ 95
~~three per cent.~~ 96

~~(4) No windshield or side window that has sunscreening~~ 97
~~material or other material, when used in conjunction with safety~~ 98
~~glazing materials, shall be red or yellow in color.~~ 99

~~(5) A motor vehicle shall have left and right rear view~~ 100
~~mirrors if a rear window of the motor vehicle has sunscreening~~ 101
~~material or other material, when used in conjunction with safety~~ 102
~~glazing materials, that has a light transmittance of less than~~ 103
~~fifty per cent, plus or minus three per cent.~~ 104

~~(6) No reflectorized materials shall be upon or in any~~ 105
~~front windshield, side windows, sidewings, or rear window.~~ 106

(C) No person shall operate, on any highway or other public or private property open to the public for vehicular travel or parking, lease, or rent any motor vehicle that is registered in this state ~~unless the motor vehicle conforms to that violates the requirements of standards established in division (B) of this section and of any applicable rule adopted under this section.~~

~~(D) No person shall install in or on any motor vehicle, any glass or other material that fails to conform to the requirements of this section or of any rule adopted under this section.~~

~~(E) (1) No used motor vehicle dealer or new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, shall sell any motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.~~

~~(2) No manufacturer, remanufacturer, or distributor, as defined in section 4517.01 of the Revised Code, shall provide to a motor vehicle dealer licensed under Chapter 4517. of the Revised Code or to any other person, a motor vehicle that fails to conform to the requirements of this section or of any rule adopted under this section.~~

~~(F) No reflectorized materials shall be permitted upon or in any front windshield, side windows, sidewings, or rear window.~~

~~(G) This section does and section 4513.242 of the Revised Code do not apply to the manufacturer's tinting or glazing of following:~~

~~(1) A motor vehicle windows window or windshields windshield that is otherwise in compliance with or permitted by~~

federal motor vehicle safety standard number two hundred five-; 136

~~(H)~~ (2) Sunscreening material or other material applied 137
along the top of the windshield, provided that such material 138
does not extend downward beyond the AS-1 line or five inches 139
from the top of the windshield, whichever is closer to the top; 140

(3) With regard to any side window behind a driver's seat 141
or any rear window other than any window on an emergency door, 142
~~this section does not apply to any school bus used to transport~~ 143
a child with disabilities pursuant to Chapter 3323. of the 144
Revised Code, whom it is impossible or impractical to transport 145
by regular school bus in the course of regular route 146
transportation provided by a school district. As used in this 147
division, "child with disabilities" has the same meaning as in 148
section 3323.01 of the Revised Code. 149

~~(I)~~ ~~This section does not apply to any~~ (4) Any school bus 150
that is to be sold and operated outside this state-; 151

~~(J)~~ ~~(1) This section and the rules adopted under it do not~~ 152
~~apply to a~~ (5) A motor vehicle used by a law enforcement agency 153
under either of the following circumstances: 154

(a) The vehicle does not have distinctive markings of a 155
law enforcement vehicle but is operated by or on behalf of the 156
law enforcement agency in an authorized investigation or other 157
activity requiring that the presence and identity of the vehicle 158
occupants be undisclosed. 159

(b) The vehicle primarily is used by the law enforcement 160
canine unit for transporting a police dog. 161

~~(2)~~ ~~As used in this division~~ (D) (5) of this section, "law 162
enforcement agency" means a police department, the office of a 163
sheriff, the state highway patrol, a county prosecuting 164

attorney, or a federal, state, or local governmental body that 165
enforces criminal laws and that has employees who have a 166
statutory power of arrest. 167

~~(K) (1)~~ (6) A motor vehicle registered in this state in the 168
name of a person, or the person's parent, legal guardian, or 169
spouse who has an affidavit signed by either a physician 170
licensed to practice under Chapter 4731. of the Revised Code or 171
by an optometrist licensed to practice under Chapter 4725. of 172
the Revised Code, that states that the person has a physical 173
condition that makes it necessary to equip such motor vehicle 174
with sunscreening material that is of a light transmittance in 175
violation of this section. The person with the physical 176
condition or the person's driver shall have the affidavit in the 177
person's or driver's possession at all times while the motor 178
vehicle is in operation. 179

(7) A window to the rear of a driver of a chauffeured 180
limousine; 181

(8) A window to the rear of a driver of a vehicle designed 182
to transport corpses, including a hearse, and other vehicles 183
adapted to such use. 184

(E) Whoever violates division (C), ~~(E) (2), or (F)~~ of this 185
section is guilty of a minor misdemeanor. A violation of 186
division (C) of this section is a strict liability offense and 187
section 2901.20 of the Revised Code does not apply. The 188
designation of this offense as a strict liability offense shall 189
not be construed to imply that any other offense, for which 190
there is no specified degree of culpability, is not a strict 191
liability offense. 192

~~(2) Whoever violates division (E) (1) of this section is~~ 193

~~guilty of a minor misdemeanor if the dealer or the dealer's agent knew of the nonconformity at the time of sale.~~ 194
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~~(3) (a) Whoever violates division (D) of this section is guilty of a misdemeanor of the fourth degree, except that an organization may not be convicted unless the act of installation was authorized by the board of directors, trustees, partners, or by a high managerial officer acting on behalf of the organization, and installation was performed by an employee of the organization acting within the scope of the person's employment.~~ 196
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~~(b) In addition to any other penalty imposed under this section, whoever violates division (D) of this section is liable in a civil action to the owner of a motor vehicle on which was installed the nonconforming glass or material for any damages incurred by that person as a result of the installation of the nonconforming glass or material, costs of maintaining the civil action, and attorney fees.~~ 204
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~~(c) In addition to any other penalty imposed under this section, if the offender previously has been convicted of or pleaded guilty to a violation of division (D) of this section and the offender is a motor vehicle repair operator registered under Chapter 4775. of the Revised Code or a motor vehicle dealer licensed under Chapter 4517. of the Revised Code, whoever violates division (D) of this section is subject to a registration or license suspension, as applicable, for a period of not more than one hundred eighty days.~~ 211
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~~(L) (1) Every county court judge, mayor of a mayor's court, and clerk of a court of record shall keep a full record of every case in which a person is charged with any violation of this section. If a person is convicted of or forfeits bail in~~ 220
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~~relation to a violation of division (D) of this section, the 224
county court judge, mayor of a mayor's court, or clerk, within 225
ten days after the conviction or bail forfeiture, shall prepare 226
and immediately forward to the motor vehicle repair board and 227
the motor vehicle dealers board, an abstract, certified by the 228
preparer to be true and correct, of the court record covering 229
the case in which the person was convicted or forfeited bail. 230~~

~~(2) The motor vehicle repair board and the motor vehicle 231
dealers board each shall keep and maintain all abstracts 232
received under this section. Within ten days after receipt of an 233
abstract, each board, respectively, shall determine whether the 234
person named in the abstract is registered or licensed with the 235
board and, if the person is so registered or licensed, shall 236
proceed in accordance with section 4775.09 or 4517.33 of the 237
Revised Code, as applicable, and determine whether the person's 238
registration or license is to be suspended for a period of not 239
more than one hundred eighty days. 240~~

Sec. 4513.242. ~~(A) Notwithstanding section 4513.24 and 241
division (F) of section 4513.241 of the Revised Code or any rule 242
adopted thereunder, a decal, whether reflectorized or not, may 243
be displayed upon any side window or siding of a motor vehicle 244
if all of the following are met: 245~~

~~(1) The decal is necessary for public or private security 246
arrangements to which the motor vehicle periodically is 247
subjected; 248~~

~~(2) The decal is no larger than is necessary to accomplish 249
the security arrangements; 250~~

~~(3) The decal does not obscure the vision of the motor 251
vehicle operator or prevent a person looking into the motor 252~~

~~vehicle from seeing or identifying persons or objects inside the~~ 253
~~motor vehicle~~ No person shall install in or on any motor vehicle 254
any glass or other material that fails to conform to the 255
requirements of section 4513.241 of the Revised Code. 256

~~(B) Whoever violates this section is guilty of a minor-~~ 257
~~misdemeanor~~ (1) No used motor vehicle dealer or new motor vehicle 258
dealer, as defined in section 4517.01 of the Revised Code, shall 259
sell any motor vehicle that fails to conform to the requirements 260
of section 4513.241 of the Revised Code. 261

(2) No manufacturer, remanufacturer, or distributor, as 262
defined in section 4517.01 of the Revised Code, shall provide to 263
a motor vehicle dealer licensed under Chapter 4517. of the 264
Revised Code or to any other person, a motor vehicle that fails 265
to conform to the requirements of section 4513.241 of the 266
Revised Code. 267

(C) (1) Whoever violates division (A) of this section or 268
section 4513.243 of the Revised Code is guilty of a misdemeanor 269
of the fourth degree, except that an organization may not be 270
convicted unless the act of installation was authorized by the 271
board of directors, trustees, partners, or by a high managerial 272
officer acting on behalf of the organization, and installation 273
was performed by an employee of the organization acting within 274
the scope of the person's employment. 275

(2) In addition to any other penalty imposed under this 276
section, whoever violates division (A) of this section or 277
section 4513.243 of the Revised Code is liable in a civil action 278
to the owner of a motor vehicle on which was installed the 279
nonconforming glass or material for any damages incurred by that 280
person as a result of the installation of the nonconforming 281
glass or material, costs of maintaining the civil action, and 282

attorney's fees. 283

(3) In addition to any other penalty imposed under this 284
section, if the offender previously has been convicted of or 285
pleaded guilty to a violation of division (A) of this section or 286
section 4513.243 of the Revised Code and the offender is a motor 287
vehicle repair operator registered under Chapter 4775. of the 288
Revised Code or a motor vehicle dealer licensed under Chapter 289
4517. of the Revised Code, whoever violates division (A) of this 290
section or section 4513.243 of the Revised Code is subject to a 291
registration or license suspension, as applicable, for a period 292
of not more than one hundred eighty days. 293

(D) (1) Every county court judge, mayor of a mayor's court, 294
and clerk of a court of record shall keep a full record of every 295
case in which a person is charged with any violation of this 296
section or section 4513.243 of the Revised Code. If a person is 297
convicted of or forfeits bail in relation to the violation, the 298
county court judge, mayor of a mayor's court, or clerk, within 299
ten days after the conviction or bail forfeiture, shall prepare 300
and immediately forward to the motor vehicle repair board and 301
the motor vehicle dealers board, an abstract, certified by the 302
preparer to be true and correct, of the court record covering 303
the case in which the person was convicted or forfeited bail. 304

(2) The motor vehicle repair board and the motor vehicle 305
dealers board each shall keep and maintain all abstracts 306
received under this section. Within ten days after receipt of an 307
abstract, each board, respectively, shall determine whether the 308
person named in the abstract is registered or licensed with the 309
board and, if the person is so registered or licensed, shall 310
proceed in accordance with section 4775.09 or 4517.33 of the 311
Revised Code, as applicable, and determine whether the person's 312

registration or license is to be suspended for a period of not 313
more than one hundred eighty days. 314

(E) (1) Whoever violates division (B) (1) of this section is 315
guilty of a minor misdemeanor if the dealer or the dealer's 316
agent knew of the nonconformity at the time of sale. 317

(2) Whoever violates division (B) (2) of this section is 318
guilty of a minor misdemeanor. 319

(3) A violation of division (B) (1) or (2) of this section 320
is a strict liability offense and section 2901.20 of the Revised 321
Code does not apply. The designation of this offense as a strict 322
liability offense shall not be construed to imply that any other 323
offense, for which there is no specified degree of culpability, 324
is not a strict liability offense. 325

Sec. 4513.243. (A) Each manufacturer shall certify to the 326
department of public safety that the material the manufacturer 327
makes or assembles complies with the light transmission 328
specifications of section 4513.241 of the Revised Code when the 329
material is used in conjunction with the safety glazing 330
materials of motor vehicle windshields or windows. A 331
sunscreening device certified under this section is subject to 332
testing by the department to determine such compliance. 333

(B) (1) A manufacturer shall notify each purchaser of 334
sunscreening material from the manufacturer that the aftermarket 335
application of the material may violate section 108(a) (2) (A) of 336
the "National Traffic and Motor Vehicle Safety Act of 1966," as 337
amended, when the material, as applied to a motor vehicle that 338
has the required driving visibility as established by the 339
national highway traffic safety administration, does either of 340
the following: 341

- (a) Reduces the light transmittance of the glazing to a level below seventy per cent; 342
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- (b) Otherwise reduces the compliance of the glazing with federal motor vehicle safety standard number two hundred five that is in effect at the time of the manufacture of the motor vehicle. 344
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- (2) The notice required under division (B)(1) of this section shall include a statement that an installer of the material, who is not the owner of the applicable motor vehicle, may be subject to federal civil penalties. 348
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- (C) Each manufacturer applying sunscreening material to a motor vehicle window shall include a label on the window that meets all of the following requirements: 352
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- (1) It is not larger than one and one-half inches by one and one-half inches. 355
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- (2) It is permanently installed between the suncreening material and each glazing surface to which it is applied. 357
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- (3) It is legible. 359
- (4) It includes the manufacturer's name. 360
- (5) It identifies the sunscreening material and includes the percentage level of light transmission of the sunscreening material when used in conjunction with the motor vehicle manufacturer's glazing materials. 361
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- (6) It is placed in the lower left hand corner of the window. 365
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- (D) Divisions (C) and (D) of section 4513.242 of the Revised Code apply to a violation of this section. 367
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(E) A violation of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. 369
The designation of this offense as a strict liability offense shall not be construed to imply that any other offense, for which there is no specified degree of culpability, is not a strict liability offense. 370
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Sec. 4513.244. Section 4513.24 and division (B) (6) of section 4513.241 of the Revised Code do not apply to a decal, whether reflectorized or not, on any side window or siding of a motor vehicle if all of the following requirements are met: 375
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(A) The decal is necessary for public or private security arrangements to which the motor vehicle periodically is subjected. 379
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(B) The decal is not larger than is necessary to accomplish the security arrangements. 382
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(C) The decal does not obscure the vision of the motor vehicle operator or prevent a person looking into the motor vehicle from seeing or identifying persons or objects inside the motor vehicle. 384
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Sec. 4517.33. The motor vehicle dealers board shall hear 388
appeals which may be taken from an order of the registrar of 389
motor vehicles, refusing to issue a license. All appeals from 390
any order of the registrar refusing to issue any license upon 391
proper application must be taken within thirty days from the 392
date of the order, or the order is final and conclusive. All 393
appeals from orders of the registrar must be by petition in 394
writing and verified under oath by the applicant whose 395
application for license has been denied, and must set forth the 396
reason for the appeal and the reason why, in the petitioner's 397

opinion, the order of the registrar is not correct. In such 398
appeals the board may make investigation to determine the 399
correctness and legality of the order of the registrar. 400

The board may make rules governing its actions relative to 401
the suspension and revocation of dealers', motor vehicle leasing 402
dealers', distributors', auction owners', salespersons', and 403
construction equipment auction licenses, and may, upon its own 404
motion, and shall, upon the verified complaint in writing of any 405
person, investigate the conduct of any licensee under sections 406
4517.01 to 4517.65 of the Revised Code. The board shall suspend 407
or revoke or notify the registrar to refuse to renew any 408
dealer's, motor vehicle leasing dealer's, distributor's, auction 409
owner's, salesperson's, or construction equipment auction 410
license, if any ground existed upon which the license might have 411
been refused, or if a ground exists that would be cause for 412
refusal to issue a license. 413

The board may suspend or revoke any license if the 414
licensee has in any manner violated the rules issued pursuant to 415
sections 4517.01 to 4517.65 of the Revised Code, or has violated 416
section 4501.02 of the Revised Code, or has been convicted of 417
committing a felony or violating any law that in any way relates 418
to the selling, taxing, licensing, or regulation of sales of 419
motor vehicles. 420

Within ten days after receipt of an abstract from a county 421
court judge, mayor of a mayor's court, or clerk of a court of 422
record indicating a violation of division ~~(D)~~ (A) of section 423
~~4513.241-4513.242~~ or section 4513.243 of the Revised Code, the 424
board shall determine whether the person named in the abstract 425
is licensed under this chapter and, if the person is so 426
licensed, shall further determine whether the person previously 427

has been convicted of or pleaded guilty to a violation of that 428
section. If the person previously has been convicted of or 429
pleaded guilty to a violation of that section, the board, in 430
accordance with Chapter 119. of the Revised Code but without a 431
prior hearing, shall suspend the person's license for a period 432
of not more than one hundred eighty days. 433

Sec. 4775.09. (A) (1) In accordance with Chapter 119. of 434
the Revised Code, the motor vehicle repair board may refuse to 435
issue or renew a registration certificate or may determine 436
whether to waive a suspension of a registration certificate as 437
provided in division (D) of section 4775.07 of the Revised Code. 438

(2) Within ten days after receipt of an abstract from a 439
county court judge, mayor of a mayor's court, or clerk of a 440
court of record indicating a violation of division ~~(D)~~ (A) of 441
section ~~4513.241~~ 4513.242 or section 4513.243 of the Revised 442
Code, the board shall determine whether the person named in the 443
abstract is registered with the board and, if the person is so 444
registered, shall further determine whether the person 445
previously has been convicted of or pleaded guilty to a 446
violation of that section. If the person previously has been 447
convicted of or pleaded guilty to a violation of that section, 448
the board, in accordance with Chapter 119. of the Revised Code 449
but without a prior hearing, shall suspend the person's 450
registration for a period of not more than one hundred eighty 451
days. 452

(B) The court of common pleas of Franklin county has 453
exclusive jurisdiction over any person who conducts, or attempts 454
to conduct, business as a motor vehicle repair operator in 455
violation of this chapter or any rule adopted under this 456
chapter. The court, on application of the board, may issue an 457

injunction, a cease and desist order, or other appropriate order 458
restraining the person from continuing the violation. This 459
section shall operate in addition to and shall not prohibit the 460
enforcement of any other law. 461

(C) Upon the request of the executive director or as a 462
result of complaints, the board shall investigate the alleged 463
violation. 464

(D) No person required to be registered under this chapter 465
shall have the benefit of any lien for labor or materials unless 466
the person is registered under this chapter. 467

(E) No person whose application for registration under 468
this chapter is denied shall open or operate a facility for 469
business as a motor vehicle collision repair facility or motor 470
vehicle window tint installation facility under the name of the 471
person designated in the application for a registration 472
certificate or under any other name prior to registering as a 473
motor vehicle repair operator in accordance with this chapter. 474

Section 2. That existing sections 4507.232, 4513.241, 475
4513.242, 4517.33, and 4775.09 of the Revised Code are hereby 476
repealed. 477

Section 3. In accordance with Chapter 119. of the Revised 478
Code, the Director of Public Safety shall rescind the rules 479
codified in Chapter 4501-41 of the Ohio Administrative Code that 480
were in effect immediately preceding the effective date of this 481
section. Until such rescission, those rules shall have no force 482
or effect. 483

Section 4. This act shall be known as the "Legalize Window 484
Tinting Act." 485