

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1255

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Operator's Signature

10/2/03  
Date

2003 HOUSE TRANSPORTATION

HB 1255

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10/3/03  
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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1255

House Transportation Committee

☐ Conference Committee

Hearing Date January 30, 2003

Tape Number	Side A	Side B	Meter #
2	x		5.5 to 44.8
Committee Clerk Signature <i>Lauren B. Zisk</i>			

Minutes:

Vice Chairman Hawken opened the hearing on HB 1255, a bill for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to windshield tinting.

Rep. Dosch: Representing District 32 introduced HB 1255 on behalf of a constituent after consulting with the Bismarck Police personnel and other law enforcement officers. A copy of his prepared remarks are attached.

Rep. Bernstein: The tinting of the windows -- are those per centages for all the windows or just the side windows?

Rep. Dosch: This deals with just the windshield and the front driver side and the passenger side doors. Anything behind that -- it is my understanding that you can do pretty much whatever you want.

Rep. Galvin: In subsection 1 -- Every motor vehicle must be equipped with a windshield -- isn't that the law now ?

*La Costa Rickford*  
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Rep. Dosch: Yes that is the law now but flip over to page 2 -- the underlined section is what is changed with this bill.

Rep. Price: How is the police officer going to know when a car is going down the street -- is he going to have to stop vehicles to make sure they have their medical certificates with them?

Rep. Dosch: The bill does not address that issue -- it has been brought up and it does not address the liability issue the some brought up this morning -- I really don't know the number of people who will have the medical certificates? It is thought that the DOT will come up with a sticker that they can put in the window.

Rep. Bernstein: This says from sunrise to sunset -- and must be readily removable but may be I don't get around very much but my idea is that when they tint a window or windshield -- it is permanent.

Rep. Dosch: There are different apparatuses that can be used -- there is some foam stuff be put on the windows -- there window rollers that roll down with a sun screen on it. I think you will hear a little later -- that the best solution to something like this is to wear sunglasses -- if you have that sensitivity but right now the law is so vague that people can do virtually anything including the permanent tinting -- permanently applying this to the window which is really what is causing the problem. This the concern for both the medical community and for law enforcement.

Rep. Delmore: How reliable are these other systems for keeping the sun out and how expensive are they?

Rep. Dosch: I guess the cost of window tinting I can not answer.

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House Transportation Committee

Bill/Resolution Number HB 1255

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Officer McMerty: I have been a police officer for the City of Bismarck about seven years as of now. He handed out some comparison cards but no enough to go around. There is none available for these records. The problem I want to address with current law is that at this point there is no regulation as to how much tinting can be applied when they do have a medical letter. A lot of these letters we are coming across are written real generic from an optometrist or a general practitioner. What we are seeing is -- what we are recommending that the person who has a sensitive eye that he be allowed to have a vehicle tint place on his window -- what we are getting now vehicle that what is referred to as limo tint -- about 5% light passing through it -- with compounding factors we are getting reading with as little as 2% -- from experience one of our procedures when we end up making an arrest on somebody-- we like the vehicle parked -- we will park their vehicle -- and I have actually had to roll down the window -- and I can see what I am doing -- you can see headlights, -- you can see street lights -- you can not see any objects -- so my concern is when they are driving around with these vehicles -- well this only applies to the windshield and the front side windows -- if they have rear view side mirrors -- as long as they have those in place -- they can have the other windows as dark as they want. Anything that comes out form the factory -- suburbans, --- anything that comes out from the factory will automatically comply with this law. In some of these vehicles -- when they approach an intersection they can not see a child on a vehicle or on the sidewalk -- a jogger, --- they can't see a thing or even another vehicle without headlights on. The other thing we are concerned about is our safety -- when are approaching a vehicle -- we like to see any activity in the vehicle -- and our number one officer safety tip is to watch the hands -- we can see these hands when approaching with these dark tints -- this is becoming more of an issue with more amphetamines

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in the state -- some of these are the street labs -- there are more and more of these out there -- and one of the characteristics of these guys is they are very paranoid -- they are unpredictable. If you have vehicle and you can't see in there -- you don't know what is going on -- the other thing is these letters -- if I stop a vehicle -- they provide a letter and I call a Doctor to verify it -- when I explain that this car has got 10% ---20% light transmission -- we are finding they are or have been pressured by the patient to write the letter -- so the Doctor write the letter in a very vague manner -- these Doctors are saying that sun glasses is all that they need. I didn't want to completely eliminate medical exceptions as I am not qualified to say there not that need the tinting. May be there some people with skin problem who need it -- so I research the states around and I like the way that California has it -- so we basically copied the California law here -- if you have competent medical authority this allows up to 35% tint. This the most that we can seen and that they can safely see out. The other thing is allows removable sun screens or those that roli up and down for day time use. That is about it.

Rep. Weisz: Are there a lot of people getting these medical letters now?

Officer McMerty: Yes we are seeing a lot of these letter and they are young kids and they tell us they have sensitive eyes. I would say that last year I saw 15 -20 % with those. When it came right down to it when I talked to them -- they wanted them for cosmetic reasons. In fact some of these people don't where sun glasses. Sometimes they say it is because their car gets hot (inside).

Rep. Delmore: ( 20. 1 ) Are these removable devices durable, reliable and how pricey are they to buy?

Officer McMerty: I have not researched them but I have seen them.

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Rep. Thorpe: When I have been to an optometrist, he has never asked me what kind of windows I had -- they always want to sell me sunglasses.

Officer McMerty: that is an excellent point -- I tried to say that the Doctors aren't pushing these -- people are pressuring the doctor for the letters.

Rep. Thorpe: I just looked at the Code here and I don't see the exemption.

Rep. Weisz: It is in subsection 4 and what we are referencing is part of the new language.

Rep. Zaiser: Are any of these people applying to get these exemption when they get their eyes checked -- have you ever heard of anybody being turned down?

Officer McMerty: I can't tell you.

Rep. Ruby: It seems to me that if they have such a sensitivity to light -- especially teenagers -- they should be prescribed sunglasses.

Officer McMerty: I agree 100% -- I don't they do need them.

Bob Benson: Representing the Fraternal Order of Police -- I have been a law enforcement officer since 1991 -- some of the questions as far the medical exemptions -- I would say I would stop a 100 vehicles a year -- about six of them can provide me with a letter. A lot of the excuses except for the skin cancer -- is I have migraine headaches, sensitive eyes, -- that's why I need the tinting -- if it is a family owned vehicle -- they answer my husband needs it and we all use the car -- If there is a medical need they can have it on there -- during the daytime when the tint is needed but at night time it can be removed -- at nighttime with tinting it is difficult to see an intersection. In the past this the reason this committee has refused to allow window tinting in past sessions -- for driver compartment. The cost of sunglasses is about \$8.00 -- the cost of the roll down tinting -- about \$8.00 each -- having your windows permanently tinted - about \$200 to

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House Transportation Committee

Bill/Resolution Number HB 1255

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\$350 . Ironically the people I stop who have these medical exemption letters are the age of 25.

Rep. Delmore: ( 29.1 ) I agree with you that I think it is a lot more cosmetic -- if you stop somebody can you require them to get that tinting off the window.

Bob Benson: There are different sections of law that deal with -- if the vehicle is unsafe we order that vehicle parked and not operated until it is made safe. That law is vague -- frankly it causes a lot of animosity out on the street. The other option we as officers have is that we can write a letter to the DOT explaining that that vehicle is not in compliance with the vehicle equipment laws of North Dakota and that this person is refusing to come into compliance. Their will advise that the vehicle will not be registered until it has been inspected. We have had to do that.

**Opposition Testimony:**

Nancy Kopp: Representing the North Dakota Optometric Association. We do support the intent of HB 1255. An optometrist is included in the definition of a competent medical authority for eye care -- pertaining to the requirements of this law -- we agree with the testimony on the issue of public safety and we agree that excessive window tinting can be dangerous. We believe good sun glasses , clip ons , wrap arounds, slip on and slip over sun glasses are preferable to tinting for eye sensitive persons. Most of the requests come from normal people with normal vision. In conclusion we support the concepts of HB 1255.

Rep. Weisz: Are the people in your profession pressured to write these letters?

Nancy Kopp: they are. They do deny a lot of them though. They are stuck in the middle -- there is seldom a true medical need for them (the letters ).

Rep. Zaiser: ( 33.2 ) How frequently -- do you have any idea how often they are asked and have to turn down the request strictly for cosmetic purposes?



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Nancy Kopp: those optometrist I visited with trying to get a quote from them -- the are excessive but again because there is no real medical problem -- they are turning down the requests -- I am not certain but you would assume that most of the request are coming from or the patients of optometrist or othomalogist.

**Opposition testimony**

Betty McCommon: She is a native North Dakotan, lived in Jamestown and has lived in Bismarck for the past six years. Two years ago her husband and her daughter were in rear ended in an auto accident and her daughter was severally injured. since that accident she has missed probably forty days of school. Most of it was from pain -- a migraine headache -- the past year -- a year and half -- she has been doctoring with a doctor here in Bismarck, a pain specialist -- she complained so much of light -- she is light sensitive day and night -- especially headlights -- at night. If you would sit and have a light shining in your eyes you would realize what that is like -- well streets lights when that light is shinning down that bothers her tremendously -- That is why he recommended window tint -- he did recommend 22% tint -- that is like letting in less than 805 light. When we talked about it we opted top go for a 35% tint -- because she didn't want to have the option of being stopped all the time -- we called the Highway Patrol and ask them about this -- he said have your doctor get it on the prescription -- we don't have the prescription but we got it on the letter. Recently my daughter was stopped by a Bismarck Police Officer -- totally harassed by the officer -- he wanted to know what kind of doctor gave you this -- she came home mad -- I called the Police Department and tried to complain -- they sent me to the City Attorney -- he harassed me -- I explained the reason she needed this was because of sensitive eyes. You mentioned removal window tinting -- it is not recommended. He doesn't hold -- it isn't

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recommended for temperature below sixty degrees. We live in North Dakota -- how often is the window going to be below sixty degrees? I have to drive a car and I have to drive a car -- many times she can't drive -- we are obligated to drive a car. I don't want to have the option of driving a car and being stopped and harassed. I have done some research on different states. We are the only neighboring state that does not allow window tint to be 35%. There are only 18 in the country that do not allow tint of at least that. Minnesota allows 50% -- South Dakota allows 35% -- it is not only the northern states but it has been determined that window tint will increase your gas mileage in the summer because your air conditioner isn't running as often. I just want to -- urge you not to pass this -- there are other medical reasons than just the kids who want this. If you do -- provide for some sort of window sticker to identify the need for the tint -- other states do that.

Rep. Thorpe: This isn't a new thing that we have visited here -- we have had this before us several times -- in my car there is the legal tint but I find that in the evening when it starts to get darker outside -- I turn the window down to see out better -- so it does effect the view. darker windows are a problem. I don't see how you could pass this and allow a darker tint for the medical problem and then other family members drive -- illegally?

Betty McCommon: there has to be some accommodation for that because she sometimes doesn't feel well -- well like the other day her contacts were bothering her so somebody else had to drive for her. She does have to have it on 24 hours a day and it is the night time driving that is the worst for her.

There being no other persons wishing to testify for or against HB 1255, Chairman Weisz closed the hearing.

LuCosta Rickford  
Operator's Signature

10/2/03  
Date

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Bill/Resolution Number HB 1255  
Hearing Date January 30, 2003  
End of hearing record. ( 44.8 ) .

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10/3/03  
Date

# 2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. Hb 1255 b

House Transportation Committee

☐ Conference Committee

Hearing Date February 6, 2033

Tape Number	Side A	Side B	Meter #
4	x		0.1 to 6.2

Committee Clerk Signature

*Lauren H. Fink*

Minutes:

Rep. Weisz, Chariman opened the discussion for action on HB 1255.

Rep. Dosch offered an amendment which basically dropped off the last two lines on page two.

Discussion followed. Rep. Galvin moved a 'Do Pass' on the amendment. Rep.

Hawken seconded the motion. the motion carried on a voice vote.

Rep. Thorpe: Moved a 'Do Pass as amended' motion. Rep. Dosch: seconded the motion.

On a roll call vote, the motion failed on with 6 Ayes 6 Nays 1 Absent and not voting.

Rep. Bernstein moved a 'Do Not Pass as amended ' motion. Rep. Dosch requested to

withdraw HB 1255 for one day. The motion died for lack of a second. Chairman Weisz asked

Rep. Dosch to bring HB 1255 the next day.

End of record for any action this date. ( 6.2 )

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10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1255

House Transportation Committee

☐ Conference Committee

Hearing Date 2-7-03

Tape Number	Side A	Side B	Meter #
2		XX	26.3-34.8
Committee Clerk Signature <i>Lauren H. Galt</i>			

**Minutes:**

**Chairman Weisz:** What are the committee's wishes in regard to HB 1255.

**Rep. Ruby:** I move a Do Pass as amended, delete section C.

**Rep. Price:** Seconded.

10 YES 3 NO 0 ABSENT

DO PASS AS AMENDED CARRIER: Rep. Dosch

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*10/2/03*  
Date

30319.0201  
Title.0300

Adopted by the Transportation Committee  
February 7, 2003

VR  
2/7/03

HOUSE AMENDMENTS

to HB 1255

htrn 2-10-03

Page 2, remove lines 9 and 10

Renumber accordingly

Page No. 1

30319.0201

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10/3/03  
Date

Date: 2-6-0  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1255

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30319.0200

Action Taken Do Pass as amended

Motion Made By Rep. Thorpe Seconded By Rep. Dosch

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore		✓
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt		✓
LeRoy G. Bernstein		✓	Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser		✓
Pat Galvin	✓				
Craig Headland		✓			
Clara Sue Price	✓				
Dan J. Ruby	A				
Dave Weiler	✓				

Total Yes 6 No 6

Absent 1

Floor Assignment failed

If the vote is on an amendment, briefly indicate intent:

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La Costa Rickford 10/3/03  
Operator's Signature Date

Date: 2-7-03  
Roll Call Vote # 2

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1253

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 303/9.0200

Action Taken Do Pass as amended

Motion Made By Rep. Ruby

Seconded By Rep. Price

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman		✓	Lois Delmore		✓
Kathy Hawken - Vice Chairman	✓		Arlie E. Schmidt		✓
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	✓		Steven L. Zaiser	✓	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 10 No 3

Absent 0

Floor Assignment Rep. Dosch

If the vote is on an amendment, briefly indicate intent:

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10/3/03  
Date



**REPORT OF STANDING COMMITTEE (410)**  
February 10, 2003 9:30 a.m.

Module No: HR-25-2006  
Carrier: Doech  
Insert LC: 30319.0201 Title: .0300

**REPORT OF STANDING COMMITTEE**  
HB 1255: Transportation Committee (Rep. Welsz, Chairman) recommends  
**AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**  
(10 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1255 was placed on the  
Sixth order on the calendar.

Page 2, remove lines 9 and 10

Renumber accordingly

(2) DESK, (3) COMM

Page No. 1

HR-25-2006

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10/3/03  
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2003 SENATE TRANSPORTATION

HB 1255

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10/3/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1255

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-13-03

Tape Number	Side A	Side B	Meter #
2		X	0-5050
Committee Clerk Signature <i>Mary K Monson</i>			

Minutes:

**Chairman Senator Thomas Trenbeath** opened the hearing on HB 1255 relating to windshield tinting.

**Representative Mark Dosch** (District 32) Asked for support of HB 1255 dealing with the medical exemption when it comes to window tinting. This pertains only to the front driver's and passenger windows. Problems occur when these windows are tinted. It is a traffic safety concern. It puts the police department in a dangerous position when they can't see through the driver's window.

**Senator Trenbeath** asked what amendments were made by the House.

**Representative Dosch** replied that they took out a section dealing with addition restrictions on window tinting dealing with louvers.

**Senator Espegard** asked about old medical exemptions in the original bill.

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Senate Transportation Committee  
Bill/Resolution Number HB 1255  
Hearing Date 3-13-03

**Representative Dosch** replied that it just said medical exemption.

**Senator Espgaard** asked if the engrossed version says the tinting has to be taken off at night.

**Representative Dosch** said that was correct.

**Mike McMerty** (Bismarck Police Department) Handed out cards showing different degrees of tinting. The law is so vague right now. Federal regulations say that driver's compartment windows and front windshields can be tinted to a maximum of 70%. The state abided by that but added "unless authorized by a competent medical authority". Pointed out that younger people are getting letters from their optometrist saying they have sensitive eyes and need to have tinted windows. Some of the windows are tinted so dark that it is hard to see through them at night. A major concern is meth labs. The people dealing with meth can be paranoid and tinted windows can put police officers in danger when approaching their vehicles.

(Meter 1543) Discussion on the levels of tint. The federal standard is 70% but allows the states to do what they want with it. Vehicles straight from the factory will have about a 75-76% light transmission through the windows.

**Nancy Kopp** (ND Optometric Association) Testified in support of HB 1255 and offered an amendment for consideration. The preference of practicing optometrists regarding this bill would be simply to delete the "as authorized by a competent medical authority" and not allow tinted windows in excess of what the law allows. They prefer that light sensitive drivers wear sun glass wraparounds or slip ons rather than using tinted windows. Rarely do optometrists have a request to authorize excessive window tinting from a patient that, in their professional judgment, has a true medical problem.

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Senate Transportation Committee

Bill/Resolution Number HB 1255

Hearing Date 3-13-03

**Steven Towle** (ND Optometric Association) At their optometric meeting in February with about half of their members present, it was unanimous that the optometrists felt that the wording about "as authorized by medical authority" needed to be deleted. There are currently no standard objective tests to measure a persons light sensitivity. They have to rely on the patient's subjective description of their symptoms. The recommended solution by the optometrists for people who claim they suffer from disabling glare is to get darker tinted lenses, sunglasses that will cut the light level down to where they can function. (Showed samples.)

**Senator Espegard** asked about Polaroid sunglasses.

**Steven Towle** explained that Polaroid lenses cut out reflected light. It doesn't do much for the light coming directly to a person.

**Senator Nething** asked if this amendment was presented to the House.

**Nancy Kopp** answered that it was not.

**David Peske** (ND Medical Association) Providing a perspective from medicine. Talked to ophthalmologists and dermatologists and found out they don't get requests for this and don't see any reason to keep the language in law. They feel there are other means to address the problem. He did have information from a radiation oncologist that some medications make skin sensitive to light and tinted windows might help that skin condition.

**Betty McCommon** (ND Resident) Opposes HB 1255. See attached testimony for reasons not to pass HB 1255 and state window tinting rules and laws.

**Senator Nething** asked if she had testified in the House.

**Betty McCommon** answered that she did.

The hearing on HB 1255 was closed.

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1255

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-20-03

Tape Number	Side A	Side B	Meter #
1	X		870-1700
2		X	30-415

Committee Clerk Signature

*Mary K. Monson*

Minutes:

**Chairman Senator Thomas Trenbeath** opened HB 1255 for discussion.

Discussion by the committee members. It was pointed out that surrounding states are not as strict as North Dakota. The committee members didn't like the amendment by the House providing for removable screening. They felt 50% on the side windows was acceptable to the law enforcement. They preferred to keep the original medical exemption as it is in the existing law. **Senator Trenbeath** referred to the proposed amendment .0301. He said that anything above line 21, page 1, seems to be of a legislative council corrective nature. The amendment would provide for the the existing 70% on the windshield, 50% on the front seat windows, and the existing no limitation on the back windows. In conjunction with that, the next page would basically take out all the underscored material, We'd be to the point where it would say "as authorized by competent medical authority".

*La Costa Rickford*  
Operator's Signature

*10/3/03*  
Date

Page 2

Senate Transportation Committee

Bill/Resolution Number HB 1255

Hearing Date 3-20-03

Senator Espegard moved to adopt Amendment .0301. Seconded by Senator Nething.

Roll call vote 5-0-1. Passed.

Senator Espegard moved a Do Pass as Amended. Seconded by Senator Taylor.

Roll call vote 5-0-1. Passed. Floor carrier is Senator Espegard.

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10/3/03  
Date

30319.0301  
Title.0400

Prepared by the Legislative Council staff for  
Senate Transportation  
March 20, 2003

JP  
3-21-03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1255

Page 1, line 8, overstrike "Every" and insert immediately thereafter "A", overstrike "No person" and insert immediately thereafter "An individual", and after "may" insert "not"

Page 1, line 12, overstrike "every" and insert immediately thereafter "a"

Page 1, line 13, overstrike "so"

Page 1, line 15, overstrike "Every" and insert immediately thereafter "The"

Page 1, line 17, overstrike "A person" and insert immediately thereafter "An individual"

Page 1, line 19, overstrike "window or"

Page 1, line 21, after "percent" insert "or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent"

Page 2, line 1, remove "from sunrise to sunset"

Page 2, line 2, remove "and meeting the requirements of subsection 5"

Page 2, remove lines 3 through 8

Renumber accordingly



Date: 3-20-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1255

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Amendment 0301

Motion Made By Senator Espgaard Seconded By Senator Nothing

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier		
Senator Duaine Espgaard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nothing	✓				

Total (Yes) 5 No 0

Absent 1

Floor Assignment Senator

If the vote is on an amendment, briefly indicate intent:

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La Costa Rickford  
Operator's Signature

10/2/03  
Date

Date: 5-20-03  
Roll Call Vote #:

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1255

**Senate      TRANSPORTATION      Committee**

☐ Check here for Conference Committee

Legislative Council Amendment Number 30319.0301 Title .0400

Action Taken No pass or amended

Motion Made By Senator Espinoza Seconded By Senator Taylor

[illegible]

Total (Yes) 5 No 0

**Absent** 1

Floor Assignment Senator Esnard

**If the vote is on an amendment, briefly indicate intent:**

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Operator's Signature

10/3/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 24, 2003 1:03 p.m.

Module No: SR-52-5548  
Carrier: Espegard  
Insert LC: 30319.0301 Title: .0400

**REPORT OF STANDING COMMITTEE**

HB 1255, as engrossed: Transportation Committee (Sen. Trenbeth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1255 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "Every" and insert immediately thereafter "A", overstrike "No person" and insert immediately thereafter "An individual", and after "may" insert "not"

Page 1, line 12, overstrike "every" and insert immediately thereafter "a"

Page 1, line 13, overstrike "so"

Page 1, line 15, overstrike "Every" and insert immediately thereafter "The"

Page 1, line 17, overstrike "A person" and insert immediately thereafter "An individual"

Page 1, line 19, overstrike "window or"

Page 1, line 21, after "percent" insert "or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent"

Page 2, line 1, remove "from sunrise to sunset"

Page 2, line 2, remove "and meeting the requirements of subsection 5"

Page 2, remove lines 3 through 8

Renumber accordingly

2003 HOUSE TRANSPORTATION  
CONFERENCE COMMITTEE  
HB 1255

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La Costa Rickford  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1255 conf

House Transportation Committee

☒ Conference Committee

Hearing Date April 8, 2003

Tape Number	Side A	Side B	Meter #
1		x	18.4 to 46.1
Committee Clerk Signature <i>Lauren Fick</i>			

Minutes:

Chairman Rep. Dosch opened the conference committee with a call for the roll:

Rep. Dosch

Sen. Espegard

Rep. Galvin

Sen. Mutch

Rep. Thorpe

Sen. Bercier

Responded to the roll.

Rep. Dosch presented a review of the history of the bill. North Dakota does currently have a tinting law. Part of that law provides for a medical exemption. The law however does provide for any limit as to the amount of tinting -- how dark the coloring maybe on the windows. That is the side and back windows. Some law enforcement officers see the darken windows as a safety problem as they can not see into the vehicle -- also at night the drivers can not see pedestrians and vehicles on side street approaching the intersections. The optometrists have a problem with it because they have sun glasses that can cover most all problems -- but do have customers who

Page 2

House Transportation Committee

Bill/Resolution Number HB 1255

Hearing Date April 8, 2003

request it. The Senate amendments set the degree of tinting at 50% -- they then suggested that the solution would be remove the provision for medical exemptions. It takes the doctors of the hook, the highway patrol can live with it and this provides that the coloring can be no darker. Factory tint is at 70%. They considered the surrounding state legislation on this issue.

Rep. Dosch move to remove the medical exemption and to allow only 70% tinting. Rep. Galvin seconded the motion. Motion failed 4 nays and 2 ayes 0 absent.

Sen. Espegard moved to allow 50% tinting and to removed the medical exemption. Sen.

Bercier seconded the motion. Motion carried 4 ayes 2 nays and 0 absent.

Sen. Espegard moved to have the motion include the Senate receding from their amendments.

Rep. Dosch was designated to carry the amended HB 1255 on the floor.

End of record ( 46.1 )

30319.0302  
Title.0500

Adopted by the Transportation Committee  
April 8, 2003

✓  
4/8/03

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1255

That the Senate recede from its amendments as printed on page 1079 of the House Journal and page 892 of the Senate Journal and that Engrossed House Bill No. 1255 be amended as follows:

Page 1, line 8, overstrike "Every" and insert immediately thereafter "A", overstrike "No person" and insert immediately thereafter "An individual", and after "may" insert "not"

Page 1, line 12, overstrike "every" and insert immediately thereafter "a"

Page 1, line 13, overstrike "so"

Page 1, line 15, overstrike "Every" and insert immediately thereafter "The"

Page 1, line 17, overstrike "A person" and insert immediately thereafter "An individual"

Page 1, line 19, overstrike "window or"

Page 1, line 21, after "percent" insert "or the object, material, or tinting in conjunction with a window other than the windshield upon which it is displayed, affixed, or applied has a light transmittance of at least fifty percent"

Page 1, line 23, overstrike ", nor to front side windows displaying transparent"

Page 2, line 1, overstrike "sunscreening material", remove "from sunrise to sunset", and overstrike "as authorized by competent medical"

Page 2, line 2, overstrike "authority" and remove "and meeting the requirements of subsection 5"

Page 2, remove lines 3 through 8

Renumber accordingly

Page No. 1

30319.0302

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Lu Costa Rickford  
Operator's Signature

10/3/03  
Date

**REPORT OF CONFERENCE COMMITTEE (420)**  
April 8, 2003 3:42 p.m.

Module No: HR-63-7122

Insert LC: 30319.0302

**REPORT OF CONFERENCE COMMITTEE**

**HB 1255, as engrossed:** Your conference committee (Sens. Espegard, Mutch, Bercier and Reps. Dosch, Galvin, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 892, adopt amendments as follows, and place HB 1255 on the Seventh order:

That the Senate recede from its amendments as printed on page 1079 of the House Journal and page 892 of the Senate Journal and that Engrossed House Bill No. 1255 be amended as follows:

Page 1, line 8, overstrike "Every" and insert immediately thereafter "A", overstrike "No person" and insert immediately thereafter "An individual", and after "may" insert "not"

Page 1, line 12, overstrike "every" and insert immediately thereafter "a"

Page 1, line 13, overstrike "so"

Page 1, line 15, overstrike "Every" and insert immediately thereafter "The"

Page 1, line 17, overstrike "A person" and insert immediately thereafter "An individual"

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Page 1, line 23, overstrike ", nor to front side windows displaying transparent"

Page 2, line 1, overstrike "sunscreening material", remove "from sunrise to sunset", and overstrike "as authorized by competent medical"

Page 2, line 2, overstrike "authority" and remove "and meeting the requirements of subsection 5"

Page 2, remove lines 3 through 8

Renumber accordingly

Engrossed HB 1255 was placed on the Seventh order of business on the calendar.



2003 TESTIMONY

HB 1255

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La Costa Rickard  
Operator's Signature

10/3/03  
Date

P

**HB 1255**  
**TRANSPORTATION COMMITTEE**  
**Chairman Weisz**  
**January 30, 2003**

CHAIRMAN WEISZ AND MEMBERS OF THE TRANSPORTATION COMMITTEE, FOR THE RECORD MY NAME IS MARK DOSCH REPRESENTATIVE OF DISTRICT 32 BISMARCK.

I COME BEFORE YOU TODAY TO ASK FOR YOUR FAVORABLE SUPPORT OF THIS BILL.

I HAVE BEEN ASK TO INTRODUCE THIS BILL ON BEHALF OF OFFICER MCMERTY OF THE BISMARCK POLICE DEPARTMENT.

THE PURPOSE OF THIS BILL IS TO ADDRESS CONCERNS WITH THE CURRENT LAW REGARDING WINDOW TINTING WHEN AUTHORIZED BY A COMPETENT MEDICAL AUTHORITY.

PLEASE NOTE, THAT THIS BILL DOES NOT CHANGE CURRENT LAW REGARDING "NORMAL" WINDOW OR FACTORY WINDOW TINTING.

AS THIS LAW NOW STANDS, MANY IN THE MEDICAL COMMUNITY ARE VERY HESITANT ABOUT ISSUING A LETTER TO ANYONE WHO HAS SENSITIVITY TO LIGHT TO ALLOW THEM TO FURTHER TINT THEIR WINDOWS. THE REASON FOR THE HESITATION IS THAT THE LAW HAS NO GUIDELINES AS THE TIME AND DEGREE THAT A WINDOW CAN BE TINTED. THE CHANGES PURPOSED BY HB 1255 ESTABLISHES THAT WINDOWS CAN BE TINTED DOWN TO 35 PERCENT LIGHT TRANSMITTANCE (NORMAL FACTORY TINTING IS 70 PERCENT TRANSMITTANCE ) AND ONLY DURING DAY LIGHT HOURS.

UNDER THE CURRENT LAW AND WITHOUT THESE GUIDELINES, WINDOWS COULD BE DARKENED TO AS LITTLE AS 5 PERCENT TRANSMITTANCE RESULTING IN DANGEROUS CONDITIONS IF LEFT ON AT NIGHT, AS THE DRIVERS ABILITY TO SEE OUT THEIR SIDE WINDOWS VIRTUALLY IMPOSSIBLE.

IN ADDITION TO THE INABILITY OF THE DRIVER TO SEE OUT THE SIDE WINDOWS, IT ALSO RESULTS IN THE POLICE OFFICE UNABLE TO SEE INTO THE VEHICLE RESULTING IN A DANGEROUS CONDITION FOR LAW ENFORCEMENT.

HB 1255 OFFERS A "SAFE" CONDITION FOR ALL PARTIES INVOLVED. PLEASE SUPPORT THIS BILL. THIS ENDS MY TESTIMONY, IF YOU HAVE ANY QUESTIONS I WOULD BE MORE THEN HAPPY TO ANSWER THEM. THANK YOU.

*Lu Costa Rickford*  
Operator's Signature

*10/3/03*  
Date

PROPOSED AMENDMENTS TO ENGROSSED HB 1255

Page 1, line 23; Page 2 lines 1 & 2:

~~requirements of section 39-21-38. nor to front side windows displaying transparent sunscreening material from sunrise to sunset as authorized by competent medical authority and meeting the requirements of subsection 5.~~

Page 2, lines 3-8:

~~5. A sunscreening material authorized by competent medical authority must meet the following requirements:~~

- ~~a. The materials must be held in place by means allowing ready removal from the window area.~~
- ~~b. Materials utilizing transparent material must have a luminous transmittance of not less than thirty five percent.~~

### **Reasons NOT TO PASS HB 1255**

There are medical reasons for having tint after dusk. This was not a very well researched bill. If passed this law would harm those people that need it AND possibly be violating the Federal Disability Act.

Not allowing medical tint is up for court review in Rhode Island. Does ND need to spend money on this going to State Supreme Court if it passes?

Removable tint is NOT recommended for temperature under 60°. It can cause it to fail and fall off which can be a driving hazard. They also do not always stay on when windows are rolled down. Imagine having to 'reinstall' it every time you have to roll down your window.

32 states allow a permanent tint darker than factory right now, including South Dakota, Minnesota and Montana. Don't most of them have a much higher crime rate than ND?

**Recommend Tinting law amendment for HB 1255 to eliminate gray areas for medical reasons:**

**Amended Bill to include:**

1. Allow permanent tint for medical necessity with window sticker.
2. Require a letter from a **Medical Doctor**. (If an optometrist recommends a tint, they would have to go through a medical doctor for second opinion.)
3. Letter to be taken to DOT for review and sticker issued to be placed in rear window on car to ID it for law enforcement as a legal tint.
4. Make "Limo" tint and mirrored tint illegal on front side windows in all cases.

Betty McCommon  
3213 Kristen Ln  
Bismarck, ND 58503  
701-258-2596

La Costa Rickford  
Operator's Signature

10/3/03  
Date

# WFA STATE WINDOW TINTING RULES & LAWS

STATE	YEAR	TYPE	WINDSHIELD	F. SIDE	B. SIDE (CAR)	B. SIDE (MPV)	REAR (CAR)	REAR (MPV)	L&R MIRR REQ.	CERTIF. REQ.	STCKR/LOC	MEDICAL
ALABAMA	98	NET	6"	32	32	ANY	32	ANY	NO	YES	SPEC/ALL	YES
ALASKA	94	NET	5"	NO	37	NO	37	NO	NO	NO	NO	YES
ARIZONA	84	FILM	AS1	35	ANY	ANY	ANY	ANY	YES	NO	NO	YES
ARIZONA	93	NET	5"	25	25	10	10	10	NO	NO	SPEC/DRIVER	YES
CALIFORNIA	85	NET	4"	NO	ANY	ANY	ANY	ANY	YES	NO	NO	YES
COLORADO	88	NET	4"	27	27	27	27	27	YES	NO	RECOMMEND	NO
COLORADO	88	NET	4"	NO	ANY	ANY	ANY	ANY	NO	NO	NO	NO
CONNECTICUT	94	NET	AS1	35	35	ANY	ANY	ANY	YES	YES	SPEC/ALL	NO
DELAWARE	92	NET	AS1	70	ANY	ANY	ANY	ANY	YES	NO	SPEC/DRIVER	YES
FLORIDA	91	NET	AS1	28	15	6	15	6	YES	NO	SPEC/DOOR	NO
GEORGIA	89	NET	6"	32	32	ANY	32	ANY	NO	YES	SPEC/DRIVER	YES
HAWAII	89	NET	4"	29	29	29	29	ANY	YES	NO	NO	NO
IDAHO	92	FILM	AS1	35	20	ANY	35	ANY	YES	NO	NO	YES
ILLINOIS	89	NET	6"	NO	ANY	ANY	ANY	ANY	YES	NO	NO	YES
INDIANA	95	VAGUE	AS1	30	30	VAGUE	30	VAGUE	NO	YES	NO	YES
IOWA	83	NET	AS1	70	ANY	ANY	ANY	ANY	NO	NO	NO	NO
KANSAS	87	NET	AS1	35	35	35	35	35	YES	NO	RECOMMEND	NO
KENTUCKY	88	FILM	AS1	35	18	8	18	8	NO	YES	SPEC/DOOR	NO
LOUISIANA	93	NET	AS1	40	25	ANY	12	ANY	NO	YES	SPEC/DRIVER	NO
MAINE	89	FILM	4"	50	50	ANY	50	ANY	YES	YES	NO	NO
MARYLAND	91	NET	5"	35	35	ANY	35	ANY	YES	YES	SPEC/ALL	NO
MASSACHUSETTS	85	NET	6"	35	35	35	35	35	YES	NO	RECOMMEND	YES
MICHIGAN	81	NET	4"	4"	ANY	ANY	ANY	ANY	NO	NO	NO	YES
MINNESOTA	85	VAGUE	NO	50	50	50	50	50	NO	NO	SPEC/DRIVER	YES
MISSISSIPPI	88	NET	AS1	35	35	35	35	35	NO	YES	SPEC/ALL	YES
MISSOURI	87	NET	AS1	NO	ANY	ANY	ANY	ANY	YES	NO	NO	YES
MONTANA	91	FILM	AS1	35	20	ANY	20	ANY	NO	NO	RECOMMEND	YES
NEBRASKA	94	VAGUE	AS1	35	20	35	20	35	VAGUE	NO	NO	NO
NEVADA	93	NET	AS1	28	ANY	ANY	ANY	ANY	YES	YES	NO	YES
NEW HAMPSHIRE	90	NET	6"	NO	35	ANY	35	ANY	YES	NO	RECOMMEND	NO
NEW JERSEY	85	NET	NO	NO	ANY	ANY	ANY	ANY	YES	NO	NO	not enforce
NEW MEXICO	97	NET	AS1 OR 5"	20	20	ANY	20	ANY	YES	YES	SPEC/DRIVER	YES
NEW YORK	91	NET	6"	70	70	ANY	ANY	ANY	YES	NO	SPEC/ALL	NO
NORTH CAROLINA	95	NET	AS1	32	32	ANY	32	ANY	YES	NO	NO	NO
DAKOTA	89	NET	AS1	NO	ANY	ANY	ANY	ANY	YES	NO	NO	YES
DAKOTA	88	NET	5"	50	50	50	50	50	NO	YES	SPEC/ALL	YES
OKLAHOMA	95	NET	AS1 OR 5"	25	25	ANY	25	ANY	YES	YES	NO	YES
OREGON	95	NET	6"	35	35	ANY	35	ANY	YES	YES	NO	YES
PENNSYLVANIA	96	NET	NO	70	70	ANY	VESC20	ANY	YES	NO	SPEC/REAR	YES
RHODE ISLAND	84	VAGUE	AS1	NO	NR	NR	NR	NR	NO	NO	NO	NO - up for review
SOUTH CAROLINA	92	NET	AS1	27	27	ANY	27	ANY	YES	YES	SPEC/ALL	YES
SOUTH DAKOTA	89	NET	AS1	35	NR	NR	NR	NR	NO	YES	NO	NO
TENNESSEE	89	VAGUE	AS1	35	35	ANY	35	ANY	NO	NO	SPEC/DRIVER	NO
TEXAS	87	FILM	5"	35	35	ANY	ANY	ANY	YES	YES	SPEC/DRIVER	YES
UTAH	84	NET	AS1	43	28	15	28	15	YES	NO	NO	NO
VERMONT	84	NET	AS1	NO	ANY	ANY	ANY	ANY	YES	NO	NO	NO
VIRGINIA	93	NET	AS1	43	28	ANY	28	ANY	YES	NO	NONE	YES
WASHINGTON	93	FILM	6"	35	35	ANY	35	ANY	YES	YES	SPEC/DRIVER	YES
WEST VIRGINIA	91	NET	5"	35	35	ANY	35	ANY	YES	YES	SPEC/ALL	YES
WISCONSIN	96	NET	AS1	50	35	35	35	35	YES	NO	NO	YES
WYOMING	96	NET	AS1 OR 5"	28	28	ANY	28	YES	NO	NO	NO	YES

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Operator's signature

10/3/03  
Date