

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 46.2-1052 of the Code of Virginia, relating to vehicle equipment; films on*
 3 *windshields.*

4 [S 506]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-1052 of the Code of Virginia is amended and reenacted as follows:**8 **§ 46.2-1052. Tinting films, signs, decals, and stickers on windshields, etc.; penalties.**

9 A. As used in this article, unless the context requires a different meaning:

10 "Front side windows" means those windows located adjacent to and forward of the driver's seat.

11 "Holographic effect" means a picture or image that may remain constant or change as the viewing angle is
12 changed.13 "Multipurpose passenger vehicle" means any motor vehicle that is (i) designed to carry no more than 10
14 persons and (ii) constructed either on a truck chassis or with special features for occasional off-road use.15 "Prism effect" means a visual, iridescent, or rainbow-like effect that separates light into various colored
16 components that may change depending on viewing angle.

17 "Rear side windows" means those windows located to the rear of the driver's seat.

18 "Rear window" or "rear windows" means those windows that are located to the rear of the passenger
19 compartment of a motor vehicle and that are approximately parallel to the windshield.20 B. Except as otherwise provided in this article or permitted by federal law, it shall be unlawful for any
21 person to operate any motor vehicle on a highway with any sign, poster, colored or tinted film, sun-shading
22 material, or other colored material on the windshield, front or rear side windows, or rear windows of such
23 motor vehicle. This provision, however, shall not apply to any certificate or other paper required by law or
24 permitted by the Superintendent to be placed on a motor vehicle's windshield or window.25 The size of stickers or decals used by counties, cities, and towns in lieu of license plates shall be in
26 compliance with regulations promulgated by the Superintendent. Such stickers shall be affixed on the
27 windshield at a location designated by the Superintendent.28 C. Notwithstanding the foregoing provisions of this section, whenever a motor vehicle is equipped with a
29 mirror on each side of such vehicle, so located as to reflect to the driver of such vehicle a view of the
30 highway for at least 200 feet to the rear of such vehicle, any or all of the following shall be lawful:31 1. To drive a motor vehicle equipped with one optically grooved clear plastic right-angle rear view lens
32 attached to one rear window of such motor vehicle, not exceeding 18 inches in diameter in the case of a
33 circular lens or not exceeding 11 inches by 14 inches in the case of a rectangular lens, which enables the
34 driver of the motor vehicle to view below the line of sight as viewed through the rear window;35 2. To have affixed to the rear side windows, rear window or windows of a motor vehicle any sticker or
36 stickers, regardless of size; or37 3. To drive a motor vehicle when the driver's clear view of the highway through the rear window or
38 windows is otherwise obstructed.39 D. Except as provided in § 46.2-1053, but notwithstanding the foregoing provisions of this section, no
40 sun-shading or tinting film may be applied or affixed to any window of a motor vehicle unless such motor
41 vehicle is equipped with a mirror on each side of such motor vehicle, so located as to reflect to the driver of
42 the vehicle a view of the highway for at least 200 feet to the rear of such vehicle, and the sun-shading or
43 tinting film is applied or affixed in accordance with the following:44 1. No sun-shading or tinting films may be applied or affixed to the rear side windows or rear window or
45 windows of any motor vehicle operated on the highways of the Commonwealth that reduce the total light
46 transmittance of such window to less than 35 percent;47 2. No sun-shading or tinting films may be applied or affixed to the front side windows of any motor
48 vehicle operated on the highways of the Commonwealth that reduce total light transmittance of such window
49 to less than 50 percent;50 3. No sun-shading or tinting films shall be applied or affixed to any window of a motor vehicle that (i)
51 have a reflectance of light exceeding 20 percent or (ii) produce a holographic or prism effect.52 Any person who operates a motor vehicle on the highways of the Commonwealth with sun-shading or
53 tinting films that (i) have a total light transmittance less than that required by subdivisions 1 and 2, (ii) have a
54 reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a traffic
55 infraction but shall not be awarded any demerit points by the Commissioner for the violation.

56 Any person or firm who applies or affixes to the windows of any motor vehicle in Virginia sun-shading or

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57 tinting films that (i) reduce the light transmittance to levels less than that allowed in subdivisions 1 and 2, (ii)
58 have a reflectance of light exceeding 20 percent, or (iii) produce holographic or prism effects is guilty of a
59 Class 3 misdemeanor for the first offense and of a Class 2 misdemeanor for any subsequent offense.

60 E. The Division of Purchases and Supply, pursuant to § 2.2-1112, shall determine the proper standards for
61 equipment or devices used to measure light transmittance through windows of motor vehicles.
62 Law-enforcement officers shall use only such equipment or devices to measure light transmittance through
63 windows that meet the standards established by the Division. Such measurements made by law-enforcement
64 officers shall be given a tolerance of minus seven percentage points.

65 F. No film or darkening material may be applied on the windshield except to replace the sunshield in the
66 uppermost area as installed by the manufacturer of the vehicle. *However, clear film may be applied to a*
67 *windshield, so long as it is maintained in a condition consistent with 49 C.F.R. § 571.205, Standard No. 205,*
68 *Glazing Materials.*

69 G. Nothing in this section shall prohibit the affixing to the rear window of a motor vehicle of a single
70 sticker no larger than 20 square inches if such sticker is totally contained within the lower five inches of the
71 glass of the rear window, nor shall subsection C apply to a motor vehicle to which but one such sticker is so
72 affixed.

73 H. Nothing in this section shall prohibit applying to the rear side windows or rear window of any
74 multipurpose passenger vehicle or pickup truck sun-shading or tinting films that reduce the total light
75 transmittance of such window or windows below 35 percent.

76 I. Notwithstanding the foregoing provisions of this section, sun-shading material which was applied or
77 installed prior to July 1, 1987, in a manner and on which windows not then in violation of Virginia law, shall
78 continue to be lawful, provided that it can be shown by appropriate receipts that such material was installed
79 prior to July 1, 1987.

80 J. Where a person is convicted within one year of a second or subsequent violation of this section
81 involving the operation of the same vehicle having a tinted or smoked windshield, the court, in addition to
82 any other penalty, may order the person so convicted to remove such tinted or smoked windshield from the
83 vehicle.

84 K. The provisions of this section shall not apply to law-enforcement vehicles.

85 L. The provisions of this section shall not apply to the rear windows or rear side windows of any
86 emergency medical services vehicle used to transport patients.

87 M. The provisions of subdivisions D 1, 2, and 3 shall not apply to vehicles operated in the performance of
88 private security duties by a security canine handler as defined in § 9.1-138 and licensed in accordance with
89 § 9.1-139.

90 N. The provisions of subdivision D 1 shall not apply to sight-seeing carriers as defined in § 46.2-2000 and
91 contract passenger carriers as defined in § 46.2-2000.

92 O. For any summons issued for a violation of this section, the court may, in its discretion, dismiss the
93 summons, where proof of compliance with this section is provided to the court on or before the court date.

94 P. No law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence
95 discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or
96 obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding.