

# HB5784



## 99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

**HB5784**

by Rep. Sara Wojcicki Jimenez

### SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-503

from Ch. 95 1/2, par. 12-503

Amends the Illinois Vehicle Code. Includes melanoma as one of the diseases that would create an exemption for tinted films or other window treatments on a motor vehicle, if all other conditions are satisfied.

LRB099 16747 AXK 41088 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing  
5 Section 12-503 as follows:

6 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

7 Sec. 12-503. Windshields must be unobstructed and equipped  
8 with wipers.

9 (a) No person shall drive a motor vehicle with any sign,  
10 poster, window application, reflective material, nonreflective  
11 material or tinted film upon the front windshield, except that  
12 a nonreflective tinted film may be used along the uppermost  
13 portion of the windshield if such material does not extend more  
14 than 6 inches down from the top of the windshield.

15 (a-5) No window treatment or tinting shall be applied to  
16 the windows immediately adjacent to each side of the driver,  
17 except:

18 (1) On vehicles where none of the windows to the rear  
19 of the driver's seat are treated in a manner that allows  
20 less than 30% light transmittance, a nonreflective tinted  
21 film that allows at least 50% light transmittance, with a  
22 5% variance observed by any law enforcement official  
23 metering the light transmittance, may be used on the

1 vehicle windows immediately adjacent to each side of the  
2 driver.

3 (2) On vehicles where none of the windows to the rear  
4 of the driver's seat are treated in a manner that allows  
5 less than 35% light transmittance, a nonreflective tinted  
6 film that allows at least 35% light transmittance, with a  
7 5% variance observed by any law enforcement official  
8 metering the light transmittance, may be used on the  
9 vehicle windows immediately adjacent to each side of the  
10 driver.

11 (3) (Blank).

12 (4) On vehicles where a nonreflective smoked or tinted  
13 glass that was originally installed by the manufacturer on  
14 the windows to the rear of the driver's seat, a  
15 nonreflective tint that allows at least 50% light  
16 transmittance, with a 5% variance observed by a law  
17 enforcement official metering the light transmittance, may  
18 be used on the vehicle windows immediately adjacent to each  
19 side of the driver.

20 (a-10) No person shall install or repair any material  
21 prohibited by subsection (a) of this Section.

22 (1) Nothing in this subsection shall prohibit a person  
23 from removing or altering any material prohibited by  
24 subsection (a) to make a motor vehicle comply with the  
25 requirements of this Section.

26 (2) Nothing in this subsection shall prohibit a person

1 from installing window treatment for a person with a  
2 medical condition described in subsection (g) of this  
3 Section. An installer who installs window treatment for a  
4 person with a medical condition described in subsection (g)  
5 must obtain a copy of the certified statement or letter  
6 written by a physician described in subsection (g) from the  
7 person with the medical condition prior to installing the  
8 window treatment. The copy of the certified statement or  
9 letter must be kept in the installer's permanent records.

10 (b) On motor vehicles where window treatment has not been  
11 applied to the windows immediately adjacent to each side of the  
12 driver, the use of a perforated window screen or other  
13 decorative window application on windows to the rear of the  
14 driver's seat shall be allowed.

15 (b-5) Any motor vehicle with a window to the rear of the  
16 driver's seat treated in this manner shall be equipped with a  
17 side mirror on each side of the motor vehicle which are in  
18 conformance with Section 12-502.

19 (c) No person shall drive a motor vehicle with any objects  
20 placed or suspended between the driver and the front  
21 windshield, rear window, side wings or side windows immediately  
22 adjacent to each side of the driver which materially obstructs  
23 the driver's view.

24 (d) Every motor vehicle, except motorcycles, shall be  
25 equipped with a device, controlled by the driver, for cleaning  
26 rain, snow, moisture or other obstructions from the windshield;

1 and no person shall drive a motor vehicle with snow, ice,  
2 moisture or other material on any of the windows or mirrors,  
3 which materially obstructs the driver's clear view of the  
4 highway.

5 (e) No person shall drive a motor vehicle when the  
6 windshield, side or rear windows are in such defective  
7 condition or repair as to materially impair the driver's view  
8 to the front, side or rear. A vehicle equipped with a side  
9 mirror on each side of the vehicle which are in conformance  
10 with Section 12-502 will be deemed to be in compliance in the  
11 event the rear window of the vehicle is materially obscured.

12 (f) Paragraphs (a), (a-5), (b), and (b-5) of this Section  
13 shall not apply to:

14 (1) (Blank).

15 (2) those motor vehicles properly registered in  
16 another jurisdiction.

17 (g) Paragraphs (a) and (a-5) of this Section shall not  
18 apply to window treatment, including but not limited to a  
19 window application, nonreflective material, or tinted film,  
20 applied or affixed to a motor vehicle for which distinctive  
21 license plates or license plate stickers have been issued  
22 pursuant to subsection (k) of Section 3-412 of this Code, and  
23 which:

24 (1) is owned and operated by a person afflicted with or  
25 suffering from a medical disease, including but not limited  
26 to systemic or discoid lupus erythematosus, disseminated

1 superficial actinic porokeratosis, melanoma, or albinism,  
2 which would require that person to be shielded from the  
3 direct rays of the sun; or

4 (2) is used in transporting a person when the person  
5 resides at the same address as the registered owner of the  
6 vehicle and the person is afflicted with or suffering from  
7 a medical disease which would require the person to be  
8 shielded from the direct rays of the sun, including but not  
9 limited to systemic or discoid lupus erythematosus,  
10 disseminated superficial actinic porokeratosis, melanoma,  
11 or albinism.

12 The owner must obtain a certified statement or letter  
13 written by a physician licensed to practice medicine in  
14 Illinois that such person owning and operating or being  
15 transported in a motor vehicle is afflicted with or suffers  
16 from such disease, including but not limited to systemic or  
17 discoid lupus erythematosus, disseminated superficial  
18 actinic porokeratosis, melanoma, or albinism. However, no  
19 exemption from the requirements of subsection (a-5) shall  
20 be granted for any condition, such as light sensitivity,  
21 for which protection from the direct rays of the sun can be  
22 adequately obtained by the use of sunglasses or other eye  
23 protective devices.

24 Such certification must be carried in the motor vehicle  
25 at all times. The certification shall be legible and shall  
26 contain the date of issuance, the name, address and

1 signature of the attending physician, and the name,  
2 address, and medical condition of the person requiring  
3 exemption. The information on the certificate for a window  
4 treatment must remain current and shall be renewed every 4  
5 years by the attending physician. The owner shall also  
6 submit a copy of the certification to the Secretary of  
7 State. The Secretary of State may forward notice of  
8 certification to law enforcement agencies.

9 (g-5) (Blank).

10 (g-7) Installers shall only install window treatment  
11 authorized by subsection (g) on motor vehicles for which  
12 distinctive plates or license plate stickers have been issued  
13 pursuant to subsection (k) of Section 3-412 of this Code. The  
14 distinctive license plates or plate sticker must be on the  
15 motor vehicle at the time of window treatment installation.

16 (h) Paragraph (a) of this Section shall not apply to motor  
17 vehicle stickers or other certificates issued by State or local  
18 authorities which are required to be displayed upon motor  
19 vehicle windows to evidence compliance with requirements  
20 concerning motor vehicles.

21 (i) (Blank).

22 (j) A person found guilty of violating paragraphs (a),  
23 (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be  
24 guilty of a petty offense and fined no less than \$50 nor more  
25 than \$500. A second or subsequent violation of paragraphs (a),  
26 (a-5), (a-10), (b), (b-5), or (g-7) of this Section shall be

1 treated as a Class C misdemeanor and the violator fined no less  
2 than \$100 nor more than \$500. Any person convicted under  
3 paragraphs (a), (a-5), (b), or (b-5) of this Section shall be  
4 ordered to alter any nonconforming windows into compliance with  
5 this Section.

6 (k) Nothing in this Section shall create a cause of action  
7 on behalf of a buyer against a vehicle dealer or manufacturer  
8 who sells a motor vehicle with a window which is in violation  
9 of this Section.

10 (l) The Secretary of State shall provide a notice of the  
11 requirements of this Section to a new resident applying for  
12 vehicle registration in this State pursuant to Section 3-801 of  
13 this Code. The Secretary of State may comply with this  
14 subsection by posting the requirements of this Section on the  
15 Secretary of State's website.

16 (m) A home rule unit may not regulate motor vehicles in a  
17 manner inconsistent with this Section. This Section is a  
18 limitation under subsection (i) of Section 6 of Article VII of  
19 the Illinois Constitution on the concurrent exercise by home  
20 rule units of powers and functions exercised by the State.

21 (Source: P.A. 98-153, eff. 1-1-14; 98-737, eff. 1-1-15.)