

HB2389



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2389

Introduced 2/14/2023, by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

625 ILCS 5/12-503

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

Amends the Illinois Vehicle Code. Provides that no motor vehicle, or driver or passenger of a motor vehicle, shall be stopped or searched by any law enforcement officer solely on the basis of a violation or suspected violation of driving a motor vehicle with any objects placed or suspended between the driver and the front windshield, rear windshield, side wings, or side windows immediately adjacent to each side of the driver which materially obstructs the driver's view.

LRB103 27460 MXP 53832 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
5 changing 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
12 that a nonreflective tinted film may be used along the
13 uppermost portion of the windshield if such material does not
14 extend more than 6 inches down from the top of the windshield.

15 (a-3) No new or used motor vehicle dealer shall permit a
16 driver to drive a motor vehicle offered for sale or lease off
17 the premises where the motor vehicle is being offered for sale
18 or lease, including when the driver is test driving the
19 vehicle, with signs, decals, paperwork, or other material on
20 the front windshield or on the windows immediately adjacent to
21 each side of the driver that would obstruct the driver's view
22 in violation of subsection (a) of this Section. For purposes
23 of this subsection (a-3), "test driving" means when a driver,

1 with permission of the new or used vehicle dealer or employee
2 of the new or used vehicle dealer, drives a vehicle owned and
3 held for sale or lease by a new or used vehicle dealer that the
4 driver is considering to purchase or lease.

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

8 (1) On vehicles where none of the windows to the rear
9 of the driver's seat are treated in a manner that allows
10 less than 30% light transmittance, a nonreflective tinted
11 film that allows at least 50% light transmittance, with a
12 5% variance observed by any law enforcement official
13 metering the light transmittance, may be used on the
14 vehicle windows immediately adjacent to each side of the
15 driver.

16 (2) On vehicles where none of the windows to the rear
17 of the driver's seat are treated in a manner that allows
18 less than 35% light transmittance, a nonreflective tinted
19 film that allows at least 35% light transmittance, with a
20 5% variance observed by any law enforcement official
21 metering the light transmittance, may be used on the
22 vehicle windows immediately adjacent to each side of the
23 driver.

24 (3) (Blank).

25 (4) On vehicles where a nonreflective smoked or tinted
26 glass that was originally installed by the manufacturer on

1 the windows to the rear of the driver's seat, a
2 nonreflective tint that allows at least 50% light
3 transmittance, with a 5% variance observed by a law
4 enforcement official metering the light transmittance, may
5 be used on the vehicle windows immediately adjacent to
6 each side of the driver.

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

9 (1) Nothing in this subsection shall prohibit a person
10 from removing or altering any material prohibited by
11 subsection (a) to make a motor vehicle comply with the
12 requirements of this Section.

13 (2) Nothing in this subsection shall prohibit a person
14 from installing window treatment for a person with a
15 medical condition described in subsection (g) of this
16 Section. An installer who installs window treatment for a
17 person with a medical condition described in subsection
18 (g) must obtain a copy of the certified statement or
19 letter written by a physician described in subsection (g)
20 from the person with the medical condition prior to
21 installing the window treatment. The copy of the certified
22 statement or letter must be kept in the installer's
23 permanent records.

24 (b) On motor vehicles where window treatment has not been
25 applied to the windows immediately adjacent to each side of
26 the driver, the use of a perforated window screen or other

1 decorative window application on windows to the rear of the
2 driver's seat shall be allowed.

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

7 (c) No person shall drive a motor vehicle with any objects
8 placed or suspended between the driver and the front
9 windshield, rear window, side wings, or side windows
10 immediately adjacent to each side of the driver which
11 materially obstructs the driver's view. No motor vehicle, or
12 driver or passenger of such vehicle, shall be stopped or
13 searched by any law enforcement officer solely on the basis of
14 a violation or suspected violation of this subsection.

15 (d) Every motor vehicle, except motorcycles, shall be
16 equipped with a device, controlled by the driver, for cleaning
17 rain, snow, moisture, or other obstructions from the
18 windshield; and no person shall drive a motor vehicle with
19 snow, ice, moisture, or other material on any of the windows or
20 mirrors, which materially obstructs the driver's clear view of
21 the highway.

22 (e) No person shall drive a motor vehicle when the
23 windshield, side, or rear windows are in such defective
24 condition or repair as to materially impair the driver's view
25 to the front, side, or rear. A vehicle equipped with a side
26 mirror on each side of the vehicle which are in conformance

1 with Section 12-502 will be deemed to be in compliance in the
2 event the rear window of the vehicle is materially obscured.

3 (f) Subsections (a), (a-5), (b), and (b-5) of this Section
4 shall not apply to:

5 (1) (Blank).

6 (2) those motor vehicles properly registered in
7 another jurisdiction.

8 (g) Subsections (a) and (a-5) of this Section shall not
9 apply to window treatment, including, but not limited to, a
10 window application, nonreflective material, or tinted film,
11 applied or affixed to a motor vehicle for which distinctive
12 license plates or license plate stickers have been issued
13 pursuant to subsection (k) of Section 3-412 of this Code, and
14 which:

15 (1) is owned and operated by a person afflicted with
16 or suffering from a medical disease, including, but not
17 limited to, systemic or discoid lupus erythematosus,
18 disseminated superficial actinic porokeratosis, light
19 sensitivity as a result of a traumatic brain injury, or
20 albinism, which would require that person to be shielded
21 from the direct rays of the sun; or

22 (2) is used in transporting a person when the person
23 resides at the same address as the registered owner of the
24 vehicle and the person is afflicted with or suffering from
25 a medical disease which would require the person to be
26 shielded from the direct rays of the sun, including, but

1 not limited to, systemic or discoid lupus erythematosus,
2 disseminated superficial actinic porokeratosis, light
3 sensitivity as a result of a traumatic brain injury, or
4 albinism.

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

17 Such certification must be carried in the motor
18 vehicle at all times. The certification shall be legible
19 and shall contain the date of issuance, the name, address,
20 and signature of the attending physician, and the name,
21 address, and medical condition of the person requiring
22 exemption. The information on the certificate for a window
23 treatment must remain current and shall be renewed every 4
24 years by the attending physician. The owner shall also
25 submit a copy of the certification to the Secretary of
26 State. The Secretary of State may forward notice of

1 certification to law enforcement agencies.

2 (g-5) (Blank).

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

9 (h) Subsection (a) of this Section shall not apply to
10 motor vehicle stickers or other certificates issued by State
11 or local authorities which are required to be displayed upon
12 motor vehicle windows to evidence compliance with requirements
13 concerning motor vehicles.

14 (i) (Blank).

15 (j) A person found guilty of violating subsection (a),
16 (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of this Section
17 shall be guilty of a petty offense and fined no less than \$50
18 nor more than \$500. A second or subsequent violation of
19 subsection (a), (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of
20 this Section shall be treated as a Class C misdemeanor and the
21 violator fined no less than \$100 nor more than \$500. Any person
22 convicted under subsection (a), (a-5), (b), or (b-5) of this
23 Section shall be ordered to alter any nonconforming windows
24 into compliance with this Section.

25 (k) Except as provided in subsection (a-3) of this
26 Section, nothing in this Section shall create a cause of

1 action on behalf of a buyer against a vehicle dealer or
2 manufacturer who sells a motor vehicle with a window which is
3 in violation of this Section.

4 (1) The Secretary of State shall provide a notice of the
5 requirements of this Section to a new resident applying for
6 vehicle registration in this State pursuant to Section 3-801
7 of this Code. The Secretary of State may comply with this
8 subsection by posting the requirements of this Section on the
9 Secretary of State's website.

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

15 (Source: P.A. 102-111, eff. 1-1-22.)