

SUBSTITUTE FOR
HOUSE BILL NO. 5634

A bill to amend 1949 PA 300, entitled
"Michigan vehicle code,"
by amending section 709 (MCL 257.709), as amended by 2010 PA 258.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 709. (1) A person shall not operate a motor vehicle with
2 ~~any of the following:~~
3 ~~— (a) A~~ A sign, poster, nontransparent material, window
4 application, reflective film, or nonreflective film upon or in the
5 front windshield, ~~the side windows immediately adjacent to the~~
6 ~~driver or front passenger, or the sidewings adjacent to and forward~~
7 ~~of the driver or front passenger,~~ except that a tinted film may be
8 used along the top edge of the windshield ~~and the side windows or~~
9 ~~sidewings immediately adjacent to the driver or front passenger if~~
10 the material does not extend **BELOW THE VEHICLE MANUFACTURER'S AS-1**
11 **LINE OR** more than ~~4-6~~ 6 inches from the top of the windshield, ~~or~~

1 ~~lower than the shade band, whichever is closer to~~ **FARTHER FROM** the
2 top of the windshield.

3 ~~—— (b) A rear window or side window to the rear of the driver~~
4 ~~composed of, covered by, or treated with a material that creates a~~
5 ~~total solar reflectance of 35% or more in the visible light range,~~
6 ~~including a silver or gold reflective film.~~

7 ~~—— (c) An object that obstructs the vision of the driver of the~~
8 ~~vehicle, except as authorized by law.~~

9 **(2) EXCEPT AS PROVIDED IN SUBSECTION (3), A PERSON SHALL NOT**
10 **OPERATE A MOTOR VEHICLE WITH A SIGN, POSTER, NONTRANSPARENT**
11 **MATERIAL, WINDOW APPLICATION, REFLECTIVE FILM, OR NONREFLECTIVE**
12 **FILM UPON OR IN THE SIDE WINDOWS IMMEDIATELY ADJACENT TO THE DRIVER**
13 **OR FRONT PASSENGER OR THE SIDEWINGS ADJACENT TO AND FORWARD OF THE**
14 **DRIVER OR FRONT PASSENGER.**

15 **(3) A PERSON MAY OPERATE A MOTOR VEHICLE WITH A MATERIAL THAT**
16 **HAS A VISIBLE LIGHT TRANSMITTANCE OF 70%, PLUS OR MINUS 5%, OR**
17 **MORE, UPON OR IN THE SIDE WINDOWS IMMEDIATELY ADJACENT TO THE**
18 **DRIVER OR FRONT PASSENGER OR THE SIDEWINGS ADJACENT TO AND FORWARD**
19 **OF THE DRIVER OR FRONT PASSENGER.**

20 **(4) A PERSON MAY OPERATE A MOTOR VEHICLE WITH A MATERIAL THAT**
21 **HAS A VISIBLE LIGHT TRANSMITTANCE OF 25%, PLUS OR MINUS 5%, OR**
22 **MORE, UPON OR IN A REAR WINDOW OR A SIDE WINDOW TO THE REAR OF THE**
23 **DRIVER.**

24 **(5)** ~~(2)~~—A person shall not drive a motor vehicle if driver
25 visibility through the rear window is obstructed, unless the
26 vehicle is equipped with 2 rearview mirrors, 1 on each side,
27 adjusted so that the operator has a clear view of the highway

1 behind the vehicle.

2 (6) ~~(3)~~ This section does not apply to any of the following:

3 (a) The use of draperies, louvers, or other special window
4 treatments, except those specifically designated in this section,
5 on the rear window, or a side window to the rear of the driver if
6 the vehicle is equipped with 2 outside rearview mirrors, 1 on each
7 side, adjusted so that the driver has a clear view of the highway
8 behind the vehicle.

9 ~~— (b) The use of a nonreflective, smoked or tinted glass,~~
10 ~~nonreflective film, perforated window screen, or other decorative~~
11 ~~window application on the rear window or a side window to the rear~~
12 ~~of the driver.~~

13 (B) ~~(c)~~ The placement of a necessary certificate or sticker
14 that does not obstruct the driver's clear view of the roadway or an
15 intersecting roadway.

16 (C) ~~(d)~~ A vehicle registered in another state, territory,
17 commonwealth of the United States, or another country or province.

18 (D) ~~(e)~~ A special window treatment or application determined
19 necessary by a physician or optometrist, for the protection of a
20 person who is light sensitive or photosensitive, if the owner or
21 operator of a motor vehicle has in possession a letter signed by a
22 physician or optometrist, indicating that the special window
23 treatment or application **ON THAT MOTOR VEHICLE** is a medical
24 necessity. However, the special window treatment or application
25 shall not interfere with or obstruct the driver's clear vision of
26 the highway or an intersecting highway. **THIS SUBDIVISION DOES NOT**
27 **REQUIRE THAT THE OPERATOR OF A MOTOR VEHICLE EQUIPPED WITH A**

1 SPECIAL WINDOW TREATMENT OR APPLICATION DESCRIBED IN THIS
2 SUBDIVISION BE THE INDIVIDUAL FOR WHOM A PHYSICIAN OR OPTOMETRIST
3 CONSIDERS THE TREATMENT OR APPLICATION MEDICALLY NECESSARY.

4 (7) ~~(4)~~—Except as provided in subsection ~~(5)~~, **(8)**, the
5 windshield on each motor vehicle shall be equipped with a device
6 for cleaning rain, snow, or other moisture from the windshield,
7 which ~~device~~ shall be so constructed as to be controlled or
8 operated by the driver of the vehicle. A vehicle licensed as an
9 historical vehicle is exempt from this subsection if the vehicle
10 was not originally equipped with such a device. Each windshield
11 wiper upon a motor vehicle shall be maintained in good working
12 order.

13 **(8)** ~~(5)~~—A truck with a gross weight over 10,000 pounds, a
14 truck tractor, a bus, or a truck regardless of weight carrying
15 hazardous materials on which a placard is required to be posted
16 pursuant to 49 CFR parts 100 to 199 having a windshield shall be
17 equipped with not less than 2 automatically operating windshield
18 wiper blades, 1 on each side of the centerline of the windshield,
19 for cleaning rain, snow, or other moisture from the windshield. The
20 blades shall be in ~~such a~~ condition ~~as~~ to provide clear vision for
21 the driver, unless 1 blade is so arranged as to clean an area of
22 the windshield extending to within 1 inch of the limit of vision
23 through the windshield at each side. However, in driveaway-towaway
24 operations, this subsection applies only to the operated vehicle.
25 In addition, 1 windshield wiper blade suffices under this
26 subsection when the driven vehicle in a driveaway-towaway operation
27 constitutes part or all of the property being transported and has

1 no provision for 2 blades. A truck and truck tractor, manufactured
2 after June 30, 1953, that depends upon vacuum to operate the
3 windshield wipers, shall be ~~so~~ constructed **SO** that the operation of
4 the wipers is not materially impaired by change in the intake
5 manifold pressure.

6 **(9)** ~~(6)~~—A truck with a gross weight over 10,000 pounds, a
7 truck tractor, a bus, or a truck regardless of weight carrying
8 hazardous materials on which a placard is required to be posted
9 under 49 CFR parts 100 to 199 shall not be operated on the highways
10 **OF THIS STATE** at any time unless it is equipped with a hot air
11 windshield defroster or an electrically heated windshield or other
12 device to heat and maintain the windshield in operable condition at
13 all times.

14 **(10)** ~~(7)~~—As used in this section:

15 (a) "Physician" means that term as defined in section 17001 or
16 17501 of the public health code, 1978 PA 368, MCL 333.17001 and
17 333.17501.

18 (b) "Optometrist" means that term as defined in section 17401
19 of the public health code, 1978 PA 368, MCL 333.17401.

20 Enacting section 1. This amendatory act takes effect 90 days
21 after the date it is enacted into law.