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**IDAPA 11
TITLE 07
Chapter 02**

11.07.02 - MOTOR VEHICLE RULES - RULES GOVERNING SAFETY GLAZING MATERIAL

000. LEGAL AUTHORITY.

By the authority of Section 49-944, Idaho Code, 1992 Session Laws, Chapter 88, Section 3, the director hereby adopts rules and regulations for the implementation of Section 49-944, Idaho Code, 1992 Session Laws, Chapter 88, Section 3. (7-1-93)

001. -- 002. (RESERVED).

003. ADMINISTRATIVE APPEALS.

Rules of Procedure in contested cases shall be governed by the Administrative Procedures Act. (Title 67, Chapter 52 of the Idaho Code). (7-1-93)

004. DEFINITIONS.

01. Light Transmission. Light transmission is the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the product or material to the amount of total light falling on the product or material and the glazing. (7-1-93)

02. Luminous Reflectance. Luminous reflectance is the ratio of the amount of total light, expressed in percentages, which is reflected outward by the product or material to the amount of total light falling on the product or material. (7-1-93)

03. Own Or Owning. "Own" or "owning" means having the property in or title to a motor vehicle. These terms include persons, other than lienholders, who are entitled to the use and possession of a vehicle subject to a security interest in another person, but shall exclude a lessee under a lease not intended as security. (7-1-93)

04. Person. "Person" means every natural person, firm, fiduciary, copartnership, association, corporation, trustee, receiver or assignee for the benefit of creditors, political subdivision, state or federal governmental department, agency, or instrumentality. (7-1-93)

05. Window Tinting Films Or Sunscreening Devices. Window tinting films or sunscreening devices are materials or devices which are designed to be used in conjunction with approved vehicle glazing materials for the purpose of reducing the effects of the sun. (7-1-93)

005. -- 010. (RESERVED).

011. STANDARDS FOR SAFETY GLAZING MATERIAL.

01. Incorporation By Reference. Pursuant to Section 49-838, Idaho Code, the director hereby adopts by reference the standards and specifications set forth in 49 C.F.R. Section 571.205, Standard 205, as if set forth herein in full. (7-1-93)

02. General. It is unlawful for any person to place, install, affix or apply any window tinting film or sunscreening device to the windows of any motor vehicle, except as follows: (7-1-93)

a. Nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below the AS-1 line; if no AS-1 line is identifiable on the windshield, nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below a line extending six (6) inches below and parallel to the roof line; (7-1-93)

b. Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to

the front side vents, front side windows to the immediate right and left of the driver, and the rear window; (7-1-93)

c. Nonreflective window tinting film or sunscreening devices that have a light transmission of not less than twenty percent (20%) with a tolerance limit of plus or minus three percent (3%) and a luminous reflectance of no more than thirty-five percent (35%) with a tolerance limit of plus or minus three percent (3%) may be applied to the side windows to the rear of the driver. (7-1-93)

03. Restriction. No person shall operate on the public highways, sell or offer to sell any motor vehicle with a windshield or windows which are not in compliance with the provisions of this rule and the standards of Section 40-944, Idaho Code. (7-1-93)

04. Limitation. Nothing in this section shall be construed to make illegal the operation or sale of any motor vehicle, the windshield or windows of which are composed of, covered by, or treated with, any material, substance, system, or component with which such motor vehicle was sold when new or could have been equipped for sale when new as standard or optional equipment under any United States government statute or regulation governing such sale at the time of manufacture. (7-1-93)

05. Exception. Conditional exception for motor vehicles with windows not in compliance with the standards of Section 49-944, Idaho Code, on or before June 30, 1992. (7-1-93)

a. Persons who own a motor vehicle with a windshield or windows not in compliance with the standards of Section 49-944, Idaho Code, on June 30, 1992, shall not be charged with a violation of the standards of Section 49-944, Idaho Code, until January 1, 1993. (7-1-93)

b. Persons owning a motor vehicle with a windshield or windows not in compliance with the standards of Section 49-944, Idaho Code, on June 30, 1992, shall have until January 1, 1993, to obtain a certificate of non-compliance from the Idaho State Police indicating that the person owned the motor vehicle containing a windshield or windows not in compliance with the standards of Section 49-944, Idaho Code, on or before June 30, 1992. (See Appendix "A") (7-1-93)

c. The person owning the vehicle shall obtain a certificate of non-compliance from any Idaho State Police Officer. The owner of the vehicle if a natural person or the duly authorized agent of a dealer, firm, or other entity identified in Subsection 004.04 owning the vehicle, shall provide to the Idaho State Police Officer the following required information: (1) The owner's name and driver's license number/dealer number; (2) The color, year, make and body of the automobile; and (3) The VIN number of the automobile. The ISP officer shall then verify the information, including the VIN number, and briefly examine the windows of the automobile, comparing the windows with the tinting sample provided him/her by the department, to determine whether the windows and/or windshield of the motor vehicle are in violation of the standards of Section 49-944, Idaho Code, and that certification is necessary. The officer shall sign the certificate of non-compliance if he/she deems certification necessary. (7-1-93)

d. The certificate of non-compliance shall be carried in the vehicle at all times. If the automobile is sold, the seller must turn the certificate over to the buyer of the automobile. (7-1-93)

e. The certificate of non-compliance is the only valid proof that a vehicle had windows not in compliance with the standards of Section 49-944, Idaho Code, on or before June 30, 1992. (7-1-93)

f. A person operating a motor vehicle with a valid certificate as provided in this subsection shall not be deemed to be violating the standards of Section 49-944, Idaho Code, on or after January 1, 1993. (7-1-93)

g. The department shall revoke any certificate of noncompliance if statements made in the procurement of said certificate are discovered to have been false. (7-1-93)

012. -- 999. (RESERVED).

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