

JAN 23 2025

A BILL FOR AN ACT

RELATING TO MOTOR VEHICLES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the State's current
2 restrictions on the installation and use of sun screening
3 devices, including window tinting, on motor vehicles have
4 unintended, adverse consequences on public health, safety, and
5 privacy.

6 In particular, the State's location within the tropics
7 means Hawaii drivers experience more intense sunlight, hotter
8 temperatures, and higher amounts of glare and sun exposure.
9 Tinted windows can help to increase comfort and reduce glare,
10 allowing commuters to drive more safely. Tinted windows also
11 help to block ultraviolet light, reducing health risks for
12 drivers and their passengers while also protecting the vehicle's
13 interior from sun damage.

14 Window tinting is especially important for individuals who
15 have certain medical conditions that result in an increased
16 sensitivity to sunlight. These persons may require darker
17 window tints than state law currently allows. However, the lack



1 of flexibility afforded under the current law makes it difficult
2 for these individuals to safely and comfortably travel on
3 Hawaii's roads.

4 Accordingly, the purpose of this Act is to repeal state
5 restrictions on the installation and use of sun screening
6 devices, including window tinting, on motor vehicles.

7 SECTION 2. Section 291-21.5, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§291-21.5 Regulation of motor vehicle sun screening~~
10 ~~devices; penalty. (a) No person shall operate, permit the~~
11 ~~operation of, cause to be operated, or park any motor vehicle on~~
12 ~~a public highway if the glazing material of the motor vehicle:~~

13 ~~(1) Does not meet the requirements of the Federal Motor~~
14 ~~Vehicle Safety Standards 205 in effect at the time of~~
15 ~~its manufacture; or~~

16 ~~(2) Is used in conjunction with sun screening devices not~~
17 ~~exempted from this section by subsection (d) hereof.~~

18 ~~(b) No person shall install, mount, adhere, affix, or use~~
19 ~~any sun screening device or combination of devices in~~
20 ~~conjunction with the glazing material of a motor vehicle which~~
21 ~~does not meet the requirements of the Federal Motor Vehicle~~



1 ~~Safety Standards 205 in effect at the time of the glazing~~
2 ~~material's manufacture except as provided in this section. Any~~
3 ~~person who violates this section shall be liable for the removal~~
4 ~~of any sun screening device applied contrary to this section.~~

5 ~~(c) A safety inspection required under section 286-25~~
6 ~~shall include a test to ensure that the glazing material and any~~
7 ~~sun screening devices meet the requirements specified in this~~
8 ~~section.~~

9 ~~(d) This section shall not apply to:~~

10 ~~(1) Rearview mirrors;~~

11 ~~(2) Adjustable nontransparent sun visors which are mounted~~
12 ~~forward of the side windows and are not attached to~~
13 ~~the glazing material;~~

14 ~~(3) Signs, stickers, or other materials which are~~
15 ~~displayed in a seven-inch square in the lower corner~~
16 ~~of the windshield farthest removed from the driver or~~
17 ~~signs, stickers, or other materials which are~~
18 ~~displayed in a five-inch square in the lower corner of~~
19 ~~the windshield nearest the driver;~~

20 ~~(4) Rear trunk lid handle or hinges;~~

21 ~~(5) Window wipers and window wiper motors;~~



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- 1 ~~(6) Transparent sun screening film materials which are~~
2 ~~installed, affixed, or applied along the top edge of~~
3 ~~the windshield so long as such materials do not~~
4 ~~encroach upon the AS-1 portion of the windshield as~~
5 ~~provided by Federal Motor Vehicle Safety Standard 205~~
6 ~~or no lower than four inches below the top of the~~
7 ~~windshield, when measured from the middle point of the~~
8 ~~bottom edge of the top windshield moulding if no AS-1~~
9 ~~markings can be found in the left or right upper~~
10 ~~margin of the windshield;~~
- 11 ~~(7) Sun screening devices for front side wing vents and~~
12 ~~windows which, when used in conjunction with the~~
13 ~~glazing material have a light transmittance of no less~~
14 ~~than thirty-five per cent plus or minus six per cent;~~
- 15 ~~(8) Sun screening devices for side windows necessary for~~
16 ~~driving visibility which are to the rear of the driver~~
17 ~~and for rear windows necessary for driving visibility~~
18 ~~which, when used in conjunction with the glazing~~
19 ~~material, have a light transmittance of no less than~~
20 ~~thirty-five per cent plus or minus six per cent;~~



- 1 ~~(9) Side windows which are to the rear of the driver and~~
- 2 ~~rear windows on vans, minivans, trucks, or buses;~~
- 3 ~~provided that the vehicles are equipped with rearview~~
- 4 ~~mirrors on both sides;~~
- 5 ~~(10) Privacy drapes, curtains, or blinds, or any~~
- 6 ~~combination, installed on the interior of motor homes;~~
- 7 ~~or~~
- 8 ~~(11) Transparent sun screening materials, when applied to~~
- 9 ~~the AS-1 portion of the windshield, which meets the~~
- 10 ~~requirements of Federal Motor Vehicle Safety Standard~~
- 11 ~~205.~~
- 12 ~~(e) Any person who violates this section shall be fined:~~
- 13 ~~(1) Not less than \$250 or more than \$500 for each separate~~
- 14 ~~offense if the person is the owner of the motor~~
- 15 ~~vehicle which is in violation; and~~
- 16 ~~(2) Not less than \$500 nor more than \$1,000 for each~~
- 17 ~~separate offense if the person or business entity is~~
- 18 ~~the installer of any sun screening device which does~~
- 19 ~~not meet the requirements of this section. The~~
- 20 ~~installer shall also reinstall sun protective devices~~
- 21 ~~which comply with this section, free of charge, or~~



1 ~~reimburse the motor vehicle owner for the cost of~~
 2 ~~installing sun protective devices by another installer~~
 3 ~~which comply with this section.~~

4 ~~The receipt from the installer in the possession of the person~~
 5 ~~in the motor vehicle at the time of the issuance of the citation~~
 6 ~~shall be prima facie evidence of the identity of the installer.~~
 7 ~~The installer shall issue a certificate to the vehicle owner at~~
 8 ~~the time the sunscreen device is installed certifying that the~~
 9 ~~device complies with law. The certificate shall be stored in~~
 10 ~~the motor vehicle at all times."]~~

11 SECTION 3. Statutory material to be repealed is bracketed
 12 and stricken.

13 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Bu L*



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Report Title:

Motor Vehicles; Sun Screening Devices; Regulations; Repeal

Description:

Repeals state restrictions on the installation and use of sun screening devices, including window tinting, on motor vehicles.

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