

ACT 129

H.B. NO. 226

A Bill for an Act Relating to Windshield Tinting.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that darker tints on car windows have a measurable impact on reducing heat trapped in a car's interior. The legislature additionally finds that the current light transmittance limit of thirty-five per cent for glazing on car windows is inadequate to address the increased temperatures caused by climate change.

The purpose of this Act is to:

- (1) Prohibit a person from installing, mounting, adhering, affixing, or using any sun screening device in conjunction with the glazing material of a motor vehicle with mirrored or high reflective finishes that produce a red, yellow, amber, or blue appearance;
- (2) Require all drivers and passengers of motor vehicles with applied tint to fully roll down their windows when stopped by a law enforcement officer at a traffic stop, subject to certain exceptions;
- (3) Clarify the light transmittance levels on sun screening devices used in conjunction with glazing material for front side windows and wing windows;
- (4) Exempt rear windows, including rear windshields on certain vehicles, and side windows to the rear of the driver on sedans from sun screening device requirements;
- (5) Increase the minimum and maximum fines for violating sun screening device requirements; and
- (6) Make the absence of the certificate certifying that a sunscreen device complies with the law in a vehicle prima facie evidence that an installer is noncompliant with the law.

SECTION 2. Section 291-21.5, Hawaii Revised Statutes, is amended to read as follows:

“§291-21.5 Regulation of motor vehicle sun screening devices; penalty.

- (a) No person shall operate, permit the operation of, cause to be operated, or park any motor vehicle on a public highway if the glazing material of the motor vehicle:

- (1) Does not meet the requirements of the Federal Motor Vehicle Safety Standards 205 in effect at the time of its manufacture; or
- (2) Is used in conjunction with sun screening devices not exempted from this section by subsection ~~[(d) hereof.] (e).~~
- (b) No person shall install, mount, adhere, affix, or use any sun screening device or combination of devices in conjunction with the glazing material of a motor vehicle ~~[which:]~~:
 - (1) That does not meet the requirements of the Federal Motor Vehicle Safety Standards 205 in effect at the time of the glazing material's manufacture except as provided in this section[-]; and
 - (2) With mirrored or high reflective finishes that produce a red, yellow, amber, or blue appearances as viewed from the exterior of the motor vehicle.

Any person who violates this section shall be liable for the removal of any sun screening device applied contrary to this section.

(c) A safety inspection required under section ~~[286-25]~~ 286-26 shall include a test to ensure that the glazing material and any sun screening devices meet the requirements specified in this section.

(d) Notwithstanding subsection (e), all drivers and passengers of motor vehicles with applied tint shall fully roll down their windows when stopped by a law enforcement officer at a traffic stop. This subsection shall not apply to individuals unable to do so due to physical disability or mechanical failure; provided that the driver communicates or cooperates through other means reasonably available. A driver's or passenger's failure to comply with this subsection may be cited as a noncriminal traffic infraction.

~~[(d)] (e)~~ This section shall not apply to:

- (1) Rearview mirrors;
- (2) Adjustable nontransparent sun visors ~~[which]~~ that are mounted forward of the side windows and are not attached to the glazing material;
- (3) Signs, stickers, or other materials ~~[which]~~ that are displayed in a seven-inch square in the lower corner of the windshield farthest removed from the driver or signs, stickers, or other materials ~~[which]~~ that are displayed in a five-inch square in the lower corner of the windshield nearest the driver;
- (4) Rear trunk lid handle or hinges;
- (5) Window wipers and window wiper motors;
- (6) Transparent sun screening film materials ~~[which]~~ that are installed, affixed, or applied along the top edge of the windshield so long as ~~[such]~~ the materials do not encroach upon the AS-1 portion of the windshield as provided by Federal Motor Vehicle Safety Standard 205 or no lower than four inches below the top of the windshield, when measured from the middle point of the bottom edge of the top windshield moulding if no AS-1 markings can be found in the left or right upper margin of the windshield;
- (7) Sun screening devices for front side wing vents and windows ~~[which:]~~ that, when used in conjunction with the glazing material, have a light transmittance of no less than thirty-five per cent plus or minus six per cent;
- (8) Sun screening devices for front side windows and wing windows necessary for driving visibility ~~[which]~~ that are adjacent to the ~~[rear of the]~~ driver and ~~[for rear windows]~~ necessary for driving ~~[visibility]~~

- ~~which,~~ that, when used in conjunction with the glazing material, have a light transmittance of no less than thirty-five per cent plus or minus six per cent;
- (9) ~~[Side]~~ Rear windows ~~[which are], including the rear windshield on sedans, vans, minivans, trucks, buses, or other motor vehicles; and side windows to the rear of the driver [and rear windows] on sedans, vans, minivans, trucks, or buses;~~ provided that the vehicles are equipped with rearview mirrors on both sides;
 - (10) Privacy drapes, curtains, or blinds, or any combination, installed on the interior of motor homes; or
 - (11) Transparent sun screening materials, when applied to the AS-1 portion of the windshield, ~~[which meets]~~ that meet the requirements of Federal Motor Vehicle Safety Standard 205.
- ~~[(e)]~~ (f) Any person who violates this section shall be fined:
- (1) ~~[Not]~~ No less than ~~[\$250]~~ \$300 ~~[or]~~ and no more than ~~[\$500]~~ \$550 for each separate offense if the person is the owner of the motor vehicle ~~[which]~~ that is in violation; and
 - (2) ~~[Not]~~ No less than ~~[\$500 or]~~ \$700 and no more than ~~[\$1,000]~~ \$1,200 for each separate offense if the person or business entity is the installer of any sun screening device ~~[which]~~ that does not meet the requirements of this section. The installer shall also reinstall sun protective devices ~~[which]~~ that comply with this section, free of charge, or reimburse the motor vehicle owner for the cost of installing sun protective devices by another installer ~~[which]~~ that comply with this section.

The receipt from the installer in the possession of the person in the motor vehicle at the time of the issuance of the citation shall be prima facie evidence of the identity of the installer. The installer shall issue a certificate to the vehicle owner at the time the sunscreen device is installed certifying that the device complies with law. Failure of an installer to issue the required certificate shall be considered a violation of this section. The certificate shall be stored in the motor vehicle at all times. The absence of the certificate in the vehicle at the time of citation shall constitute prima facie evidence of installer noncompliance.

(g) The department of transportation may adopt rules pursuant to chapter 91 to establish standard criteria or visual references for the enforcement of tint color and reflectivity prohibitions."

SECTION 3. The department of transportation shall notify all licensed motor vehicle inspection stations of the changes made by this Act no later than ninety days after the effective date of this Act.

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 29, 2025.)