

Metropolitan Police Department □ Washington, D.C.



SPECIAL ORDER



Subject: Motor Vehicle Tinted Window Amendment Act of 1994	Series 95	Number 14	Distribution A
	Effective Date September 27, 1995		
	Expiration Date		

In recent months there has been an increase in the use of automobile window tinting devices by motorists throughout the nation and in the District of Columbia. It has rendered some vehicles "unsafe" to operate on the public streets due to the reduction in the driver's vision, which threatens the safety of pedestrians and other motorists. A potentially unsafe situation is also created for law enforcement officers when their view of a vehicle's occupants is obstructed by excessive window tinting.

The purpose of this special order is to inform members of the provisions of the "Motor Vehicle Tinted Window Amendment Act of 1994" (D.C. Code 40-718) and establish enforcement procedures for the new law.

A. D.C. MUNICIPAL REGULATIONS

Members shall update their copy of Title 18, D.C. Municipal Regulations (Vehicles and Traffic) by adding new subsections 734.8 to 734.19 to read as follows:

- 734.8 Except as provided in subsection 734.9, no motor vehicle may be operated or parked upon the public streets or spaces of the District of Columbia with:
- (A) A front windshield or front side windows that allow less than 70% light transmittance; or
 - (B) A rear windshield or rear side windows that allow less than 50% light transmittance.
- 734.9 A motor vehicle may be operated or parked upon the public streets of the District of Columbia with a front windshield that allows less than 70% light transmittance above the AS-1 line, or within 5 inches from the top of the windshield.
- 734.10 Any person who operates or parks a motor vehicle in violation of subsection 734.8 shall be issued a \$50 citation.

- 734.11 Any motor vehicle found to violate subsection 734.8 shall be required to be inspected at an official District Inspection Station within 5 business days after the finding.
- 734.12 If the motor vehicle described in subsection 734.11 is not brought into compliance with subsection 734.8 by the end of the 5-day period, the owner of the vehicle shall be fined not more than \$1,000.
- 734.13 Any motor vehicle found to violate subsection 734.8 on a second or subsequent occasion shall be required to be inspected at an official District Inspection Station within 5 business days after the second or subsequent finding.
- 734.14 If the motor vehicle described in subsection 734.13 is not brought into compliance with subsection 734.8 by the end of the 5-day period, the owner of the vehicle may be fined not more than \$5,000 or the motor vehicle may be forfeited.
- 734.15 No person shall install window tinting on a motor vehicle, which is subject to the provisions of this section, in the District of Columbia with a front windshield tinted below the AS-1 line, or 5 inches from the top of the windshield, or with rear side windows and rear windshield that allow less than 50% light transmittance.
- 734.16 Any person who violates subsection 734.15 shall be fined not more than \$1,000.
- 734.17 Any person who violates subsection 734.15 on a second or subsequent occasion shall be fined not more than \$5,000.
- 734.18 Notwithstanding subsections 734.11 and 734.13, any police officer or other authorized government agent of the District may order the immediate removal of a motor vehicle from the public streets to an official District Inspection Station if the police officer or other authorized government agent determines that the health and safety of the public is at risk due to window tinting in violation of subsection 734.8.
- 734.19 Limousines, ambulances, buses and hearses, meeting the requirements of 18 DCMR 413.10, church-owned vehicles, and all official government vehicles, shall be exempt from the requirements of subsections 734.8 - 734.18.

B. ENFORCEMENT POLICY

1. The Tint Meter Models 100 and 200 AC will be used by this department to measure window illumination. Operators shall not be cited for a violation of the act unless a window illumination check has been performed using the tint meter. Tint meters shall be issued to each police district by the Traffic Enforcement Branch, Special Operations Division (SOD).

2. Only members certified by the Training Division in the use of the Tint Meter Models 100 and 200 AC shall operate the tint meter and conduct window illumination checks.

3. The following vehicles are exempt under the Act:

- a. Limousines,
- b. Ambulances,
- c. Buses,
- d. Hearses,
- e. Church owned vehicles, and
- f. All official government vehicles.

4. All vehicles that have tinted windows installed at the factory, in accordance with federal glass standard 205, may have a darker tint than the District's law permits. If the vehicle's tinted windows meet the federal standards, the law cannot be enforced against the vehicle. However, if *additional tint film* is added to the factory installed tinted windows so that the light transmission level is below the established light transmittance standard, the operator may be cited for a violation.

NOTE: Factory installed tinted windows meeting federal glass standard 205 will have "AS-3" stamped/marked on the windows.

5. Operators whose vehicles are registered outside the District of Columbia and are in compliance with their state's window tinting law shall not be cited for failure to comply with the District of Columbia's tinted window law. The state of Maryland allows no less than 35% light transmittance in all windows. The state of Virginia allows no tinting on the windshield and no less than 35% light transmittance on the side and rear windows.

EXAMPLE: If a vehicle registered in the state of Maryland is stopped and the total illumination is 55% in the left front window, the operator shall not be cited because the vehicle complies with Maryland law. However, if a vehicle registered in the state of Maryland is stopped and the total illumination is 25% in the left front window, the operator shall be cited because the vehicle violates not only the District of Columbia's tinted window law, but also violates Maryland's tinted window law.

6. Excessive window tinting is a violation for both moving and parked vehicles. However, parked vehicles shall not be cited for violations unless the owner is present and a window illumination check is performed to document the violation.

C. ENFORCEMENT PROCEDURES

Enforcement of the Motor Vehicle Tinted Window Amendment Act of 1994 is the responsibility of the uniform force on patrol. Members observing vehicles whose windows appear to be excessively dark shall be guided by the following procedures when conducting a traffic stop or taking enforcement action.

1. The operator shall be advised that there is reasonable cause to believe that the window tint may exceed the maximum allowance and that the light transmittance of the vehicle's glass will be measured.

2. The initial contact with the operator of a motor vehicle shall be made without the tint meter in hand.

3. During the initial contact, a determination shall be made as to whether the vehicle is equipped with after-market tint film.

NOTE: Many multi-purpose passenger vehicles are equipped with federally permitted glass (i.e., AS-3) that have a light transmittance level much less than the 70% D.C. standard for passenger vehicles.

4. A member not certified in the use of the tint meter shall request, through the radio dispatcher, the assistance of a certified member to conduct the actual window illumination check.

5. Upon completion of tint measurements that indicate the vehicle is in violation, the member conducting the window illumination check shall:

- a. Prepare PD Form 61-C (Order for Tinted Window Inspection [Attachment]) and a Notice of Infraction (NOI).
- b. Advise the operator that the fine is \$50.00.
- c. Advise the operator that the window tint must be removed and the vehicle taken to the D.C. Inspection Station, 1001 Half Street, S.W., within five (5) business days, accompanied by the #1 copy of the PD Form 61-C and the NOI.
- d. Advise the operator that if the motor vehicle is not brought into compliance or taken to the inspection station within the five (5) day time frame, a second fine in the next higher amount may be imposed.

6. In accordance with Title 18 DCMR, Section 734.18, any vehicle with less than 25% light transmittance on the front windshield and/or front windows shall be deemed a health and safety risk.

- a. The vehicle shall be immediately towed to the Half Street Inspection Station during business hours for inspection of window tint levels and shall not, under any circumstances, be driven from the scene.
- b. During those hours when the inspection station is closed, the vehicle shall be impounded in accordance with General Order 303.3 (Tow Crane Operation and Enforcement). It shall be the impounding officer's responsibility to have the vehicle presented to the Half Street Inspection Station on the next business day.

7. The #2 and #3 copies of the PD Form 61-C shall be turned in at the end of the member's tour of duty.

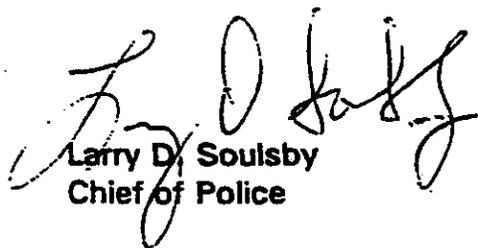
D. DISTRICT COMMANDERS.

District Commanders shall be responsible for:

1. Ensuring that all sergeants and officers in their commands assigned to uniform patrol are certified by the Training Division to operate the tint meter.
2. Ensuring that storage and security procedures for tint meters are handled in accordance with the guidelines established for portable radios in General Order 302.5 (Radio Communications), Part IG4 and 5.
3. Ensuring that malfunctioning tint meters are delivered to the Traffic Enforcement Branch, SOD, with a completed PD Form 608 (Radio Repair Record) indicating the problem experienced with the tint meter. In addition, a copy of the PD Form 43 (Report of Damage To or Loss of Uniforms or Equipment) shall accompany a damaged or broken tint meter.
4. Ensuring that the #2 copy of the PD Form 61-C is forwarded to the D.C. Inspection Station at 1001 Half Street, S.W. on a daily basis; and
5. Ensuring that the #3 copy is maintained in a suspense file in the Station Clerk's Office.

PD Form 61-C is in stock and available through normal supply channels.

*This special order shall remain in effect until its contents are incorporated in General Order 303.1 (Traffic Enforcement).



Larry D. Soulsby
Chief of Police

Attachment

LDS:SMP:ADB