

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854

Session of
1987

INTRODUCED BY GRUPPO, HERMAN, SEMMEL, TRELLO, JOHNSON, BOOK,
HECKLER, SAURMAN, CAWLEY, DeLUCA AND CIMINI, MARCH 11, 1987

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MAY 5, 1987

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, PLACING CERTAIN LIMITATIONS ON INSURANCE PREMIUM <—
3 INCREASES; AND further providing exemptions for the use of
4 certain sun screening materials.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 SECTION 1. SECTION 1793(A) OF TITLE 75 OF THE PENNSYLVANIA <—
8 CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:
9 § 1793. SPECIAL PROVISIONS RELATING TO PREMIUMS.

10 (A) LIMITATION ON PREMIUM INCREASES.--

11 * * *

12 (3) NO INSURER MAY CHARGE AN INSURED WHO HAS BEEN
13 SUSPENDED UNDER SECTION 1533 (RELATING TO SUSPENSION OF
14 OPERATING PRIVILEGE FOR FAILURE TO RESPOND TO CITATION) A
15 HIGHER RATE FOR A POLICY OF INSURANCE SOLELY ON ACCOUNT OF
16 THE SUSPENSION.

17 * * *

18 Section ± 2. Section 4524(e) of Title 75 ~~of the Pennsylvania~~ <—

1 ~~Consolidated Statutes~~ is amended to read:

2 § 4524. Windshield obstructions and wipers.

3 * * *

4 (e) Sun screening and other materials prohibited.--

5 (1) No person shall drive any motor vehicle with any sun
6 screening device or other material which does not permit a
7 person to see or view the inside of the vehicle through the
8 windshield, side wing or side window of the vehicle.

9 (2) This subsection does not apply to [any]:

10 (i) Any vehicle which is equipped with tinted
11 windows of the type and specification that were installed
12 by the manufacturer of the vehicle or to any hearse,
13 ambulance, government vehicle or any other vehicle to
14 which a currently valid certificate of exemption is
15 affixed as specified by regulation adopted by the
16 department.

17 (ii) Any vehicle which is equipped with tinted
18 windows or a sun screening device for medical reasons
19 which are certified by a licensed physician.

20 (3) A certificate of exemption shall be issued by the
21 department for a vehicle which is [registered]:

22 (i) Registered in this Commonwealth on the effective
23 date of this subsection and is equipped with a sun
24 screening device or other material prohibited under
25 paragraph (1) on the effective date.

26 (ii) Equipped with tinted windows or a sun screening
27 device for medical reasons as specified in paragraph

28 (2)(ii).

29 ANY EXEMPTION ISSUED UNDER SUBPARAGRAPH (II) SHALL BE LIMITED <—
30 TO AN OWNER OR OPERATOR WHO MEETS THE REQUIREMENTS OF

1 PARAGRAPH (2)(II) OR A FAMILY MEMBER WHO MEETS THE
2 REQUIREMENTS OF PARAGRAPH (2)(II) AND WHO IS TRANSPORTED BY
3 AN OWNER OR OPERATOR. UPON SALE OR TRANSFER OF THE VEHICLE TO
4 ANY OTHER PERSON WHO DOES NOT QUALIFY UNDER PARAGRAPH
5 (2)(II), THE EXEMPTION SHALL BE NULL AND VOID. PRIOR TO THE
6 SALE OR TRANSFER OF AN EXEMPT VEHICLE, IT SHALL BE THE SOLE
7 RESPONSIBILITY OF THE OWNER OR SELLER OF THAT VEHICLE TO
8 REMOVE ALL SUNSCREENING FROM THE VEHICLE. AT THE TIME OF THE
9 SALE OR TRANSFER OF A FORMERLY EXEMPT VEHICLE, THE OWNER
10 SHALL PRESENT TO THE PURCHASER A NOTARIZED STATEMENT SETTING
11 FORTH THE NAME AND ADDRESS OF THE OWNER OR SELLER, THE
12 VEHICLE IDENTIFICATION NUMBER, YEAR AND MODEL, AND THE
13 BUSINESS ENTITY AND PROCESS USED TO REMOVE THE SUNSCREENING.
14 A COPY OF THIS STATEMENT SHALL BE ATTACHED TO THE TITLE
15 TRANSFER PAPERS SUBMITTED TO THE DEPARTMENT. POSSESSION OF
16 THE NOTARIZED STATEMENT SHALL BE AN ABSOLUTE DEFENSE FOR ANY
17 ALLEGED VIOLATION UNDER PARAGRAPH (1).

18 (4) THE DEPARTMENT, IN CONSULTATION WITH THE MEDICAL
19 ADVISORY BOARD, SHALL, BY REGULATION, DETERMINE WHICH MEDICAL
20 REASONS SHALL BE SUFFICIENT TO JUSTIFY THE USE OF TINTED
21 WINDOWS OR SUN SCREENING DEVICES.

22 THE REGULATIONS NECESSARY TO IMPLEMENT THE PROVISIONS OF
23 PARAGRAPHS (2)(II) AND (3)(II) SHALL BE PROMULGATED AND
24 SUBMITTED TO THE INDEPENDENT REGULATORY REVIEW COMMISSION WITHIN
25 30 DAYS OF THE EFFECTIVE DATE OF THIS ACT.

26 Section 2 3. This act shall take effect in 60 days.

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