
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

SENATOR CORMAN, TRANSPORTATION, IN SENATE, AS AMENDED,
FEBRUARY 24, 1988

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 * * *

Section 2. Section 4524(e) of Title 75 is amended to read:

§ 4524. Windshield obstructions and wipers.

* * *

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

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

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

(i) ~~Any~~ A vehicle which is equipped with tinted windows of the type and specification that were installed by the manufacturer of the vehicle or to any hearse, ambulance, government vehicle or any other vehicle [to] ~~FOR~~ which a currently valid certificate of exemption [is affixed as specified by regulation] HAS BEEN ISSUED IN ACCORDANCE WITH REGULATIONS adopted by the department.

(ii) ~~Any~~ A vehicle which is equipped with tinted windows ~~or a sun screening device for medical reasons which are certified by a licensed physician.,~~ SUN SCREENING DEVICES OR OTHER MATERIALS WHICH COMPLY WITH ALL APPLICABLE FEDERAL REGULATIONS FOR WHICH A CURRENTLY VALID CERTIFICATE OF EXEMPTION FOR MEDICAL REASONS HAS BEEN ISSUED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.

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

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

1 ~~(ii) Equipped with tinted windows or a sun screening~~ <—
2 ~~device, SUN SCREENING DEVICES OR OTHER MATERIALS for~~ <—
3 ~~medical reasons as specified in paragraph (2)(ii).~~

4 ~~Any exemption issued under subparagraph (ii) shall be limited~~ <—
5 ~~to an owner or operator who meets the requirements of~~
6 ~~paragraph (2)(ii) or a family member who meets the~~
7 ~~requirements of paragraph (2)(ii) and who is transported by~~
8 ~~an owner or operator. Upon sale or transfer of the vehicle to~~
9 ~~any other person who does not qualify under paragraph~~
10 ~~(2)(ii), the exemption shall be null and void. Prior to the~~
11 ~~sale or transfer of an exempt vehicle, it shall be the sole~~
12 ~~responsibility of the owner or seller of that vehicle to~~
13 ~~remove all sunscreening from the vehicle. At the time of the~~
14 ~~sale or transfer of a formerly exempt vehicle, the owner~~
15 ~~shall present to the purchaser a notarized statement setting~~
16 ~~forth the name and address of the owner or seller, the~~
17 ~~vehicle identification number, year and model, and the~~
18 ~~business entity and process used to remove the sunscreening.~~
19 ~~A copy of this statement shall be attached to the title~~
20 ~~transfer papers submitted to the department. Possession of~~
21 ~~the notarized statement shall be an absolute defense for any~~
22 ~~alleged violation under paragraph (1).~~

23 ~~(4) The department, in consultation with the Medical~~
24 ~~Advisory Board, shall, by regulation, determine which medical~~
25 ~~reasons shall be sufficient to justify the use of tinted~~
26 ~~windows or sun screening devices.~~

27 ~~The regulations necessary to implement the provisions of~~
28 ~~paragraphs (2)(ii) and (3)(ii) shall be promulgated and~~
29 ~~submitted to the Independent Regulatory Review Commission within~~
30 ~~30 days of the effective date of this act.~~

1 (A) A CERTIFICATE OF EXEMPTION FOR MEDICAL
2 REASONS SHALL BE ISSUED ONLY IF THE OWNER OR
3 REGISTRANT OF THE VEHICLE, OR A PERSON RESIDING IN
4 THE HOUSEHOLD OF THE OWNER OR REGISTRANT WHO
5 REGULARLY DRIVES OR IS DRIVEN IN THE VEHICLE, SUFFERS
6 FROM A MEDICAL CONDITION DETERMINED BY THE
7 DEPARTMENT, IN CONSULTATION WITH THE MEDICAL ADVISORY
8 BOARD, TO JUSTIFY THE EXEMPTION.

9 (B) ANY PERSON REQUESTING AN EXEMPTION FOR
10 MEDICAL REASONS SHALL HAVE HIS MEDICAL CONDITION
11 CERTIFIED TO THE DEPARTMENT BY A LICENSED PHYSICIAN.

12 (4) A CERTIFICATE OF EXEMPTION ISSUED UNDER THIS
13 SUBSECTION SHALL BE CARRIED IN THE VEHICLE AND DISPLAYED ON
14 REQUEST OF A POLICE OFFICER.

15 (5) UPON THE SALE OR TRANSFER OF THE VEHICLE TO ANY
16 PERSON WHO DOES NOT QUALIFY UNDER PARAGRAPH (2)(II), THE
17 EXEMPTION SHALL BE NULL AND VOID. PRIOR TO THE SALE OR
18 TRANSFER OF AN EXEMPT VEHICLE, IT SHALL BE THE SOLE
19 RESPONSIBILITY OF THE OWNER OR SELLER OF A FORMERLY EXEMPT
20 VEHICLE TO REMOVE ALL SUN SCREENING OR OTHER MATERIALS FROM
21 THE VEHICLE. AT THE TIME OF THE SALE OR TRANSFER OF A
22 FORMERLY EXEMPT VEHICLE, THE OWNER SHALL REMOVE AND DESTROY
23 THE CERTIFICATE OF EXEMPTION FOR MEDICAL REASONS AND PROVIDE
24 THE PURCHASER WITH A NOTARIZED STATEMENT SETTING FORTH THE
25 NAME AND ADDRESS OF THE OWNER OR SELLER, THE VEHICLE
26 IDENTIFICATION NUMBER, YEAR AND MODEL, AND THE BUSINESS
27 ENTITY AND PROCESS USED TO REMOVE THE SUN SCREENING OR OTHER
28 MATERIAL. POSSESSION OF THE NOTARIZED STATEMENT SHALL BE AN
29 ABSOLUTE DEFENSE FOR ANY ALLEGED VIOLATION OF PARAGRAPH (1)
30 BY THE PURCHASER.

1 Section 3. This act shall take effect in 60 days.