



Rep. La Shawn K. Ford

Filed: 3/14/2023

10300HB2389ham001

LRB103 27460 MXP 58430 a

1 AMENDMENT TO HOUSE BILL 2389

2 AMENDMENT NO. _____. Amend House Bill 2389 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Vehicle Code is amended by
5 changing Section 12-503 as follows:

6 (625 ILCS 5/12-503) (from Ch. 95 1/2, par. 12-503)

7 Sec. 12-503. Windshields must be unobstructed and equipped
8 with wipers.

9 (a) No person shall drive a motor vehicle with any sign,
10 poster, window application, reflective material, nonreflective
11 material, or tinted film upon the front windshield, except
12 that a nonreflective tinted film may be used along the
13 uppermost portion of the windshield if such material does not
14 extend more than 6 inches down from the top of the windshield.

15 (a-3) No new or used motor vehicle dealer shall permit a
16 driver to drive a motor vehicle offered for sale or lease off

1 the premises where the motor vehicle is being offered for sale
2 or lease, including when the driver is test driving the
3 vehicle, with signs, decals, paperwork, or other material on
4 the front windshield or on the windows immediately adjacent to
5 each side of the driver that would obstruct the driver's view
6 in violation of subsection (a) of this Section. For purposes
7 of this subsection (a-3), "test driving" means when a driver,
8 with permission of the new or used vehicle dealer or employee
9 of the new or used vehicle dealer, drives a vehicle owned and
10 held for sale or lease by a new or used vehicle dealer that the
11 driver is considering to purchase or lease.

12 (a-5) No window treatment or tinting shall be applied to
13 the windows immediately adjacent to each side of the driver,
14 except:

15 (1) On vehicles where none of the windows to the rear
16 of the driver's seat are treated in a manner that allows
17 less than 30% light transmittance, a nonreflective tinted
18 film that allows at least 50% light transmittance, with a
19 5% variance observed by any law enforcement official
20 metering the light transmittance, may be used on the
21 vehicle windows immediately adjacent to each side of the
22 driver.

23 (2) On vehicles where none of the windows to the rear
24 of the driver's seat are treated in a manner that allows
25 less than 35% light transmittance, a nonreflective tinted
26 film that allows at least 35% light transmittance, with a

1 5% variance observed by any law enforcement official
2 metering the light transmittance, may be used on the
3 vehicle windows immediately adjacent to each side of the
4 driver.

5 (3) (Blank).

6 (4) On vehicles where a nonreflective smoked or tinted
7 glass that was originally installed by the manufacturer on
8 the windows to the rear of the driver's seat, a
9 nonreflective tint that allows at least 50% light
10 transmittance, with a 5% variance observed by a law
11 enforcement official metering the light transmittance, may
12 be used on the vehicle windows immediately adjacent to
13 each side of the driver.

14 (a-10) No person shall install or repair any material
15 prohibited by subsection (a) of this Section.

16 (1) Nothing in this subsection shall prohibit a person
17 from removing or altering any material prohibited by
18 subsection (a) to make a motor vehicle comply with the
19 requirements of this Section.

20 (2) Nothing in this subsection shall prohibit a person
21 from installing window treatment for a person with a
22 medical condition described in subsection (g) of this
23 Section. An installer who installs window treatment for a
24 person with a medical condition described in subsection
25 (g) must obtain a copy of the certified statement or
26 letter written by a physician described in subsection (g)

1 from the person with the medical condition prior to
2 installing the window treatment. The copy of the certified
3 statement or letter must be kept in the installer's
4 permanent records.

5 (b) On motor vehicles where window treatment has not been
6 applied to the windows immediately adjacent to each side of
7 the driver, the use of a perforated window screen or other
8 decorative window application on windows to the rear of the
9 driver's seat shall be allowed.

10 (b-5) Any motor vehicle with a window to the rear of the
11 driver's seat treated in this manner shall be equipped with a
12 side mirror on each side of the motor vehicle which are in
13 conformance with Section 12-502.

14 (c) No person shall drive a motor vehicle with any objects
15 placed or suspended between the driver and the ~~front~~
16 ~~windshield,~~ rear window, side wings, or side windows
17 immediately adjacent to each side of the driver which
18 materially obstructs the driver's view.

19 (c-5) No person shall drive a motor vehicle with any
20 objects placed or suspended between the driver and the front
21 windshield which materially obstruct the driver's view. No
22 motor vehicle, or driver or passenger of such vehicle, shall
23 be stopped or searched by any law enforcement officer solely
24 on the basis of a violation or suspected violation of this
25 subsection.

26 (d) Every motor vehicle, except motorcycles, shall be

1 equipped with a device, controlled by the driver, for cleaning
2 rain, snow, moisture, or other obstructions from the
3 windshield; and no person shall drive a motor vehicle with
4 snow, ice, moisture, or other material on any of the windows or
5 mirrors, which materially obstructs the driver's clear view of
6 the highway.

7 (e) No person shall drive a motor vehicle when the
8 windshield, side, or rear windows are in such defective
9 condition or repair as to materially impair the driver's view
10 to the front, side, or rear. A vehicle equipped with a side
11 mirror on each side of the vehicle which are in conformance
12 with Section 12-502 will be deemed to be in compliance in the
13 event the rear window of the vehicle is materially obscured.

14 (f) Subsections (a), (a-5), (b), and (b-5) of this Section
15 shall not apply to:

16 (1) (Blank).

17 (2) those motor vehicles properly registered in
18 another jurisdiction.

19 (g) Subsections (a) and (a-5) of this Section shall not
20 apply to window treatment, including, but not limited to, a
21 window application, nonreflective material, or tinted film,
22 applied or affixed to a motor vehicle for which distinctive
23 license plates or license plate stickers have been issued
24 pursuant to subsection (k) of Section 3-412 of this Code, and
25 which:

26 (1) is owned and operated by a person afflicted with

1 or suffering from a medical disease, including, but not
2 limited to, systemic or discoid lupus erythematosus,
3 disseminated superficial actinic porokeratosis, light
4 sensitivity as a result of a traumatic brain injury, or
5 albinism, which would require that person to be shielded
6 from the direct rays of the sun; or

7 (2) is used in transporting a person when the person
8 resides at the same address as the registered owner of the
9 vehicle and the person is afflicted with or suffering from
10 a medical disease which would require the person to be
11 shielded from the direct rays of the sun, including, but
12 not limited to, systemic or discoid lupus erythematosus,
13 disseminated superficial actinic porokeratosis, light
14 sensitivity as a result of a traumatic brain injury, or
15 albinism.

16 The owner must obtain a certified statement or letter
17 written by a physician licensed to practice medicine in
18 Illinois that such person owning and operating or being
19 transported in a motor vehicle is afflicted with or
20 suffers from such disease, including, but not limited to,
21 systemic or discoid lupus erythematosus, disseminated
22 superficial actinic porokeratosis, light sensitivity as a
23 result of a traumatic brain injury, or albinism. However,
24 no exemption from the requirements of subsection (a-5)
25 shall be granted for any condition for which protection
26 from the direct rays of the sun can be adequately obtained

1 by the use of sunglasses or other eye protective devices.

2 Such certification must be carried in the motor
3 vehicle at all times. The certification shall be legible
4 and shall contain the date of issuance, the name, address,
5 and signature of the attending physician, and the name,
6 address, and medical condition of the person requiring
7 exemption. The information on the certificate for a window
8 treatment must remain current and shall be renewed every 4
9 years by the attending physician. The owner shall also
10 submit a copy of the certification to the Secretary of
11 State. The Secretary of State may forward notice of
12 certification to law enforcement agencies.

13 (g-5) (Blank).

14 (g-7) Installers shall only install window treatment
15 authorized by subsection (g) on motor vehicles for which
16 distinctive plates or license plate stickers have been issued
17 pursuant to subsection (k) of Section 3-412 of this Code. The
18 distinctive license plates or plate sticker must be on the
19 motor vehicle at the time of window treatment installation.

20 (h) Subsection (a) of this Section shall not apply to
21 motor vehicle stickers or other certificates issued by State
22 or local authorities which are required to be displayed upon
23 motor vehicle windows to evidence compliance with requirements
24 concerning motor vehicles.

25 (i) (Blank).

26 (j) A person found guilty of violating subsection (a),

1 (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of this Section
2 shall be guilty of a petty offense and fined no less than \$50
3 nor more than \$500. A second or subsequent violation of
4 subsection (a), (a-3), (a-5), (a-10), (b), (b-5), or (g-7) of
5 this Section shall be treated as a Class C misdemeanor and the
6 violator fined no less than \$100 nor more than \$500. Any person
7 convicted under subsection (a), (a-5), (b), or (b-5) of this
8 Section shall be ordered to alter any nonconforming windows
9 into compliance with this Section.

10 (k) Except as provided in subsection (a-3) of this
11 Section, nothing in this Section shall create a cause of
12 action on behalf of a buyer against a vehicle dealer or
13 manufacturer who sells a motor vehicle with a window which is
14 in violation of this Section.

15 (l) The Secretary of State shall provide a notice of the
16 requirements of this Section to a new resident applying for
17 vehicle registration in this State pursuant to Section 3-801
18 of this Code. The Secretary of State may comply with this
19 subsection by posting the requirements of this Section on the
20 Secretary of State's website.

21 (m) A home rule unit may not regulate motor vehicles in a
22 manner inconsistent with this Section. This Section is a
23 limitation under subsection (i) of Section 6 of Article VII of
24 the Illinois Constitution on the concurrent exercise by home
25 rule units of powers and functions exercised by the State.

26 (Source: P.A. 102-111, eff. 1-1-22.)"