

Approved 3-18-86 Date

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

The meeting was called to order by Sen. Bill Morris at
Chairperson

9:00 a.m./~~p.m.~~ on March 4, 1986 in room 254-E of the Capitol.

All members were present ~~except~~.

Committee staff present:

Arden Ensley, Revisor of Statutes
Ben Barrett, Legislative Research Department
Hank Avila, Legislative Research Department
Louise Cunningham, Secretary

Conferees appearing before the committee:

Steven Wiechman, Kansas Automotive Dismantlers and Recyclers Association
Jim Sullins, Kansas Motor Car Dealers Association
Lt. Bill Jacobs, Kansas Highway Patrol
John Smith, Kansas Department of Revenue

HEARING ON S.B. 674 - Motor vehicle liability insurance requirement.

Steven Wiechman, KADRA, said they wanted to delete the word "new" from the bill so it would apply to all vehicle dealers, new, used or salvage. They all currently have to have on file with the division an approved insurance policy but only "new"dealers are excluded from carrying proof of insurance. Carrying proof of insurance causes problems since plates are interchanged and insurance proof gets misplaced. A copy of his statement is attached. (Att. 1).

Jim Sullins, Kansas Motor Car Dealers Association, said they were neither an opponent nor proponent of the bill and he explained they had requested an exemption because car dealers carry a large inventory of vehicles and it is impossible to know which vehicles are going to be test driven on any given day. Carrying proof of insurance in every vehicle would have been very burdensome. He said they did not necessarily understand why the exemption didn't include used vehicle dealers but they did appreciate having this exemption themselves. A copy of his statement is attached. (Att. 2).

John Smith, Department of Revenue said he had a couple of amendments to the bill. A copy of the suggested amendments is attached. (Att.3.). He said the amendments were cleanup and clarification. Mr. Smith said KSA 8-1611 should be cited to prevent the possibility of any lawsuits. The amendments do not change anything.

A motion was made by Sen. Hayden and was seconded by Sen. Martin to adopt the amendments recommended by Mr. Smith. Motion carried.

A motion was made by Sen. Hayden and was seconded by Sen. Doyen to recommend S.B. 674, as amended, favorably for passage. Motion carried.

ACTION ON S.B. 559 - Windows, glass, and glazing materials and applications.

Lt. Jacobs, Kansas Highway Patrol, said he had discussed this bill with several people and also with people from surrounding states. He said law enforcement people are very concerned about not being able to look inside a vehicle. They are very vulnerable when they can't see inside. He said there was also a problem with manufacturers' glazing because while the domestic manufacturers are no problem, some foreign vehicles come in with very dark glazing. Also, if a decal is used and it is certified to be in compliance, the owner can later put on darker material himself. A copy of his statement is attached. (Att.4).

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

room 254-E, Statehouse, at 9:00 a.m./p.m. on March 4, 1986

A conceptual motion was made by Sen. Doyen and was seconded by Sen. Thiessen to change the standard to a 70% light transmission, meaning not over 30% blocking.

The committee discussed what should be done about people that already have darker material on their vehicles. Should they be grandfathered in?

A substitute motion was made by Sen. Norvell to have the effective day July 1, 1987 so that they can comply with the law. This would allow them some time. Motion was seconded by Sen. Walker. Motion carried.

Sen. Doyen moved and Sen. Thiessen seconded the original motion. Motion carried.

A motion was made by Sen. Norvell and was seconded by Sen. Doyen to recommend S.B. 559 as amended, favorably for passage. Motion carried.

ACTION ON S.B. 606 - Sounding of whistles.

A motion was made by Sen. Walker and was seconded by Sen. Hoferer to report S.B. 606 adversely.

There was considerable discussion on the bill and the concern for public safety.

A substitute motion was made by Sen. Norvell to take no action on the bill and leave it in committee. This motion was seconded by Sen. Francisco. The motion was ruled out of order by the Chairman.

Sen. Vidricksen said in Salina they had passed a city ordinance to stop whistles from blowing at certain hours of the day and posted signs in the affected areas. He said this was no problem and seemed to be working well.

A substitute motion was made by Sen. Norvell and was seconded by Sen. Francisco to table S.B. 606. Motion carried.

ACTION ON S.B. 610 - Highways; consideration in selection of projects.

A motion was made by Sen. Martin to request an interim study on this subject. Motion was seconded by Sen. Hoferer. Motion carried.

The Chairman noted that Mr. Mike O'Keefe of the Transportation Department had put together an excellent report that should be at their desks and he hoped they would pay particular attention to this report. He also said Mr. O'Keefe would be leaving the Transportation Department and said that he would be missed because of his excellent work.

ACTION ON S.B. 611 - Terminating subsidy of ag ethyl alcohol.

Sen. Walker said after the hearing on this bill some opponents said they could support the subsidy ending in one year. There also was discussion of mandating that all grain used in production be grain purchased in Kansas. He made a conceptual motion that all grain used must be purchased in Kansas and the date of this was to be July 1, 1986. The date of the ending of the subsidy was to be July 1, 1987. The motion was seconded by Sen. Frey.

There was discussion on the proposal to end the subsidy in one year and the Chairman said this had originally been proposed by Stan Larson of Colwich. His plant had invested a lot of money in their plant and he felt a subsidy of one year would be sufficient and then they would be able to do without it.

Sen. Norvell said Mr. Larson thought they might lose the subsidy totally and would take a one-year extension rather than lose it all. He said the Legislature's creditability was at risk. Last year they had

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES,
room 254-E, Statehouse, at 9:00 a.m./~~xxx~~ on March 4, 1986.

promised a three-year subsidy and people were depending on the Legislature to keep its word. A substitute motion was made by Sen. Norvell to recommend S.B. 611 adversely. Motion was seconded by Sen. Francisco. Motion carried with six votes in favor.

Meeting was adjourned at 10:05 a.m.

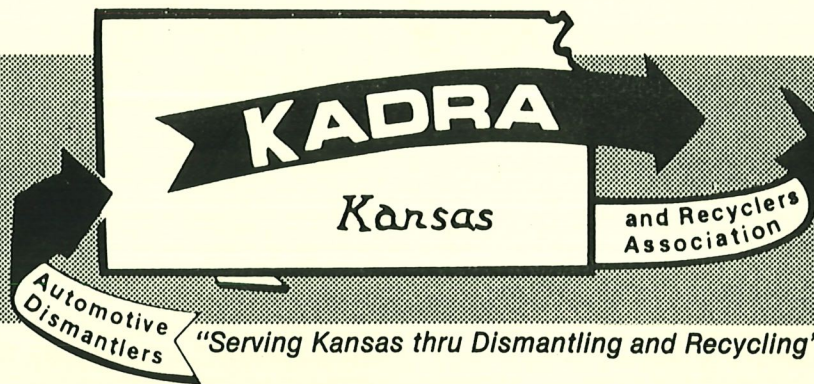
SENATE TRANSPORTATION AND UTILITIES COMMITTEE

Date 3-4-86 Place 254-E Time 9:00

S.B. 674-

GUEST LIST

NAME	ADDRESS	ORGANIZATION
Jim Sullivan	TOPEKA	Ks. Motor Car Dealers Assn
PAT BARNES	"	" " " " " "
Pat Wiechman	"	K. A. D. R. A.
Steven R. Wiechman	"	K. A. D. R. A.
Lt. Bill Jacobs	TOPEKA	KANSAS HIGHWAY PATROL
Tom Whitaker	Topeka	Ks Motor Carriers Assn.
Ken Bahr	Topeka	Ks. P. Hand Assn
Mary E. Turkington	Topeka	Kansas Motor Carriers Assn.
Nancy B. Turner	Topeka	Dept of Rev.
John W. Smith	Topeka	Dept of Rev.
Harold Shoop	Topeka	TALK



SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

March 4, 1986

SENATE BILL NO. 674

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I am Steven R. Wiechman, representing the Kansas Automotive Dismantlers and Recyclers Association. K.A.D.R.A. wishes to express their appreciation for introducing SB 674. As was pointed out when the bill was introduced, current law requires that "any person operating a motor vehicle upon a highway or upon property open to use by the public shall display, upon demand, evidence of financial security to a law enforcement officer." In the last subsection, it states that the provisions of that subsection (d) not apply to NEW vehicle dealers, as defined in K.S.A. 8-2401.

As you know, a new vehicle dealer is a vehicle dealer with a franchise agreement. As a requirement for being a vehicle dealer, new, used or salvage, K.S.A. 8-2405 provides that "no dealer's license shall be issued or renewed unless the applicant or holder of the license shall have on file with the division an approved insurance policy." That same statute provides that "such

PRESIDENT
Wayne Castle
Foreign Cars Unltd
Wichita, KS

VICE PRESIDENT
John Lewis
Lewis Auto Salvage
Topeka, KS

SECRETARY/TREASURER
Evelyn Fateley
Hillside Auto Parts
Chanute, KS

LEGAL COUNSEL
Steven R. Wiechman
Topeka, KS

DIRECTORS

Don Ely
Kingman Salvage
Kingman KS

Jerry Inman
Hays Auto Parts
Hays, KS

Dale Lehning
A-One Salvage, Inc.
Haysville, KS

Gary Roth
Dodge City Salvage, Inc.
Dodge City, KS

Mark Warrell
A-OK Auto Salvage
Kansas City, KS

Jerry Gray
G & R Motors
Wichita, KS

Ray Standifer
Standifer & Son Truck Recycling
Wichita, KS

Paul Davis
A Plus Parts & Salvage
Wichita, KS

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insurance may not be cancelled unless 30 days notice by the insurance carrier has been given in writing to the director. Upon the effective date of cancellation of any insurance policy required under this section, the license to engage in business as a dealer shall be void."

Vehicle dealers licensed in the State of Kansas by the Department of Revenue must have approved liability insurance that is on file with the Department; and, if that insurance is revoked, the Department will be notified and that dealer's license is cancelled. Therefore, dealers are held to a higher requirement; and they should be.

However, language in the insurance law excludes only "new" dealers from carrying proof of insurance, yet all vehicle dealers are required to maintain the same insurance. According to our information, limiting the original exclusion to new dealers may have been based upon a belief that used dealers were not required to have insurance. This is not according to the dealer licensing requirements. Carrying proof of insurance while displaying a dealer plate causes problems to dealers and customers, since plates are interchanged and insurance proof gets misplaced.

We have talked with the Kansas Motor Car Dealers Association, Lt. Jacobs of the Kansas Highway Patrol, and Mr. Harold Turntine of the Department of Revenue, all of whom have no problems with the change.

Therefore, we would request the Committee recommend this bill favorable for passage. Thank you for the opportunity to appear before you. I will be happy to answer your questions.

Respectfully submitted,

STEVEN R. WIECHMAN
Kansas Automotive Dismantlers &
Recyclers Association

Statement Before the
SENATE COMMITTEE ON TRANSPORTATION AND UTILITIES

Tuesday, March 4, 1986

by the
KANSAS MOTOR CAR DEALERS ASSOCIATION

RE: Senate Bill 674

Mr. Chairman and Members of the Committee. I am Jim Sullins, Executive Vice President of the 392 member Kansas Motor Car Dealers Association which represents the franchised new car and new truck dealers of Kansas. I come before you this morning as neither a proponent nor opponent of SB 674, but to explain why the current exemption exists for new vehicle dealers.

HB 2614 of the 1984 Session required that every owner of a motor vehicle produce, on demand of a law enforcement officer, proof of liability insurance for the vehicle being operated. During the hearings on the bill, KMCDAs requested that an exemption be provided for vehicle dealers whereby dealers would not have to carry proof of insurance in dealership-owned vehicles. The reason for this request was due to the fact that dealers carry a large number of vehicles in their inventory, and it is impossible to know which vehicles are going to be test-driven on a given day. Also, with the changeover in inventory, a vehicle in stock today could easily be gone tomorrow. Attempting to keep proof of insurance in every vehicle would have been very burdensome, especially for large dealerships.

During the hearings before the Senate committee, KMCDAs pointed out the problem of compliance by vehicle dealers. The Committee agreed with the problem we expressed, but was reluctant to grant the exemption to both new and used vehicle dealers. The Committee expressed no concern

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for exempting new vehicle dealers, but felt like they might be going too far by exempting used vehicle dealers at the same time. After discussion, the Committee decided to grant the exemption to the new vehicle dealers only, and that is the way current statutes read.

At that time, we did not necessarily understand why the Committee was reluctant to grant the exemption to used vehicle dealers, especially since one of the requirements to acquire a dealer's license is having liability insurance in force.

Mr. Chairman and Members of the Committee, the franchised new car and new truck dealers sincerely appreciate having this exemption from what would be a very cumbersome requirement. We sincerely request that no matter what action you take concerning SB 674, that you at the very least retain this exemption for new vehicle dealers.

Thank you for your time and consideration, and I would be happy to stand for questions.

* * * * *

SENATE BILL No. 674

By Committee on Transportation and Utilities

2-20

0017 AN ACT concerning vehicle dealers; motor vehicle liability
0018 insurance requirements; amending K.S.A. 1985 Supp. 40-3104
0019 and repealing the existing section.

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1985 Supp. 40-3104 is hereby amended to
0022 read as follows: 40-3104. (a) Every owner shall provide motor
0023 vehicle liability insurance coverage in accordance with the pro-
0024 visions of this act for every motor vehicle owned by such person,
0025 unless such motor vehicle is included under an approved self-
0026 insurance plan as provided in subsection (f) or is expressly
0027 exempted from the provisions of this act.

0028 (b) An owner of an uninsured motor vehicle shall not permit
0029 the operation thereof upon a highway or upon property open to
0030 use by the public, unless such motor vehicle is expressly ex-
0031 empted from the provisions of this act.

0032 (c) No person shall knowingly drive an uninsured motor
0033 vehicle upon a highway or upon property open to use by the
0034 public, unless such motor vehicle is expressly exempted from
0035 the provisions of this act.

0036 (d) Any person operating a motor vehicle upon a highway or
0037 upon property open to use by the public shall display, upon
0038 demand, evidence of financial security to a law enforcement
0039 officer.

0040 (e) No person charged with violating subsections (b), (c) or
0041 (d) shall be convicted if such person produces in court or in the
0042 office of the arresting officer, within 20 days of the date of arrest,
0043 evidence of financial security for the motor vehicle operated,
0044 which was valid at the time of arrest. For the purpose of this
0045 subsection, evidence of financial security shall be provided by a

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0046 policy of motor vehicle liability insurance, an identification card
0047 or certificate of insurance issued to the policyholder by the
0048 insurer which provides the name of the insurer and the policy
0049 number, a certificate of self-insurance signed by the commis-
0050 sioner of insurance or the completion of a form prescribed by the
0051 secretary of revenue signed by the insurer or an agent of the
0052 insurer certifying that at the time of arrest the motor vehicle was
0053 covered by motor vehicle liability insurance.

0054 When the evidence of financial security provided by the
0055 owner is an insurance policy, an identification card or certificate
0056 of insurance or a certificate of self-insurance, the information
0057 will be recorded by the office of the arresting officer or the court
0058 on the form prescribed by the secretary of revenue as authorized
0059 by this subsection and forwarded immediately to the department
0060 of revenue. When evidence of insurance is provided by the
0061 owner on the form prescribed by this subsection such form will
0062 also be forwarded immediately to the department.

0063 Upon receipt of such form, the department will mail the form
0064 to the named insurance company for verification that such in-
0065 surance was in force on the date stated. It shall be the duty of
0066 insurance companies to notify the department within 30 calendar
0067 days of the receipt of such forms of any insurance that was not in
0068 force on the date stated.

0069 (f) Any person in whose name more than 25 motor vehicles
0070 are registered in Kansas may qualify as a self-insurer by obtain-
0071 ing a certificate of self-insurance from the commissioner of
0072 insurance. The certificate of self-insurance issued by the com-
0073 missioner shall cover such owned vehicles and those vehicles,
0074 registered in Kansas, leased to such person if the lease agree-
0075 ment requires that motor vehicle liability insurance on the vehi-
0076 cles be provided by the lessee. Upon application of any such
0077 person, the commissioner of insurance may issue a certificate of
0078 self-insurance, if the commissioner is satisfied that such person
0079 is possessed and will continue to be possessed of ability to pay
0080 any judgment obtained against such person arising out of the
0081 ownership, operation, maintenance or use of any motor vehicle
0082 described in this subsection.

*Sanford
proof of ownership
3
8-1607
used to be there
deleted*

*8-1607 not
accident report
"a report"
would during
of vehicle
to ask for
other info,
sale of vehicle
proof of
ownership
of vehicle*

0083 Upon not less than five days' notice and a hearing pursuant to
0084 such notice, the commissioner of insurance may cancel a certifi-
0085 cate of self-insurance upon reasonable grounds. Failure to pay
0086 any judgment against a self-insurer, arising out of the ownership,
0087 operation, maintenance or use of a motor vehicle registered in
0088 such self-insurer's name, within 30 days after such judgment
0089 shall have become final, shall constitute reasonable grounds for
0090 the cancellation of a certificate of self-insurance.

0091 (g) Any person violating any provision of this section shall be
0092 guilty of a class B misdemeanor, except that any person con-
0093 victed of violating any provision of this section within three
0094 years of any such prior conviction shall be guilty of a class A
0095 misdemeanor.

0096 (h) In addition to any other penalties provided by this act for
0097 failure to have or maintain financial security in effect, the direc-
0098 tor, upon receipt of the accident report required by K.S.A. 8-
0099 1607, and amendments thereto, or a denial of such insurance by
0100 the insurance company listed on the form prescribed by the
0101 secretary of revenue pursuant to subsection (e) of this section
0102 and K.S.A. 8-1604, and amendments thereto, shall, upon notice
0103 and hearing as provided by K.S.A. 40-3118, and amendments
0104 thereto, suspend:

a
or K.S.A. 8-1611

0105 (1) The license of each driver in any manner involved in the
0106 accident;

0107 (2) the license of the owner of each motor vehicle involved in
0108 such accident, unless the vehicle was stolen at the time of the
0109 accident, proof of which must be established by the owner of the
0110 motor vehicle. Theft by a member of the vehicle owner's imme-
0111 diate family under the age of 18 years shall not constitute a stolen
0112 vehicle for the purposes of this section;

0113 (3) the registrations of all vehicles owned by the owner of
0114 each motor vehicle involved in such accident;

0115 (4) if the driver is a nonresident, the privilege of operating a
0116 motor vehicle within this state; or

0117 (5) if such owner is a nonresident, the privilege of such
0118 owner to operate or permit the operation within this state of any
0119 motor vehicle owned by such owner.

removed driver

0120 (i) The suspension requirements in subsection (h) shall not
0121 apply:

0122 (1) To the driver or owner if the owner had in effect at the
0123 time of the accident an automobile liability policy as required by
0124 K.S.A. 40-3107, and amendments thereto, with respect to the
0125 vehicle involved in the accident;

0126 (2) to the driver, if not the owner of the vehicle involved in
0127 the accident, if there was in effect at the time of the accident an
0128 automobile liability policy with respect to such driver's driving
0129 of vehicles not owned by such driver;

0130 (3) to any person qualified as a self-insurer under subsection
0131 (f) of this section;

0132 ~~(4) to any person who has been released from liability, has~~
0133 ~~entered into an agreement for the payment of damages, or has~~
0134 ~~been finally adjudicated not to be liable in respect to such~~
0135 ~~accident. Evidence of any such fact may be filed with the~~
0136 ~~director; and~~

(4) 0137 ~~(5)~~ to the driver or owner of any vehicle involved in the
0138 accident which was exempt from the provisions of this act pur-
0139 suant to K.S.A. 40-3105, and amendments thereto.

0140 (j) For the purposes of provisions (1) and (2) of subsection (i)
0141 of this section, the director may require verification by an
0142 owner's or driver's insurance company or agent thereof that there
0143 was in effect at the time of the accident an automobile liability
0144 policy as required in this act.

0145 Any suspension effected hereunder shall remain in effect until
0146 satisfactory proof of financial security has been filed with the
0147 director as required by subsection (d) of K.S.A. 40-3118, and
0148 amendments thereto, and such person has met the requirements
0149 ~~under subsection (i)~~ and has paid the reinstatement fee herein
0150 prescribed. Such reinstatement fee shall be \$25 except that if the
0151 registration of a motor vehicle of any owner is suspended within
0152 one year following a prior suspension of the registration of a
0153 motor vehicle of such owner under the provisions of this act such
0154 fee shall be \$75.

0155 (k) The provisions of this section shall not apply to motor
0156 carriers of property or passengers regulated by the corporation

*removes only
a
requirement
not exempt
to suspension*

*subject
classification of*

removes requirement

been released from liability,
has entered into an agreement or
for the payment of damages, has
been finally adjudicated not to
be liable in respect to such
accident and evidence of any such
fact has been filed with the
director.

0157 commission of the state of Kansas.

0158 (l) The provisions of subsection (d) shall not apply to new
0159 vehicle dealers, as defined in K.S.A. 8-2401, and amendments
0160 thereto.

0161 Sec. 2. K.S.A. 1985 Supp. 40-3104 is hereby repealed.

0162 Sec. 3. This act shall take effect and be in force from and
0163 after its publication in the statute book.

SUMMARY OF TESTIMONY

Before the Senate Transportation and Utilities Committee

Presented by the Kansas Highway Patrol
(Lieutenant William A. Jacobs)

March 4, 1986

The following information concerning the use of adhesive film or glazing materials upon the windows of motor vehicles is submitted as requested by this committee.

The following persons were contacted by telephone concerning this matter and they provided information relevant to the subject.

1. Wayne Peterson
Peterson Systems
Topeka, Kansas

Mr. Peterson said he was inclined to support Senate Bill 559 at first glance, but has since changed his mind and prefers the law in its present form. He stated that his company has the product in three degrees of darkening abilities. The three types are 1) 70% light transmitted, 2) 35% light transmitted, 3) 20% light transmitted. Mr. Peterson went on to explain that the color of interior in a vehicle can affect the visibility through the material. The darker the interior, the more difficult it becomes to see into the vehicle.

2. David Huyett
Sunglow
Wichita, Kansas

Mr. Huyett advised that he has many customers that wish to darken their vehicles for various reasons such as reducing the temperature inside and for privacy. He was very explicit in his desire to be able to install a material which only transmits 35% light. He said he could live with a 50% material but prefers the 35% type. Mr. Huyett stated his company installs three degrees of material: 1) 85% light transmitted, 2) 50% light transmitted, 3) 35% light transmitted. He went on to suggest that the law be amended to require any person that has the material on their vehicle windows to turn on the vehicle interior light when stopped by a law enforcement officer.

3. Sergeant Walker
Planning and Research
Missouri State Highway Patrol

Sgt. Walker advised that Missouri law requires that any film or glaze on the windshield and side-windows adjacent to the driver could not exceed the manufacturer's standards. There were no restrictions on the rear glass of the vehicle. Sgt. Walker advised that the Patrol was not happy with the law because there was no restriction on the rear glass and it created a hazard for their officers when they apprehended the vehicle so equipped from the rear. He went on to say that he did not know of any effort to repeal or change the law.

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4. Trooper Miller
Planning and Research
Colorado State Patrol

Trooper Miller states that Colorado law prohibits any material on the windshield and windows adjacent to the driver which presents an opaque or mirrored effect or anything that obstructs the ability that anyone in the front seat can be distinguished (man or woman). Pick-up trucks cannot have material on back windows but sedans can. The Colorado Patrol is not happy with the law because it does not prohibit the material on the back windows of all vehicles and presents a hazard for their officers and the penalty is only \$5 and no points are assessed for violations.

5. Lieutenant Burrows
Planning and Research
Oklahoma Highway Patrol

Lt. Burrows advised that Oklahoma law prohibits the use of dark tint which exceeds the 30% tint available as a factory option on the windshield or adjacent windows to the driver. He also added that they were not happy with the law because it does not prohibit the dark tint on the rear glass. A copy of the Oklahoma law is attached for your perusal.

Upon discussion of this matter by the staff of the Kansas Highway Patrol, it was decided to recommend that all windows in a vehicle be prohibited from having any material which is mirrored, discolored or prevents less than 70% light transmission. Even this would be difficult to enforce at times without the aid of some type of light measuring device. Our second recommendation would be to leave the statute as it is presently written.

§ 12-418. Violations—Penalties*1985 addition effective February 1, 1987*

Any person convicted of violating Section 2 of this act¹ shall be punished by a fine of Ten Dollars (\$10.00) and shall pay court costs of Fifteen Dollars (\$15.00). Provided, the Department of Public Safety shall not assess points to the driving record of any licensed or unlicensed person convicted of a violation of this act.

Added by Laws 1985, c. 123, § 3, eff. Feb. 1, 1987.

¹ Section 12-417 of this title.

§ 12-419. Educational program—Evaluating effectiveness of act—Reports*1985 addition effective February 1, 1987*

A. The Department of Public Safety shall establish an educational program designed to encourage compliance with the Oklahoma Mandatory Seat Belt Use Act.¹

B. The Department of Public Safety shall evaluate the effectiveness of this act and provide a report. The state shall include this report in the annual evaluation report on its Highway Safety Plan that it submits to the National Highway Traffic Safety Administration and the Federal Highway Administration pursuant to 23 U.S.C. 402.

Added by Laws 1985, c. 123, § 4, eff. Feb. 1, 1987.

¹ Section 12-416 et seq. of this title.

§ 12-420. Civil proceedings—Effect of act*1985 addition effective February 1, 1987*

Nothing in this act shall be used in any civil proceeding in this state and the use or nonuse of seat belts shall not be submitted into evidence in any civil suit in Oklahoma.

Added by Laws 1985, c. 123, § 5, eff. Feb. 1, 1987.

§ 12-421. Restrictions on tinted windshields and windows—Exemptions—Penalties

A. No person shall operate a motor vehicle on public roads, streets, highways or turnpikes of this state on which the percentage of tint on the front windshield, the side windows to the immediate right or left of the driver, the side wings forward of and to the left and right of the driver exceeds the thirty percent (30%) tint available as a factory option.

B. On application from a person required for medical reasons to be shielded from the direct rays of the sun, supported by written attestation of that fact from a licensed physician, the Department of Public Safety may issue an exemption from the requirements of this section for a motor vehicle belonging to the person or in which the person is an habitual passenger.

C. Any person who violates any provision of this section, upon conviction, shall be guilty of a misde-

meanor and shall be punished as provided for in Section 17-101 of Title 47 of the Oklahoma Statutes.

D. The provisions of this section shall not apply to implements of husbandry.

E. The provisions of this section shall become effective November 1, 1985, for all new or unused motor vehicles as defined in Section 562 of Title 47 of the Oklahoma Statutes and all installations of front windshields, side windows to the immediate right or left of the driver, and side wings forward of and to the left and right of the driver. The provisions of this section shall become effective July 1, 1990, for vehicles on which such equipment was installed prior to November 1, 1985.

Added by Laws 1985, c. 338, § 11, eff. Nov. 1, 1985.

ARTICLE V. ODOMETER SETTING ACT [NEW]**§ 12-501. Short title**

This act shall be known and may be cited as the "Odometer Setting Act".

Added by Laws 1982, c. 275, § 1.

Section 8 of Laws 1982, c. 275 directs codification and section 9 provides for an effective date.

Title of Act:

An Act relating to motor vehicles; providing short title; defining terms; prohibiting sale of certain odometer devices; prohibiting the altering, disconnecting or resetting of odometer or requesting or causing same with certain exceptions; prohibiting operation of motor vehicle with disconnected or nonfunctional odometer; prohibiting conspiring to alter an odometer; allowing certain repairs of odometer with certain requirements; providing written disclosure of certain facts relating to odometer when transfer of motor vehicle occurs; prohibiting false disclosure of information relating to odometer; providing for preparation of odometer forms; providing exemptions for transferor in certain instances; providing penalties; providing jurisdiction; providing that certain district attorneys bring action for violation; providing that attorney general bring action for violation when district attorney fails to act; directing codification; and providing an effective date. Laws 1982, c. 275.

Trade Regulation §862.1.

§ 12-502. Definitions

As used in the Odometer Setting Act:

1. "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage for a limited purpose;

2. "Repair and replacement" means to restore to sound working condition by replacing the odometer or any part thereof or by correcting the inoperative part;

3. "Transfer" means to change ownership of a motor vehicle by purchase, sale or any other means wherein there is an exchange of monetary or equivalent compensation;

4. "Transferee" means any person to whom ownership of a motor vehicle is transferred by pur-