



Spencer L. Duncan, Region 2 Director  
Kansas Association of Licensed Investigators  
212 SW 8th Avenue, Suite 202  
Topeka, KS 66603  
*capitolconnectionkansas@yahoo.com*  
*www.K-A-L-I.com*  
*785-383-8825 Fax: 785-233-5659*

*February 7, 2012*

**Testimony on SB 343**

**Re: exemptions for licensed private detectives relating to one-way glass and sun screening  
Senate Transportation Committee**

I appear today to ask for support of Senate Bill 343, which would exempt Kansas Licensed Private Detectives from current restrictions relating to one-way glass and screening devices, commonly referred to as window tinting. I am here on behalf of the Kansas Association of Licensed Investigators (KALI), whose members support this legislation. I also personally support SB343, as I am also a Kansas licensed private detective.

KALI is the largest Private Detective Association in Kansas, representing roughly half of the 253 licensed private detectives in our state. KALI provides training and assistance to all licensed private detectives and works closely with the Kansas Bureau of Investigation. Our members also work with local law enforcement agencies across the state.

This legislation is intended to assist licensed private detectives in all their work, which often involves a need to go unnoticed. This legislation is also intended to help Kansas courts and officers of the court who often rely on private detectives to help complete work so court cases can move forward in a timely manner.

Private detectives are a primary source of serving process in Kansas, next to local law enforcement. Private detectives guarantee service and often help locate individuals who may be hiding from being served or are ignoring the court and its officers. Private detectives often locate individuals the court has been unable to locate. When individuals are not served in a timely manner, this slows down the entire court process, creates issues relating to due process and leads to delays. Private detectives assist in missing person cases, track down “deadbeat” parents, assist in fraud cases and help locate individuals in probate cases.

These cases, and many others, require a certain amount of anonymity and are often done using our vehicles. Being seen and/or spotted in these vehicles is detrimental to investigations and without tinting cases of surveillance are more difficult.

We are not asking you to change current laws regarding tinting. We understand the intent of current one-way glass laws and believe current laws are in the best interest of protecting the public and law enforcement officers. We are simply asking that you allow us to be exempt so we can do our jobs in a safe and timely manner. Since the work we do is often also in the best interest of Kansans and the courts, we are confident this exemption would benefit everyone.

We understand that at times law enforcement may pull us over and/or approach us about our tinting. We are OK with that. We simply want to be able to show them our private detective license and go about our business. In many communities, law enforcement is already aware of who the licensed private detectives are.



Violation of current tinting laws is a Class C misdemeanor. If a private detective receives a Class C misdemeanor, it disqualifies them from retaining their license.

### **A few important notes:**

- All licensed private detectives receive background checks by the Kansas Bureau of Investigation before being licensed and upon renewal every 2 years. Our licenses are issued and maintained by the Attorney General's office and KBI. This means no private detective in Kansas has a criminal background.
- Many private detectives have additional vehicles they use in their work, apart from personal vehicles. This means nearly all the vehicles Private detectives have, or would have tinted, are work vehicles.
- Under this change, the exemption only applies if a private detective is using this tinting, "*in the course of doing detective business,*" limiting the scope of when this tinting would be on the streets.
- This exemption only applies to a private detective - not their friends, family or any non-licensed individual who may borrow the vehicle. In other words, the exemption does not apply to the vehicle, only to the individual.
- As the law only applies to the individual and not the vehicle, all resale laws regarding tinting still apply. This means if a private detective sells a vehicle with this tinting to a non-licensed individual, the new owner is required to remove the tinting and follow current laws.

### **History & Kansas Requirements**

Darkness of tint is measured by Visible Light Transmission percentage (VLT%). In Kansas, this percentage refers to percentage of visible light allowed in through the combination of film/tint and the window. Similar to sunglass lenses, some tinting film contains metallic elements that help in reflecting incoming light and reducing the glare and the heat generate by visible light.

According to Kansas Statutes Annotated 8-1749a(1), no vehicle in Kansas can have front windshield tinting that is red, yellow or amber in color. Sunscreens and tinting on windshields cannot extend below the AS1 line, which is clearly marked on the windshield at the time of manufacture. The tinting material on the windshield must allow 35 percent or more of light into the car.

Kansas law regulates the type, location, and light transmission value of sun-screening devices (window tint) on vehicles registered in our state. Sun-screening devices that reflect light (mirrored tint) are forbidden on all Kansas-registered vehicles. Tint installed on the windshield of Kansas-registered vehicles may not extend below the AS1 line marked on the windshield. The AS1 marking reflects the class of safety glazing used on the windshield; all windshields must have an AS1 marking.

Kansas-registered vehicles are prohibited from being equipped with tinted headlamp covers. It is unlawful for any person to install sun-screening devices on a vehicle that would violate these regulations.

State law recommends but does not require that an individual get a sticker indicating legal window tinting.

In the United States, the Federal Motor Carrier Safety Administration, an administration within the federal Department of Transportation (DOT), specifies a minimum of 70 percent VLT for window tinting on the windshield and the windows to the immediate left and right of the driver for commercial vehicles (the DOT does not regulate private vehicles). The DOT does not specify any VLT requirements for rear windows. State law may regulate laws for private vehicles and may go further than the requirements those set forth by the DOT; private vehicles may have tint on the windows to the immediate left and right of the driver as dark as 20 percent VLT, depending on the state.

**The following chart shows tint limits by U.S. State (when measured on the front side window):**

<i>State</i>	<i>VLT</i>	<i>State</i>	<i>VLT</i>	<i>State</i>	<i>VLT</i>
Alabama	32%	Louisiana	40%	Ohio	50%
Alaska	70%	Maine	35%	Oklahoma	25%
Arizona	33%	Maryland	35%	Oregon	35%
Arkansas	25%	Massachusetts	35%	Pennsylvania	70%
California	70%	Michigan	70%	Rhode Island	70%
Colorado	27%	Minnesota	50%	South Carolina	27%
Connecticut	35%	Mississippi	28%	South Dakota	35%
Delaware	70%	Missouri	35%	Tennessee	35%
Florida	28%	Montana	24%	Texas	25%
Georgia	32%	Nebraska	35%	Utah	43%
Hawaii	35%	Nevada	35%	Vermont	70%
Idaho	35%	New Hampshire	70%	Virginia	35%
Illinois	35%	New Jersey	70%	Washington	24%
Indiana	30%	New Mexico	20%	West Virginia	35%
Iowa	70%	New York	75%	Wisconsin	50%
Kansas	35%	North Carolina	35%	Wyoming	28%
Kentucky	35%	North Dakota	50%	District of Columbia	70%