

**To: New Jersey Law Revision Commission**  
**From: Kyle Ryan, Legislative Fellow<sup>1</sup>**  
**Re: Title 39: Windshield Statute (N.J.S. 39:3-74) - Window Tint Traffic Stops/Citations**  
**Date: June 2, 2025**

## **M E M O R A N D U M**

### **Project Summary**

N.J.S. 39:3-74 (the “windshield statute”) prohibits the operation of a motor vehicle with any “non-transparent material” on the windshield or side windows.<sup>2</sup> As the Court noted in *State v. Smith*, this statute was enacted in 1921 and last amended in 1937.<sup>3</sup> The provision predates automotive window tinting, but it often serves as the statutory basis for traffic stops and citations for tinted windows.<sup>4</sup>

Previously, in *State v. Cohen*, the Appellate Division affirmed a finding of reasonable suspicion sufficient to justify a traffic stop based on an officer’s observation that a driver’s front and side windows “were so darkly tinted as to obstruct vision.”<sup>5</sup> In the *Smith* case, however, the defendant was pulled over because of a tinted *rear* window, which was not tinted enough to obstruct the officer’s view of the defendant in the car.<sup>6</sup>

The New Jersey Supreme Court in *Smith* noted that the plain language of the windshield statute was limited to the front windshield and side windows, and that Smith’s tinted rear window could not constitute a violation of the statute.<sup>7</sup> The Court examined other automotive and automotive window/treatment statutes and relevant New Jersey Administrative Code provisions, and found none that prohibited rear window tints.<sup>8</sup> The Court concluded that its task was “to interpret the language of a statute enacted a century ago,” adding that the “Legislature may, of course, modify the statute’s text.”<sup>9</sup>

### **Statute Considered**

**N.J.S. 39:3-74** provides in relevant part that:

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<sup>1</sup> Preliminary research and drafting for this memorandum was conducted by Christopher Camaj, Esq., as a pro bono volunteer with the N.J. Law Revision Comm’n during the Summer and Fall of 2023. Further research and drafting was conducted by Erin Farley as a pro bono volunteer with the N.J. Law Revision Comm’n during the Spring of 2024, and later by Whitney Schlimbach, Deputy Director, and Carol Disla-Roa, Legislative Fellow (August 2023 through August 2024).

<sup>2</sup> *State v. Smith*, 251 N.J. 244, 251 (2022) (quoting N.J. STAT. ANN. § 39:3-74 (West 2025)).

<sup>3</sup> *Id.* at 259.

<sup>4</sup> *Id.* at 251.

<sup>5</sup> *State v. Cohen*, 347 N.J. Super. 375, 380 (App. Div. 2002).

<sup>6</sup> *Smith* at 255.

<sup>7</sup> *Id.* at 260.

<sup>8</sup> *Id.* at 260-63.

<sup>9</sup> *Id.* at 266 (emphasis added).

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No person shall drive any motor vehicle with any sign, poster, sticker or other non-transparent material upon the front windshield, wings, deflectors, side shields, corner lights adjoining windshield or front side windows of such vehicle other than a certificate or other article required to be so displayed by statute or by regulations of the commissioner.<sup>10</sup>

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## Background

The windshield statute was enacted over a century ago and has remained unchanged for nearly 90 years.<sup>11</sup> Its plain language prohibits any sign, poster, sticker, or “other non-transparent material” on the front windshield or side windows of a vehicle.<sup>12</sup> Over the years, the prohibition on “other non-transparent material” has served as the statutory basis for window tint traffic stops and citations.<sup>13</sup> Although window tints were not in common use for decades after the windshield statute’s last amendment, cases such as *Cohen* have affirmed the use of the statute as the basis for window tint stops and citations.<sup>14</sup>

The *Cohen* case, decided in 2002, pertained to tinting on the side windows of a vehicle.<sup>15</sup> The recent *Smith* case, on the other hand, involved rear window tint.<sup>16</sup> In *Cohen*, the tints obstructed the officer’s vision, whereas in *Smith*, the officer testified that he could see through the tinted rear windows – in fact, the officer’s suspicion was heightened because he could see the defendant “shoving an object” (the illegal firearm) between his seat and center console.<sup>17</sup>

Smith was arrested for an illegal firearm found in his vehicle.<sup>18</sup> At trial, he moved to suppress evidence of the firearm, arguing that the traffic stop was unlawful because the detectives lacked a “reasonable and articulable suspicion that the tinting on [his] rear windshield violated N.J.S.A. 39:3-74” (the windshield statute).<sup>19</sup>

The trial court denied Smith’s motion to suppress, and the Appellate Division affirmed the denial.<sup>20</sup> The New Jersey Supreme Court granted limited certification to address the question of whether the rear window tint established a reasonable and articulable suspicion for the traffic stop

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<sup>10</sup> N.J. STAT. ANN. § 39:3-74.

<sup>11</sup> *Smith* at 259.

<sup>12</sup> N.J. STAT. ANN. § 39:3-74.

<sup>13</sup> *Smith* at 252.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at 260.

<sup>16</sup> *Id.* at 254.

<sup>17</sup> *Id.* at 254 and 259.

<sup>18</sup> *Id.* at 252.

<sup>19</sup> *Id.*

<sup>20</sup> *Id.* at 256.

based on a violation of the windshield statute.<sup>21</sup>

Following the Supreme Court’s grant of certification, the State moved for a limited remand to vacate Smith’s conviction and dismiss the charges against him.<sup>22</sup> Although the parties agreed that there was no reasonable suspicion for the traffic stop in this case, and the issue was resolved by the limited remand, the Court noted that the underlying issue was “of sufficient public importance, likely to surface again, [and] warrant[s] our deciding it, even in the absence of an actual controversy between the litigants.”<sup>23</sup>

The Court in *Smith* concluded that the plain language of the windshield statute is limited to “non-transparent” tints on the windshield and side windows, but does not apply to rear windshields or tints that allow an officer to “clearly see people or articles within the car.”<sup>24</sup> The Court held that the safety glass statute simply does not address window tints.<sup>25</sup> Finally, the Court recognized the Legislature’s ability to clarify the century-old windshield statute if it wishes.<sup>26</sup>

### Analysis

In the earlier *Cohen* case, which the Appellate Division relied on in *Smith*, the Court held that an actual violation of the windshield statute is not necessary to support an initial stop, as long as the officer had a reasonable, articulable suspicion of a violation.<sup>27</sup> The *Cohen* Court further held that the safety glass statute (which the *Cohen* Court characterized as a “companion” to the windshield statute) provided an additional basis for such a stop because the “unsafe distortion of visibility” under the safety glass statute is not limited to just the windshield and side windows like the windshield statute.<sup>28</sup>

### *The Safety Glass Statute*

Although the State conceded that the windshield statute governs, and not the safety glass statute, the *Smith* Court briefly addressed the safety glass statute.<sup>29</sup> The Court noted the Defendant’s argument that the plain language of that statute is “concerned solely with the quality and maintenance of ... safety glazing material, not aftermarket tinted window film.” The Court concluded that “[a]s the State ... concedes, [the safety glass statute] has no bearing” in a window tint case.<sup>30</sup>

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<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* at 260 and 265.

<sup>25</sup> *Id.* at 252-253.

<sup>26</sup> *Id.* at 266.

<sup>27</sup> *Id.* at 255.

<sup>28</sup> *Id.* at 255-256.

<sup>29</sup> *Id.* at 256-257.

<sup>30</sup> *Id.* at 261.

## ***The Windshield Statute***

The Court focused on the plain language when considering this statute, noting that it is explicitly limited to “non-transparent material upon the front windshield, ... or front side windows.”<sup>31</sup> For this reason, the Court concluded that a rear window tint cannot constitute a violation under the windshield statute.<sup>32</sup> Therefore, rear window tint cannot give rise to a reasonable suspicion necessary to justify a traffic stop.<sup>33</sup>

## ***The Community Caretaking Function***

Finally, the Court considered whether the facts of the case support the “application of the community caretaking function” which can be implicated if a police officer observes “something abnormal ... concerning the operation of a motor vehicle.”<sup>34</sup> In *Cohen*, the Court held that a “significant obstruction” of a driver’s vision or a “hazardous vehicular condition that deviates from the norm” could justify an investigatory stop.<sup>35</sup> In the *Smith* case, however: (1) the officer could still see the driver through the rear window; and (2) New Jersey law allows rear window tints on passenger vehicles.<sup>36</sup>

## **50-State Survey**

Staff conducted a 50-state survey of the laws, regulations, and relevant case law relating to window tint in all 50 states and Washington, D.C.<sup>37</sup> The survey included provisions from each state relating to window tint restrictions on the windshield, front and back side windows, and rear windows, along with any applicable medical exemptions and penalties faced for violation. The survey also included pending bills that would impact the relevant window tint statutes and information relating to a law enforcement officer’s ability to conduct a traffic stop based upon a presumed violation of the window tint provisions.

Visible light transmittance, a standard used throughout the survey to regulate a window’s tint level, is a measure of how much visible light passes through a window or door glass, expressed as a percentage.<sup>38</sup> Similarly, a windshield’s light reflectance is a measure of how much visible light is reflected off the surface of the window.<sup>39</sup> While a higher light reflectance on a window’s exterior surface can help reduce glare from sunlight, it may also make the glass appear less

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<sup>31</sup> *Id.* at 260 (quoting N.J. STAT. ANN. § 39:3-74 (alteration in original)).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 262 (quoting *Cohen* at 790).

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> See Fig. 1 (fifty-state survey).

<sup>38</sup> Cardinal Glass Industries, *Visible Light Transmittance (VLT)*, Jul. 30, 2024, <https://www.cardinalcorp.com/glossary/visible-light-transmittance-vlt/>. A higher VLT percentage means more visible light is transmitted, while a lower VLT percentage means less visible light is transmitted.

<sup>39</sup> Cardinal Glass Industries, *External & Internal Reflectance*, Aug. 1, 2024, <https://www.cardinalcorp.com/glossary/exterior-interior-reflectance/>.

transparent.<sup>40</sup> The American Standard or “AS-1” line, commonly used as a reference point in window tint provisions, is usually located about five to six inches from the top edge of the windshield.<sup>41</sup>

- *Windshields*

All 50 states and Washington, D.C.,<sup>42</sup> have statutes that regulate window tinting on windshields. Seven of these jurisdictions allow less than 70% visible light transmittance above the uppermost five or six inches, or the AS-1 line, but require a light transmittance of at least 70% in the remaining portion of the windshield.<sup>43</sup> Of those seven, Ohio and Pennsylvania expressly allow for a 3% enforcement variance.<sup>44</sup>

41 of these jurisdictions require that any tint on the windshield be limited to the uppermost portion of the windshield. Of those 41, 23 limit the tint to the area above the AS-1 line;<sup>45</sup> seven

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<sup>40</sup> *Id.*

<sup>41</sup> See Fig. 1 (fifty-state survey).

<sup>42</sup> Washington, District of Columbia [hereinafter counted as a state].

<sup>43</sup> **(District of Columbia)** D.C. CODE ANN. § 50-2207.02 (West 2025); **(Iowa)** IOWA CODE ANN. § 321.438(2) (West 2025); See also IOWA ADMIN. CODE R. 761-450.7(2); **(New York)** N.Y. VEH. & TRAF. LAW § 375 (12-a) (McKinney 2025); **(North Dakota)** N.D. CENT. CODE ANN. § 39-21-39 (West 2025); **(Ohio)** OHIO REV. CODE ANN. § 4513.241 (West 2025); **(Pennsylvania)** 75 PA. STAT. AND CONS. STAT. ANN. § 4524 (West 2025); 67 PA. CODE 175 TABLE X (2025) (“Acceptable Light Transmittance Levels for Vehicle Glazing”); **(Tennessee)** TENN. CODE ANN. § 55-9-107 (West 2025).

<sup>44</sup> See **(Ohio)** OHIO REV. CODE ANN. § 4513.241; See **(Pennsylvania)** 75 PA. STAT. AND CONS. STAT. ANN. § 4524; 67 PA. CODE 175 TABLE X (2025) (“Acceptable Light Transmittance Levels for Vehicle Glazing”).

<sup>45</sup> **(Arizona)** ARIZ. REV. STAT. ANN. § 28-959.01 (West 2025); **(Connecticut)** CONN. GEN. STAT. ANN. § 14-99g (West 2025); **(Delaware)** DEL. CODE ANN. TIT. 21, § 4313 (West 2025); **(Florida)** FLA. STAT. ANN. § 316.2952 (West 2025); **(Hawaii)** HAW. REV. STAT. ANN. § 291-21.5 (West 2025) (allowing “sun screening film materials which are installed, affixed, or applied along the top edge of the windshield so long as such materials do not encroach upon the AS-1 portion of the windshield as provided by Federal Motor Vehicle Safety Standard 205 or no lower than four inches below the top of the windshield, when measured from the middle point of the bottom edge of the top windshield molding if no AS-1 markings can be found in the left or right upper margin of the windshield”); **(Idaho)** IDAHO CODE ANN. § 49-944 (West 2025) (“[n]onreflective window tinting film or sunscreening devices shall not be applied to the windshield below the AS-1 line; if no AS-1 line is identifiable on the windshield, nonreflective window tinting film or sunscreening devices shall not be applied to the windshield below a line extending six (6) inches below and parallel to the exposed windshield”); **(Indiana)** IND. CODE ANN. § 9-19-19-4 (West 2025); **(Kansas)** KAN. STAT. ANN. § 8-1749a (West 2025); **(Kentucky)** KY. REV. STAT. ANN. § 189.110 (West 2025); **(Maine)** ME. REV. STAT. ANN. TIT. 29 § 1916 (2025) (allowing “[s]un-screening or window-tinting material above the AS-1 line in the top portion of the windshield or, if there is no AS-1 line in the top portion of the windshield, along a 5-inch strip at the top of the windshield”); **(Maryland)** MD. CODE ANN., TRANSP. § 21-1104 (West 2025) (allowing “[n]ontransparent material placed on the windshield of a motor vehicle above the AS1 line or not lower than 5 inches from the top of the windshield, whichever is less....”); **(Mississippi)** MISS. CODE ANN. § 63-7-59 (West 2025) (“[n]o.... tinted film....of any kind on the windshield of a motor vehicle except material designed to replace or provide a sun shield in the uppermost area as authorized to be installed by manufacturers of vehicles under federal law”); **(Montana)** MONT. CODE ANN. § 61-9-405; **(Nebraska)** NEB. REV. STAT. ANN. § 60-6,257 (West 2025); **(New Mexico)** N.M. STAT. ANN. § 66-3-846.1 (West 2025) (a sun-screening material on the “windshield, shall be nonreflective, shall not be red, yellow or amber in color and shall be used only along the top of the windshield, not extending downward beyond the ASI line or more than five inches from the top of the windshield, whichever is closer to the top of the windshield”); **(Oklahoma)** OKLA. STAT. ANN. TIT. 47, § 12-422 (West 2025) (material must “not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield....”); **(South Carolina)** S.C. CODE ANN. § 56-5-5015 (“[a] sunscreening device may be used only along the top of the

limit the tint to the top six inches;<sup>46</sup> four limit the tint to the top five inches;<sup>47</sup> four limit the tint to the top four inches;<sup>48</sup> and three states only express that they restrict the tint to the upper portion of

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windshield and may not extend downward beyond the AS1 line. If the AS1 line is not visible, no sunscreening device may be applied to the windshield”); (**South Dakota**) S.D. CODIFIED LAWS § 32-15-2.4 and 2.9 (West 2025) (no film allowed beyond the AS-1 line or “lowest point of the sun visor” – any film must have at least 35% visible light transmittance with a 9% enforcement tolerance); (**Texas**) TEX. TRANSP. CODE ANN. § 547.613 (West 2025) (windshield tint may not extend beyond the AS-1 line or top 5 inches, whichever is closer to the top, and must have at least 25% visible light transmittance with less than 25% luminous reflectance); (**Washington**) WASH. REV. CODE ANN. § 46.37.430 (West 2025) (“[a] greater degree of light reduction is permitted along the top edge of the windshield as long as the product is transparent and does not extend into the AS-1 portion of the windshield or extend more than six inches from the top of the windshield”); (**West Virginia**) W. VA. CODE ANN. § 17C -15-36a (West 2025) (“[a] sun-screening device may be used only along the top of the windshield and may not extend downward beyond the ASI line or more than five inches from the top of the windshield whichever is closer to the top of the windshield”); (**Wisconsin**) WIS. ADMIN. CODE § TRAN. 305.32 and § 305.34 (West 2025). This state uses the term “A” line, as opposed to AS-1. *See also* (**Wyoming**) WYO. STAT. ANN. § 31-5-962 (West 2025) (“[a] sunscreening device may be used only along the top of the windshield and may not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield” and no window can have luminous reflectance above 20%).

<sup>46</sup> (**Alabama**) ALA. CODE § 32-5C-2 and -3 (2025); (**Georgia**) GA. CODE ANN. § 40-8-73.1 (West 2025); (**Illinois**) 625 ILL. COMP. STAT. ANN. 5/12-503 (West 2025); (**Massachusetts**) MASS. GEN. LAWS ANN. 90 § 9D (West 2025) (providing that window-tinting material must be limited to the uppermost six inches along the top of the windshield, and must also not encroach upon federal standard viewing area); (**New Hampshire**) N.H. REV. STAT. ANN. § 266:58-a (2025) (stating the tint must be limited to a strip not wider than 6 inches located at the very top of the windshield and the material must have at least 35% visible light transmittance); (**Oregon**) OR. REV. STAT. ANN. § 815.221 (West 2025) (stating the tint must be limited to above the top six inches of the windshield and must have at least 50% visible light transmittance and a total visible light transmittance through a tinted window of at least 35%); (**Rhode Island**) 31 R.I. GEN. LAWS ANN. § 31-23.3-4 (West 2025) (providing that any tint must be limited to the top six inches of the windshield and must have at least 70% light transmittance).

<sup>47</sup> (**Alaska**) ALASKA ADMIN. CODE TIT. 13, § 04.223 (2025); (**Arkansas**) ARK. CODE ANN. § 27-37-306 (West 2025) (the windshield “may have a strip of tinting material applied to the top edge, known in the industry as an ‘eyebrow’, but it may not extend downward more than five inches (5-) from the top center of the windshield”); (**Louisiana**) LA. STAT. ANN. § 32:361.1 (2025); (**North Carolina**) N.C. GEN. STAT. ANN. § 20-127 (West 2025) (providing that tint may be placed only along the top of the windshield and the tinting may not extend more than five inches below the top of the windshield or below the AS1 line of the windshield, whichever measurement is longer and an untinted clear film for UV radiation is otherwise allowed).

<sup>48</sup> (**California**) CAL. VEH. CODE § 26708 (West 2025); (**Colorado**) COLO. REV. STAT. ANN. § 42-4-227 (West 2025); (**Michigan**) MICH. COMP. LAWS ANN. § 257.709 (West 2025) (providing that a tinted film may be used along the top edge of the windshield if the material does not extend more than four inches from the top of the windshield, or lower than the shade band, whichever is closer to the top of the windshield); (**Utah**) UTAH CODE ANN. § 41-6a-1635 (West 2025) (providing that nontransparent material affixed to the windshield must not extend more than 4 inches from the top of the windshield or beyond the AS-1 line, whichever is lowest, and must have at least 70% light transmittance – nontransparent materials are also allowed in the lower left-hand corner of the windshield provided they do not extend more than 3 inches to the right nor more than 4 inches from the bottom).

the windshield.<sup>49</sup> The remaining three states (New Jersey, Minnesota, and Vermont) do not allow any tint on the windshield.<sup>50</sup>

In New Jersey, N.J.S. 56:8-117 requires that installers of window tinting material notify “the purchaser that the application of . . . materials or film to the windshield or the front [side] windows . . . of any motor vehicle registered in the State is a violation of State law and regulation.”<sup>51</sup> The notice should be a “conspicuous” sign that “substantially state[s]”: “New Jersey law prohibits add-on tinting on windshields and front side windows.”<sup>52</sup>

Among the states that allow some level of windshield tint, 19 specify restricted colors. Of those 19, nine prohibit red or amber<sup>53</sup> and seven prohibit red, amber, or yellow;<sup>54</sup> only Texas prohibits red, blue, or amber;<sup>55</sup> only Ohio prohibits red or yellow;<sup>56</sup> and only Oregon prohibits red, gold, yellow, amber, or black.<sup>57</sup> Regarding the reflectiveness of the windshield, 15 states require any tint on the windshield to be non-reflective.<sup>58</sup> Of those fifteen, Oklahoma and Oregon do not use the word reflective but rather restrict “mirror or mirror like tint” or a “mirror like finish.”<sup>59</sup>

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<sup>49</sup> Some of the state statutes use different language here; however, they each cover the uppermost portion of the windshield. **(Missouri)** MO. ANN. STAT. § 307.173 (West 2025); **(Nevada)** NEV. REV. STAT. ANN. § 484D.440 (West 2025) (providing that any windshield tint must be transparent material affixed to the top most portion of the window where “the bottom edge of the material is not less than 29 inches above the undepressed driver’s seat when measured from a point 5 inches in front of the bottom of the backrest with the driver’s seat in its rearmost and lowermost position with the vehicle on a level surface....”); **(Virginia)** VA. CODE ANN. § 46.2-1052 (West 2025) (providing that tinting is allowed only to replace the sunshield along uppermost area as installed by the manufacturer, or above the AS-1 line in compliance with the federal requirement).

<sup>50</sup> **(Minnesota)** MINN. STAT. ANN. § 169.71 (West 2025) (no reflective or glazing/sunscreening material allowed); **(New Jersey)** N.J. STAT. ANN. § 39:3-74 (“[n]o person shall drive any motor vehicle with any sign, poster, sticker or other non-transparent material upon the front windshield....”); **(Vermont)** VT. STAT. ANN. TIT. 23, § 1125 (West 2025) (providing that “a person shall not operate a motor vehicle on which material or items have been painted or adhered on or over, or hung in back of, any transparent part of a motor vehicle windshield”).

<sup>51</sup> N.J. STAT. ANN. § 56:8-117 (West 2025).

<sup>52</sup> *Id.*

<sup>53</sup> **(Alabama)** ALA. CODE § 32-5C-2 and -3 (West 2025); **(Arizona)** ARIZ. REV. STAT. ANN. § 28-959.01 (West 2025); **(California)** CAL. VEH. CODE § 26708, **(Colorado)** COLO. REV. STAT. ANN. § 42-4-227; **(Connecticut)** CONN. GEN. STAT. ANN. § 14-99g; **(Georgia)** GA. CODE ANN. § 40-8-73.1; **(Louisiana)** LA. STAT. ANN. § 32:361.1 (West 2025); **(Nevada)** NEV. REV. STAT. ANN. § 484D.440; **(Oklahoma)** OKLA. STAT. ANN. TIT. 47, § 12-422.

<sup>54</sup> **(Kansas)** KAN. STAT. ANN. § 8-1749a; **(Montana)** MONT. CODE ANN. § 61-9-405 (West 2025); **(Nebraska)** NEB. REV. STAT. ANN. § 60-6,257; **(New Mexico)** N.M. STAT. ANN. § 66-3-846.1; **(South Carolina)** S.C. CODE ANN. § 56-5-5015 (West 2025); **(West Virginia)** W. VA. CODE ANN. § 17C-15-36a; **(Wyoming)** WYO. STAT. ANN. § 31-5-962.

<sup>55</sup> TEX. TRANSP. CODE ANN. § 547.613.

<sup>56</sup> OHIO REV. CODE ANN. § 4513.241.

<sup>57</sup> OR. REV. STAT. ANN. § 815.221.

<sup>58</sup> **(California)** CAL. VEH. CODE § 26708, **(Colorado)** COLO. REV. STAT. ANN. § 42-4-227; **(Idaho)** IDAHO CODE ANN. § 49-944; **(Illinois)** 625 ILL. COMP. STAT. ANN. 5/12-503; **(Iowa)** IOWA CODE ANN. § 321.438(2); **(Kansas)** KAN. STAT. ANN. § 8-1749a; **(Minnesota)** MINN. STAT. ANN. § 169.71; **(New Mexico)** N.M. STAT. ANN. § 66-3-846.1; **(North Dakota)** N.D. CENT. CODE ANN. § 39-21-39; **(Ohio)** OHIO REV. CODE ANN. § 4513.241; OHIO ADMIN. CODE 4501-41-05 (West 2025); **(Oklahoma)** OKLA. STAT. ANN. TIT. 47, § 12-422 (providing that mirror or mirror like tint restricted); **(Oregon)** OR. REV. STAT. ANN. § 815.221 (providing that a mirror like finish is restricted); **(South Carolina)** S.C. CODE ANN. § 56-5-5015; **(West Virginia)** W. VA. CODE ANN. § 17C-15-36a; **(Wyoming)** WYO. STAT. ANN. § 31-5-962.

<sup>59</sup> *See* **(Oklahoma)** OKLA. STAT. ANN. TIT. 47, § 12-422; **(Oregon)** OR. REV. STAT. ANN. § 815.221.

- *Front and Rear Side Windows*

With respect to tinting of front and rear side windows, only five state statutes, including New Jersey, fail to articulate the permissible percentage of light transmittance, particularly on the front side windows of a motor vehicle.<sup>60</sup> Twenty-three states also set forth a permissible percentage of “luminous reflectance” in their statutes.<sup>61</sup> Among the twenty-six states that regulate front and rear side windows differently,<sup>62</sup> five regulate just the front side windows.<sup>63</sup>

The visible light transmission permitted on front side windows ranges from 24% to 88%. Eight states require at least 70% light transmittance,<sup>64</sup> and six states permit light transmittance between 45 and 70%.<sup>65</sup> 23 states require a light transmittance percentage between 30 and 45%,<sup>66</sup>

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<sup>60</sup> (**Delaware**) DEL. CODE ANN. TIT. 21, § 4313(a); (**Michigan**) MICH. COMP. LAWS ANN. § 257.709(1)(a); (**New Jersey**) ----- (West 2025); (**Pennsylvania**) 75 PA. STAT. AND CONS. STAT. ANN. § 4524(e), *but see* 67 PA. CODE 175 TABLE X (2025) (“Acceptable Light Transmittance Levels for Vehicle Glazing”) (requiring 70% light transmittance on all windows in post-1998 model passenger cars); (**Vermont**) VT. STAT. ANN. TIT. 23, § 1125(a).

<sup>61</sup> (**Alabama**) ALA. CODE § 32-5C-2(a)(2); (**Arizona**) ARIZ. REV. STAT. ANN. § 28-959.01(A)(1); (**Connecticut**) CONN. GEN. STAT. ANN. § 14-99g(c)(1); (**Florida**) FLA. STAT. ANN. § 316.2953 (West 2025); (**Georgia**) GA. CODE ANN. § 40-8-73.1(b)(2); (**Idaho**) IDAHO CODE ANN. § 49-944(1)(b); (**Indiana**) IND. CODE ANN. § 9-19-19-4(c); (**Kentucky**) KY. REV. STAT. ANN. § 189.110(3); (**Louisiana**) LA. STAT. ANN. § 32:361.1(c)(1); (**Massachusetts**) MASS. GEN. LAWS ANN. CH. 90, § 9D(4) (West 2025); (**Michigan**) MICH. COMP. LAWS ANN. § 257.709(1)(b); (**Minnesota**) MINN. STAT. ANN. § 169.71(Subd. 4)(3); (**Missouri**) MO. ANN. STAT. § 307.173(1); (**Montana**) MONT. CODE ANN. § 61-9-405(4)(b); (**Nebraska**) NEB. REV. STAT. ANN. § 60-6,257(1); (**North Carolina**) N.C. GEN. STAT. ANN. § 20-127(b)(2); (**Oklahoma**) OKLA. STAT. ANN. TIT. 47, § 12-422(D)(1); (**Oregon**) OR. REV. STAT. ANN. § 815.221(2)(b); (**Texas**) TEX. TRANSP. CODE ANN. § 547.613(b)(2)(B); (**Virginia**) VA. CODE ANN. § 46.2-1052(D)(3) (**Washington**) WASH. REV. CODE ANN. § 46.37.430(5)(a); (**West Virginia**) W. VA. CODE ANN. § 17C-15-36a(c) (West 2025); (**Wyoming**) WYO. STAT. ANN. § 31-5-962(f).

<sup>62</sup> (**Alaska**) ALASKA ADMIN. CODE TIT. 13, § 04.223(b)(2)-(3) (2025); (**Arizona**) ARIZ. REV. STAT. ANN. § 28-959.01(A)(1); (**California**) CAL. VEH. CODE § 26708(d)(1) & (e)(1); (**Colorado**) COLO. REV. STAT. ANN. § 42-4-227(1)(a)(I) – (II); (**Connecticut**) CONN. GEN. STAT. ANN. § 14-99g(c)(1); (**Delaware**) DEL. CODE ANN. TIT. 21, § 4313(a); (**D.C.**) D.C. CODE ANN. § 50-2207.02(a)(1); (**Florida**) FLA. STAT. ANN. § 316.2953; (**Idaho**) IDAHO CODE ANN. § 49-944(1)(b); (**Illinois**) 625 ILL. COMP. STAT. ANN. 5/12-503(a-5)(1)-(4); (**Iowa**) IOWA CODE ANN. § 321.438(2); (**Kentucky**) KY. REV. STAT. ANN. § 189.110(3); (**Louisiana**) LA. STAT. ANN. § 32:361.1(c)(1); (**Michigan**) MICH. COMP. LAWS ANN. § 257.709(1); (**Missouri**) MO. ANN. STAT. § 307.173(1); (**Montana**) MONT. CODE ANN. § 61-9-405(4)(b); (**Nebraska**) NEB. REV. STAT. ANN. § 60-6,257(1); (**Nevada**) NEV. REV. STAT. ANN. § 484D.440(3); (**New Hampshire**) N.H. REV. STAT. ANN. § 266:58-a(III) (West 2025); (**North Dakota**) N.D. CENT. CODE ANN. § 39-21-39(4); (**South Dakota**) S.D. CODIFIED LAWS § 32-15-2.4; (**Texas**) TEX. TRANSP. CODE ANN. § 547.613(b)(2)-(2-a); (**Utah**) UTAH CODE ANN. § 41-6a-1635(1)(b) & (3)(c); (**Vermont**) VT. STAT. ANN. TIT. 23, § 1125(a); (**Virginia**) VA. CODE ANN. § 46.2-1052(D)(1)-(2); (**Wisconsin**) WIS. ADMIN. CODE § 305.32(4) & (6) (West 2025).

<sup>63</sup> (**Delaware**) DEL. CODE ANN. TIT. 21, § 4313(a); (**Illinois**) 625 ILL. COMP. STAT. ANN. 5/12-503(a-5); (**Iowa**) IOWA CODE ANN. § 321.438(2); (**Missouri**) MO. ANN. STAT. § 307.173; (**Texas**) TEX. TRANSP. CODE ANN. § 547.613(b)(2).

<sup>64</sup> (**Alaska**) ALASKA ADMIN. CODE TIT. 13, § 04.223(b)(2) (2025); (**California**) CAL. VEH. CODE § 26708(d)(1); (**D.C.**) D.C. CODE ANN. § 50-2207.02(a)(1)(A); (**Iowa**) IOWA ADMIN. CODE R. 761-450.7(2); (**New Hampshire**) N.H. REV. STAT. ANN. § 266:58-a(III); (**New York**) N.Y. VEH. & TRAF. LAW § 375(12-a)(b)(2) (McKinney 2025); (**North Dakota**) N.D. CENT. CODE ANN. § 39-21-39(4); (**Rhode Island**) 31 R.I. GEN. LAWS ANN. § 31-23.3-4(3).

<sup>65</sup> (**Illinois**) 625 ILL. COMP. STAT. ANN. 5/12-503(a-5)(1) (setting different limits depending on the transmittance percentage of the front side windows); (**Minnesota**) MINN. STAT. ANN. § 169.71(Subd. 4)(3); (**Ohio**) OHIO ADMIN. CODE 4501-41-03(A)(3) (West 2025); (**Oregon**) OR. REV. STAT. ANN. § 815.221(2)(a); (**Virginia**) VA. CODE ANN. § 46.2-1052(D)(2); (**Wisconsin**) WIS. ADMIN. CODE § 305.32(4)(b)(2).

<sup>66</sup> (**Alabama**) ALA. CODE § 32-5C-2(a)(2); (**Arizona**) ARIZ. REV. STAT. ANN. § 28-959.01(A)(1); (**Connecticut**) CONN. GEN. STAT. ANN. § 14-99g(c)(1) (35%); (**Georgia**) GA. CODE ANN. § 40-8-73.1(b)(2); (**Hawaii**) HAW. REV.



and 10 states permit a light transmittance below 30%.<sup>67</sup> The largest proportion of states require at least 35% light transmittance on front side windows.<sup>68</sup> Multiple states also permit an “enforcement tolerance” ranging from three to nine percentage points.<sup>69</sup>

On rear side windows, seven states require a visible light transmittance between 50 and 70%, and 15 states fall within the 30 to 49% range.<sup>70</sup> 22 states permit light transmittance to be less

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STAT. ANN. § 291-21.5(d)(7) (35%); (**Idaho**) IDAHO CODE ANN. § 49-944(1)(b) (35%); (**Illinois**) 625 ILL. COMP. STAT. ANN. 5/12-503(a-5)(2) (35%); (**Indiana**) IND. CODE ANN. § 9-19-19-4(c); (**Kansas**) KAN. STAT. ANN. § 8-1749a(a)(3) (35%); (**Kentucky**) KY. REV. STAT. ANN. § 189.110(3) (35%); (**Louisiana**) LA. STAT. ANN. § 32:361.1(c)(1); (**Maine**) ME. REV. STAT. TIT. 29-A, § 1916(1)(C) (35%) (West 2025); (**Maryland**) MD. CODE ANN., TRANSP. § 22-406(i)(1) (West 2025) (35%); (**Massachusetts**) MASS. GEN. LAWS ANN. CH. 90, § 9D(4) (35%); (**Missouri**) MO. ANN. STAT. § 307.173(1) (35%); (**Nebraska**) NEB. REV. STAT. ANN. § 60-6,257(1)(c) (35%); (**Nevada**) NEV. REV. STAT. ANN. § 484D.440(3)(a)(2) (35%); (**North Carolina**) N.C. GEN. STAT. ANN. § 20-127(b)(1) (35%); (**Tennessee**) TENN. CODE ANN. § 55-9-107(a)(1)(A) (35%); (**South Dakota**) S.D. CODIFIED LAWS § 32-15-2.4 (35%); (**Utah**) UTAH CODE ANN. § 41-6a-1635(1)(b) (35%); (**Washington**) WASH. REV. CODE ANN. § 46.37.430(5)(a) (35%); (**West Virginia**) W. VA. CODE ANN. § 17C-15-36a(c) (West 2025) (35%).

<sup>67</sup> (**Arkansas**) ARK. CODE ANN. § 27-37-306(b)(2); (**Colorado**) COLO. REV. STAT. ANN. § 42-4-227(1)(a)(I); (**Florida**) FLA. STAT. ANN. § 316.2953; (**Mississippi**) MISS. CODE ANN. § 63-7-59(2)(a); (**Montana**) MONT. CODE ANN. § 61-9-405(4)(b); (**New Mexico**) N.M. STAT. ANN. § 66-3-846.1(B)(2); (**South Carolina**) S.C. CODE ANN. § 56-5-5015(C); (**Oklahoma**) OKLA. STAT. ANN. TIT. 47, § 12-422(D)(1); (**Texas**) TEX. TRANSP. CODE ANN. § 547.613(b)(2); (**Wyoming**) WYO. STAT. ANN. § 31-5-962(d).

<sup>68</sup> As noted *supra* in note 66, 18 states require at least 35% light transmittance on front side windows.

<sup>69</sup> (**Alabama**) ALA. CODE § 32-5C-2(a)(2) (3%); (**Arizona**) ARIZ. REV. STAT. ANN. § 28-959.01(A)(1) (3%); (**Connecticut**) CONN. GEN. STAT. ANN. § 14-99g(c)(1) (3%); (**Georgia**) GA. CODE ANN. § 40-8-73.1(b)(2) (3%); (**Hawaii**) HAW. REV. STAT. ANN. § 291-21.5(d)(7)-(8) (6%); (**Idaho**) IDAHO CODE ANN. § 49-944(1)(b) (3%); (**Illinois**) 625 ILL. COMP. STAT. ANN. 5/12-503(a-5)(4) (5%); (**Kentucky**) KY. REV. STAT. ANN. § 189.110(3) (3%); (**Minnesota**) MINN. STAT. ANN. § 169.71(Subd. 4)(3) (3%); (**Missouri**) MO. ANN. STAT. § 307.173(1) (3%); (**Nevada**) NEV. REV. STAT. ANN. § 484D.440(3)(a)(2) (7%); (**Ohio**) OHIO ADMIN. CODE 4501-41-03(A)(3) (West 2025) (3%); (**Pennsylvania**) 67 PA. CODE 175 TABLE X (2025) (3%); (**South Dakota**) S.D. CODIFIED LAWS § 32-15-2.4 (9%); (**Utah**) UTAH CODE ANN. § 41-6a-1635(1)(b) (5%); (**Wisconsin**) WIS. ADMIN. CODE § 305.32(7) (3%).

<sup>70</sup> States requiring between 50 and 70%: (**D.C.**) D.C. CODE ANN. § 50-2207.02(a)(1)(B); (**Minnesota**) MINN. STAT. ANN. § 169.71(Subd. 4)(3); (**New York**) N.Y. VEH. & TRAF. LAW § 375(12-a)(b)(3) (McKinney 2025); (**North Dakota**) N.D. CENT. CODE ANN. § 39-21-39(4); (**Ohio**) OHIO ADMIN. CODE 4501-41-03(A)(3) (West 2025); (**Oregon**) OR. REV. STAT. ANN. § 815.221; (**Rhode Island**) 31 R.I. GEN. LAWS ANN. § 31-23.3-4(3); and states requiring between 30 and 49%: (**Alabama**) ALA. CODE § 32-5C-2(a)(2); (**Alaska**) ALASKA ADMIN. CODE TIT. 13, § 04.223(b)(3) (2025); (**Connecticut**) CONN. GEN. STAT. ANN. § 14-99g(c)(5); (**Georgia**) GA. CODE ANN. § 40-8-73.1(b)(2); (**Hawaii**) HAW. REV. STAT. ANN. § 291-21.5(8); (**Indiana**) IND. CODE ANN. § 9-19-19-4(c); (**Kansas**) KAN. STAT. ANN. § 8-1749a(a)(3); (**Maine**) ME. REV. STAT. TIT. 29-A, § 1916(1)(C) (West 2025) *but see infra* note [13]; (**Maryland**) MD. CODE ANN., TRANSP. § 22-406(i)(1) (West 2025); (**Massachusetts**) MASS. GEN. LAWS ANN. CH. 90, § 9D(4); (**Tennessee**) TENN. CODE ANN. § 55-9-107(a)(1)(A); (**Virginia**) VA. CODE ANN. § 46.2-1052(D)(1); (**Washington**) WASH. REV. CODE ANN. § 46.37.430(5)(a); (**West Virginia**) W. VA. CODE ANN. § 17C-15-36a (West 2025); (**Wisconsin**) WIS. ADMIN. CODE § 305.32(6)(b).

than 30%,<sup>71</sup> including 11 states that do not specify any required percentage.<sup>72</sup> 12 states either require side view mirrors<sup>73</sup> or permit any transmittance on certain windows if the vehicle is equipped with side view mirrors.<sup>74</sup>

Nine states with unique provisions in their statutes include Arkansas, Delaware, Colorado, Illinois, Iowa, Michigan, New York, Pennsylvania, and Vermont. Arkansas limits its statute to rear windows that are “immediately behind the driver” and car models after 1994.<sup>75</sup> Delaware simply

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<sup>71</sup> (**California**) CAL. VEH. CODE § 26708(e)(1); (**Colorado**) COLO. REV. STAT. ANN. § 42-4-227(1)(a)(II); (**Delaware**) DEL. CODE ANN. TIT. 21, § 4313(a); (**Florida**) FLA. STAT. ANN. § 316.2953; (**Idaho**) IDAHO CODE ANN. § 49-944(1)(c); (**Kentucky**) KY. REV. STAT. ANN. § 189.110(4); (**Louisiana**) LA. STAT. ANN. § 32:361.1(c)(1); (**Michigan**) MICH. COMP. LAWS ANN. § 257.709(1)(b); (**Mississippi**) MISS. CODE ANN. § 63-7-59(2)(a); (**Missouri**) MO. ANN. STAT. § 307.173; (**Montana**) MONT. CODE ANN. § 61-9-405(4)(c); (**Nebraska**) NEB. REV. STAT. ANN. § 60-6,257(1)(d); (**New Mexico**) N.M. STAT. ANN. § 66-3-846.1(B)(2); (**Nevada**) NEV. REV. STAT. ANN. § 484D.440(3)(b); (**Oklahoma**) OKLA. STAT. ANN. TIT. 47, § 12-422(D)(1); (**South Carolina**) S.C. CODE ANN. § 56-5-5015(C); (**South Dakota**) S.D. CODIFIED LAWS § 32-15-2.4; (**Texas**) TEX. TRANSP. CODE ANN. § 547.613(b)(2-a); (**Utah**) UTAH CODE ANN. § 41-6a-1635(3)(c); (**Vermont**) VT. STAT. ANN. TIT. 23, § 1125; (**Wyoming**) WYO. STAT. ANN. § 31-5-962(e).

<sup>72</sup> (**Arizona**) ARIZ. REV. STAT. ANN. § 28-959.01(A)(6) (regulating the luminous reflectance of rear side windows only: “[s]ide windows that are to the rear of the driver and rear windows” may have “a luminous reflectance of thirty-five percent plus or minus three percent or less”) (emphasis added); (**California**) CAL. VEH. CODE § 26708(a)(2) (prohibiting “any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle that obstructs or reduces the driver’s clear view through the windshield or side windows”); (**Colorado**) COLO. REV. STAT. ANN. § 42-4-227(1)(a)(II) (permitting rear windows to have less than 27% transmittance “if the front side windows and the windshield on such vehicles allow at least seventy percent light transmittance”); (**Delaware**) DEL. CODE ANN. TIT. 21, § 4313(a) (federal standard); (**Iowa**) IOWA CODE ANN. § 321.438(1)-(2) (prohibiting windows that “do not permit clear vision” and prohibiting the “front windshield, a side window to the immediate right or left of the driver, or a sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing”); (**Michigan**) MICH. COMP. LAWS ANN. § 257.709(1)(b) (limiting only the “solar reflectance” of rear side windows); (**Missouri**) MO. ANN. STAT. § 307.173(1) (addressing only front side windows); (**Nevada**) NEV. REV. STAT. ANN. § 484D.440(3)(b) (exempting rear side windows if vehicle is equipped with side view mirrors); (**Texas**) TEX. TRANSP. CODE ANN. § 547.613(b)(2-a) (exempting rear side windows from regulation); (**Utah**) UTAH CODE ANN. § 41-6a-1635(5) (“a motor vehicle with tinting or nontransparent material on any window shall be equipped with” side view mirrors); (**Vermont**) VT. STAT. ANN. TIT. 23, § 1125(d) (rear side windows “may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror, which provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle”). See also (**Maine**) ME. REV. STAT. TIT. 29-A, § 1916(2)(B) (West 2025) (allowing any tinting on rear side windows if the vehicle is equipped with side view mirrors: “[t]he provisions [requiring “a light transmittance of less than 35%”] do not apply to side windows behind the operator’s seat or the rear window of a motor vehicle, as long as the vehicle is equipped with 2 outside rear view mirrors, one on each side, adjusted so that the operator has a clear view of the highway behind the vehicle”).

<sup>73</sup> Although the statutes use different language to identify the mirrors, these statutes all require the mirrors to be on the outside of the vehicle on both sides, so the phrase “side view mirrors” is used for clarity.

<sup>74</sup> (**Maine**) ME. REV. STAT. TIT. 29-A, § 1916(2)(B) (West 2025); (**Nevada**) NEV. REV. STAT. ANN. § 484D.440(3)(b); (**New Hampshire**) N.H. REV. STAT. ANN. § 266:58-a(III); (**New Mexico**) N.M. STAT. ANN. § 66-3-846.1(B)(2); (**North Dakota**) N.D. CENT. CODE ANN. § 39-21-39(4); (**Rhode Island**) 31 R.I. GEN. LAWS ANN. § 31-23.3-4(3); (**Utah**) UTAH CODE ANN. § 41-6a-1635(5); (**Vermont**) VT. STAT. ANN. TIT. 23, § 1125(d); (**Virginia**) VA. CODE ANN. § 46.2-1052(D); (**Washington**) WASH. REV. CODE ANN. § 46.37.430(5)(a); (**West Virginia**) W. VA. CODE ANN. § 17C-15-36a(c) (West 2025); (**Wyoming**) WYO. STAT. ANN. § 31-5-962(g).

<sup>75</sup> ARK. CODE ANN. § 27-37-306(b)(2). See also ARK. CODE ANN. § 27-37-306(b)(3) (“On all 1994 model vehicles and later model vehicles, the rearmost window may be covered with an after-market tinting material which results in at least ten percent (10%) net light transmission.”).

requires compliance with federal standards.<sup>76</sup> Although Colorado sets a 27% light transmittance requirement on both front and rear side windows, the statute permits the rear windows to have less than 27% transmittance if the front windows have a transmittance of at least 70%.<sup>77</sup> In Illinois, front side windows must have at least 50% light transmittance if the rear windows have a transmittance of 30%, but if the rear windows have a light transmittance of more than 35%, the front windows may have a transmittance of 35% or more.<sup>78</sup> Iowa does not provide a light transmittance percentage for rear side windows, but requires that a driver have “clear vision” through side and rear windows.<sup>79</sup>

For front side windows, the Michigan statute permits “a tinted film . . . along the top edge of the windshield and the side windows or sidewings immediately adjacent to the driver or front passenger if the material does not extend more than 4 inches from the top of the windshield.”<sup>80</sup> The statute does not set forth any light transmittance percentage but allows “nonreflective . . . tinted glass” with “a total solar reflectance of 35%” or less on rear side windows.<sup>81</sup> New York’s statute requires 70% light transmittance on rear side windows on “a station wagon, sedan, hardtop, coupe, hatchback or convertible.”<sup>82</sup> Although the Pennsylvania Administrative Code requires 70% light transmittance on all windows,<sup>83</sup> the Pennsylvania statute requires window tinting to be compliant with federal standards or such that a person is able “to see or view the inside of the vehicle.”<sup>84</sup> Finally, New Jersey and Vermont do not permit tinting of front side windows except in the case of a medical exemption.<sup>85</sup>

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<sup>76</sup> DEL. CODE ANN. TIT. 21, § 4313(a) (“No person shall operate any motor vehicle on any public highway, road or street with the front windshield, the side windows to the immediate right and left of the driver and/or side wings forward of and to the left and right of the driver that do not meet the requirements of Federal Motor Vehicle Safety Standard 205 in effect at the time of its manufacture.”).

<sup>77</sup> COLO. REV. STAT. ANN. § 42-4-227(1)(a)(II) (“Notwithstanding subparagraph (I) of this paragraph (a), the windows to the rear of the driver, including the rear window, may allow less than twenty-seven percent light transmittance if the front side windows and the windshield on such vehicles allow at least seventy percent light transmittance.”).

<sup>78</sup> 625 ILL. COMP. STAT. ANN. 5/12-503(a-5)(1)-(2).

<sup>79</sup> IOWA CODE ANN. § 321.438(a) (“1. A person shall not drive a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.”).

<sup>80</sup> MICH. COMP. LAWS ANN. § 257.709(a).

<sup>81</sup> MICH. COMP. LAWS ANN. § 257.709(b).

<sup>82</sup> N.Y. VEH. & TRAF. LAW § 375(12-a)(b)(3) (West 2025) (“if it is classified as a station wagon, sedan, hardtop, coupe, hatchback or convertible and any rear side window has a light transmittance of less than seventy percent . . .”).

<sup>83</sup> 67 PA. CODE 175 TABLE X (2025).

<sup>84</sup> 75 PA. STAT. AND CONS. STAT. ANN. § 4524(e)(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.”).

<sup>85</sup> **(New Jersey)** N.J. STAT. ANN. § 39:3-75.2 (West 2025); N.J. ADMIN. CODE § 13:20-1.2. (West 2025); **(Vermont)** VT. STAT. ANN. TIT. 23, § 1125(a) (“Except as otherwise provided in this section, a person shall not operate a motor vehicle on which material or items have been painted or adhered on or over, or hung in back of, any transparent part of a motor vehicle windshield, vent windows, or side windows located immediately to the left and right of the operator. The prohibition of this section on hanging items shall apply only when a hanging item materially obstructs the driver's view.”). *See also* VT. STAT. ANN. TIT. 23, § 1125(d) (“The rear side windows and the back window may be obstructed only if the motor vehicle is equipped on each side with a securely attached mirror, which provides the operator with a clear view of the roadway in the rear and on both sides of the motor vehicle.”).

In addition to Delaware, 12 states also explicitly permit compliance with federal standards: California, Colorado, Georgia, Hawaii, Idaho, Indiana, New Mexico, Ohio, Pennsylvania, Tennessee, Texas, Utah, and Virginia.<sup>86</sup> Georgia only allows alternative compliance with federal standards for rear side windows.<sup>87</sup> Delaware permits compliance with federal standards but does not provide any state regulation of window tinting.<sup>88</sup>

- *Rear Windows*

Regarding the rearmost window, five states, including New Jersey, have no express restrictions on light transmittance for the rear window.<sup>89</sup> There are six states that also have no restrictions on light transmittance for the rear window, with the caveat that the vehicle must be equipped with outside side mirrors on each side.<sup>90</sup>

Regarding the states that restrict rear window tint, five require at least 10%-18% light transmission for the rear window,<sup>91</sup> and nine require at least 20-28% light transmission.<sup>92</sup>

Eighteen states require at least 30-40% light transmission. Of those, three require between 30-32% with Indiana requiring 30%, and Alabama and Georgia requiring 32%.<sup>93</sup> The remaining 15 states require at least 35% light transmission.<sup>94</sup> Alaska requires at least 40% light

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<sup>86</sup> CAL. VEH. CODE § 26708(d)(2); COLO. REV. STAT. ANN. § 42-4-227(1)(c); GA. CODE ANN. § 40-8-73.1(c)(6)(D); HAW. REV. STAT. ANN. § 291-21.5(a)(1); IDAHO CODE ANN. § 49-944(5); IND. CODE ANN. § 9-19-19-4(a); N.M. STAT. ANN. § 66-3-846.1(F); OHIO ADMIN. CODE 4501-41-03(A)(1) (West 2025); 67 PA. CODE § 175.67(d)(4) (West 2025); TENN. CODE ANN. § 55-9-107(a)(1); TEX. TRANSP. CODE ANN. § 547.613(2-a)(13); UTAH CODE ANN. § 41-6a-1635(4); VA. CODE ANN. § 46.2-1052(B).

<sup>87</sup> GA. CODE ANN. § 40-8-73.1(c)(6)(D) (“[t]he provisions of subsection (b) of this Code section shall not apply to . . . [t]he rear windshield or the side or door windows, except those windows to the right and left of the driver of . . . [a]ny other vehicle, the windows or windshields of which have been tinted or darkened before factory delivery or permitted by federal law or regulation”).

<sup>88</sup> DEL. CODE ANN. TIT. 21, § 4313(a).

<sup>89</sup> **(Delaware)** DEL. CODE ANN. TIT. 21, § 4313; **(Iowa)** IOWA CODE ANN. § 321.438; **(Michigan)** MICH. COMP. LAWS ANN. § 257.709 (providing no restrictions on light transmittance, however total solar reflectance must be less than 35% in the visible light range); **(Missouri)** MO. ANN. STAT. § 307.173; **(New Jersey)** N.J. STAT. ANN. § 39:3-74.

<sup>90</sup> **(Arizona)** ARIZ. REV. STAT. ANN. § 28-959.01 (A)(10); **(California)** CAL. VEH. CODE § 26708(b)(8); **(Nevada)** NEV. REV. STAT. ANN. § 484D.440; **(Texas)** TEX. TRANSP. CODE ANN. § 547.613(b)(3); **(Utah)** UTAH CODE ANN. § 41-6A-1635(5); **(Vermont)** VT. STAT. ANN. TIT. 23, § 1125(d).

<sup>91</sup> **(Arkansas)** ARK. CODE ANN. § 27-37-306(b)(3) (10%); **(Louisiana)** LA. STAT. ANN. § 32:361.1(C)(1) (12%); **(Montana)** MONT. CODE ANN. § 61-9-405(4)(c) (14%); **(Florida)** FLA. STAT. ANN. § 316.2954 (2) (West 2025) (15%); **(Kentucky)** KY. REV. STAT. ANN. § 189.010(20)-(23) (West 2025) (18%).

<sup>92</sup> **(Nebraska)** NEB. REV. STAT. ANN. § 60-6,257(1)(d) (20%); **(New Mexico)** N.M. STAT. ANN. § 66-3-846.1(B)(2) (20%); **(South Dakota)** S.D. CODIFIED LAWS § 32-15-2.5 (West 2025) (20%); **(Washington)** WASH. REV. CODE ANN. § 46.37.430 (5)(a) (24%); **(Oklahoma)** OKLA. STAT. ANN. TIT. 47, § 12-422(1) (25%); **(Colorado)** COLO. REV. STAT. ANN. § 42-4-227 (1)(a)(II) (27%); **(South Carolina)** S.C. CODE ANN. § 56-5-5015 (D)(1)-(2) (27%); **(Mississippi)** MISS. CODE ANN. § 63-7-59 (2)(a) (28%); **(Wyoming)** WYO. STAT. ANN. § 31-5-962(e) (28%).

<sup>93</sup> IND. CODE ANN. § 9-19-19-4(c); ALA. CODE § 32-5C-2 (a)(2); GA. CODE ANN. § 40-8-73.1(b)(2).

<sup>94</sup> **(Connecticut)** CONN. GEN. STAT. ANN. § 14-99g(c)(5); **(Hawaii)** HAW. REV. STAT. ANN. § 291-21.5(a)(8); **(Idaho)** IDAHO CODE ANN. § 49-944(1)(b); **(Illinois)** 625 ILL. COMP. STAT. ANN. 5/12-503(a-5)(2); **(Kansas)** KAN. STAT. ANN. § 8-1749a(a)(3); **(Maine)** ME. REV. STAT. tit. 29, § 1916(1)(C) (WEST 2025); **(Maryland)** MD CODE ANN., TRANSPORTATION, § 22-406(i)(1) (West 2025); **(Massachusetts)** MASS. GEN. LAWS ANN. Ch. 90 § 9D(4) (West 2025); **(New Hampshire)** N.H. REV. STAT. ANN. § 266:58-a(III); **(North Carolina)** N.C. GEN. STAT. ANN. § 20-127(b)(1);

transmittance.<sup>95</sup> D.C., Minnesota, North Dakota, and Ohio require at least 50%.<sup>96</sup> New York, Pennsylvania, and Rhode Island require more than 70% transmittance.<sup>97</sup>

- *Medical Exemptions*

Most states provide for medical exemptions to window tinting restrictions, with the exception of six states that do not expressly provide for a medical exemption.<sup>98</sup> Of the 45 jurisdictions that do have medical exemptions, seven of them,<sup>99</sup> including New Jersey, list specific conditions for which a medical exemption may be granted.

Of the states with medical exemptions, 38 specify a form of proof required to receive a medical exemption: 14 require a signed letter, statement, certificate or prescription from a licensed or knowledgeable party;<sup>100</sup> five require an affidavit signed by a physician or optometrist;<sup>101</sup> and

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**(Oregon)** OR. REV. STAT. ANN. § 815.221(2)(c); **(Tennessee)** TENN. CODE ANN. § 55-9-107(a)(1)(A); **(Virginia)** VA. CODE ANN. § 46.2-1052(D)(1); **(West Virginia)** W. VA. CODE ANN. § 17C-15-36a(c) (West 2025); **(Wisconsin)** WIS. ADMIN. CODE TRAN. § 305.32 (5)(b)(2) (West 2025).

<sup>95</sup> ALASKA ADMIN. CODE TIT. 13, § 04.223(b)(3) (2025).

<sup>96</sup> D.C. CODE ANN. § 50-2207.02(a)(1)(B); MINN. STAT. ANN. § 169.71 (subd. 4)(1); N.D. CENT. CODE ANN. § 39-21-39(4); OHIO ADMIN. CODE 4501-41-03(A)(4) (West 2025); OHIO REV. CODE ANN. § 4513.241.

<sup>97</sup> N.Y. VEH. & TRAF. LAW § 375 (12-a)(b)(4) (MCKINNEY WEST 2025); 75 PA. STAT. AND CONS. STAT. ANN. § 4524; 67 PA. CODE 175 TABLE X (2025); 31 R.I. GEN. LAWS ANN. § 31-23.3-4(3).

<sup>98</sup> Colorado, Hawaii, Kentucky, North Dakota, South Dakota, and Utah. See Fig. 1 (fifty-state survey).

<sup>99</sup> **(Alabama)** ALA. CODE § 32-5C-2(a)-(b); ALA. ADMIN. CODE. r. 760-X-1-.17 (WEST 2025); **(Arkansas)** ARK. CODE ANN. § 27-37-306(e)(1)(A); **(Florida)** FLA. STAT. ANN. § 316.29545(1) (West 2025); **(Illinois)** 625 ILL. COMP. STAT. ANN. 5/12-503(g); **(New Hampshire)** N.H. CODE ADMIN. R. Saf-C 2503.02 (West 2025); N.H. REV. STAT. ANN. § 266:58-a(III-a); **(New Jersey)** N.J. STAT. ANN. § 39:3-75.1 (West 2025); **(New York)** N.Y. VEH. & TRAF. LAW § 375 (12-a)(c) (MCKINNEY 2025); N.Y. COMP. CODES R. & REGS. tit. 10, § 69-7.1 (2025).

<sup>100</sup> **(Arkansas)** ARK. CODE ANN. § 27-37-306(e)(1)(A) (requiring a certificate from a physician to be carried in the vehicle); **(California)** CAL. VEH. CODE § 26708(e) (requiring a certificate signed by a licensed dermatologist to be carried in the vehicle); **(Delaware)** DEL. CODE ANN. TIT. 21, § 4313(d) (requiring a signed statement from a licensed practitioner to be carried in vehicle); **(Idaho)** IDAHO CODE ANN. § 49-944(4) (requiring written verification from a licensed physician to be carried in vehicle); **(Indiana)** 625 ILL. COMP. STAT. ANN. 5/12-503(b)(2) (requiring a certificate from a licensed physician or optometrist carried in the vehicle, to be renewed annually); **(Iowa)** IOWA ADMIN. CODE r. 761-450.7(321)(3)(b) (requiring signed documentation for medical need to be carried in vehicle); **(Kansas)** KAN. STAT. ANN. § 8-1749a(c)(4) (requiring a signed statement from a licensed physician or licensed optometrist); **(Maryland)** MD CODE ANN., TRANSPORTATION, § 22-406(i)(4)(i) (West 2025) (requiring a certificate from a state licensed physician to be kept in the vehicle at the time it is stopped by a police officer); **(Michigan)** MICH. COMP. LAWS ANN. § 257.709(e) (requiring a letter signed by a physician or optometrist); **(Minnesota)** MINN. STAT. ANN. § 169.71 (subd. 4a-b) (requiring a prescription or physician's statement of medical need to be kept in the vehicle); **(Oregon)** OR. REV. STAT. ANN. § 815.221(5)(6) (requiring an affidavit, prescription or letter on practitioner's letterhead from a licensed physician or optometrist to be carried in vehicle); **(Texas)** TEX. TRANSP. CODE ANN. § 547.613(e) (requiring a statement signed by a physician or optometrist to be kept in the vehicle); **(Washington)** WASH. REV. CODE ANN. § 46.37.430(5)(d) (requiring written verification from a licensed physician to be carried in the vehicle); **(Wisconsin)** WIS. ADMIN. CODE TRAN. § 305.34(4)(b)(3) (2025) (requiring a written statement from a physician or Christian Science Practitioner to be carried in the vehicle).

<sup>101</sup> **(Louisiana)** LA. STAT. ANN. § 32:361.2 (A)(1) (2025) (requiring an affidavit signed by a physician or optometrist to be kept in vehicle); **(New Mexico)** N.M. STAT. ANN. § 66-3-846.1(E) (requiring an affidavit signed by a physician or optometrist to be kept in vehicle); **(Ohio)** OHIO ADMIN. CODE 4501-41-05(A) (requiring an affidavit signed by a physician or optometrist to be kept in the vehicle); **(South Carolina)** S.C. CODE ANN. § 56-5-5015(H) (requiring an affidavit signed by a physician or optometrist to be kept in the vehicle); **(West Virginia)** W. VA. CODE ANN. § 17C-15-36a(f) (West 2025) (requiring an affidavit signed by a physician or optometrist to be kept in the vehicle).

19, including New Jersey, require certificates or decals issued by local government or state agencies.<sup>102</sup> Of the 39 states that specify the type of proof required, 29 of them, including New Jersey, specify that such proof should be carried or displayed in the vehicle at all times or shown at a law enforcement officer's request while the officer is on duty.<sup>103</sup>

New Jersey's medical exemption, pursuant to the authorization of N.J.S. 39:3-75.2 and under N.J.A.C. 13:20-1.2, allows for window tinting materials with at least 70% visible light transmittance to be affixed on the AS-1 portion of the windshield.<sup>104</sup> Regarding front side windows, the exemption allows for tinted windows with at least 60% visible light transmittance.<sup>105</sup> Readily removable tinting material may also be applied to the uppermost six inches of front side windows during the hours of sunrise and sunset, so long as it has a visible light transmittance of at least 35%.<sup>106</sup>

Under N.J.A.C. 13:20-1.7(b), drivers with medical exemptions are required to provide "the medical exemption certificate when requested to do so by a police officer while in the performance of the duties of his or her office."<sup>107</sup>

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<sup>102</sup> **(Alaska)** ALASKA ADMIN. CODE TIT. 13, § 04.223(c) (2025) (requiring a certificate to be carried in vehicle); **(Florida)** (certificate issued by department); **(Illinois)** 625 ILL. COMP. STAT. ANN. 5/12-503(g); 625 ILL. COMP. STAT. ANN. 5/3-663 (West 2025) (requiring a certificate to be carried in the vehicle along with designated license plates or plate stickers); **(Maine)** ME. REV. STAT. tit. 29, § 1916(2)(A)(4) (2025) (requiring a certificate from the Chief of State Police to be displayed upon request of law enforcement officer); **(Massachusetts)** MASS. GEN. LAWS ANN. Ch. 90 § 9D(8) (West 2025) (requiring a sticker decal); **(Mississippi)** MISS. CODE ANN. § 63-7-59(4) (requiring a certificate from the Commission of Public Safety to be displayed on the dashboard); **(Missouri)** MO. ANN. STAT. § 307.173(1) (requiring a permit issued by the Department of Public Safety); **(Montana)** MONT. CODE ANN. § 61-9-428 (West 2025) (requiring a waiver from local law enforcement or highway patrol to be kept by the highway patrol or law enforcement agency); **(Nebraska)** NEB. REV. ST. ANN. § 60-6,260 (West 2025) (requiring a waiver from local law enforcement or highway patrol to be kept by the agency); **(New Hampshire)** N.H. REV. STAT. ANN. § 266:61-a(IX) (2025) (requiring a permit issued by the Commissioner); **(New Jersey)** N.J. STAT. ANN. § 39:3-75.1 (West 2025); N.J. ADMIN. CODE § 13:20-1.7 (medical exemption certificate issued by Motor Vehicle Commission to be carried in vehicle); **(New York)** N.Y. VEH. & TRAF. LAW § 375 (12-a)(c) (MCKINNEY 2025) (requiring a decal sticker); **(North Carolina)** N.C. GEN. STAT. ANN. § 20-127(f) (requiring a permit to be carried in the vehicle, and a decal sticker); **(Pennsylvania)** 75 PA. STAT. AND CONS. STAT. ANN. § 4524(e)(3)-(4) (West 2025) (requiring a certificate to be carried in the vehicle); **(Rhode Island)** 31 R.I. GEN. LAWS ANN. § 31-23.3-4(7) (requiring a decal sticker); **(Tennessee)** TENN. CODE ANN. § 55-9-107(b)(1) (requiring a certificate or decal to be displayed in the vehicle); **(Vermont)** VT. STAT. ANN. tit. 23, § 1125(c) (requiring a certificate); **(Virginia)** VA. CODE ANN. § 46.2-1053 (West 2025) (requiring written authorization from the Commissioner); **(Wyoming)** WYO. STAT. ANN. § 31-5-962(m) (requiring a certificate from the agency director to be kept in the vehicle).

<sup>103</sup> See *supra*, note 100 (14 states: Arkansas, California, Delaware, Idaho, Indiana, Iowa, Maryland, Minnesota, Oregon, Texas, Washington, Wisconsin); See *supra*, note 101 (Louisiana, New Mexico, Ohio, South Carolina, West Virginia); See *supra*, note 102 (12 states: Alaska, Illinois, Maine, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, Tennessee, Wyoming).

<sup>104</sup> N.J. STAT. ANN. § 39:3-75.2 (West 2025); N.J. ADMIN. CODE § 13:20-1.2.

<sup>105</sup> *Id.*

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*; See *supra*, note 102.

- *Penalties*

All jurisdictions except Nevada specify a penalty scheme for enforcing window tinting laws. Fifty jurisdictions provide penalties for vehicle operators, and of those 50, 27 also provide penalties for window film installers.<sup>108</sup>

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<sup>108</sup> **(Alabama)** ALA. CODE § 32-5C-1 (West 2025) (requiring a misdemeanor with fine or imprisonment or both); **(Alaska)** ALASKA ADMIN. CODE TIT. 13, § 04.007 (West 2025); **(Arizona)** ARIZ. REV. STAT. ANN. § 28-982 (West 2025); **(Arkansas)** ARK. CODE ANN. § 27-37-306(g) (requiring a Class B misdemeanor); **(California)** CAL. VEH. CODE § 40000.1 (West 2025) (requiring an infraction and the possibility of a duty to repair); **(Colorado)** COLO. REV. STAT. ANN. § 42-4-227(3) (requiring a Class A or B infraction); **(Connecticut)** CONN. GEN. STAT. ANN. § 14-99g; **(Delaware)** DEL. CODE ANN. tit. 21, § 4313A(a)-(b) (requiring a fine of at least \$100 and no more than \$500 as well as restitution to the driver for fee charged to install); **(D.C.)** D.C. CODE ANN. § 50-2207.02; **(Florida)** FLA. STAT. ANN. § 316.2956 (West 2025); **(Georgia)** GA. CODE ANN. § 40-8-73.1(e) and (h) (requiring a misdemeanor); **(Hawaii)** HAW. REV. STAT. ANN. § 291-21.5(e)(2) (requiring a fine of at least \$500 and at most \$1000 with duty to reinstall compliant tint or reimburse the driver for the cost of installing compliant tint); **(Idaho)** ID. CODE ANN. § 49-944 (West 2025); **(Illinois)** 625 ILL. COMP. STAT. ANN. 5/12-503(j) (stating that a first violation is a petty offense with a fine of not less than \$50 nor more than \$500 and that a second or subsequent violation yields a Class C misdemeanor with a fine of no less than \$100 and no more than \$500); **(Indiana)** IND. CODE ANN. § 9-19-19-8 (West 2025); **(Iowa)** IOWA CODE ANN. § 321.381 (West 2025); **(Kansas)** KAN. STAT. ANN. § 8-1749c (West 2025) (requiring a Class C Misdemeanor); **(Kentucky)** KY. REV. STAT. ANN. § 189.110(9); KY. REV. STAT. ANN. § 189.990(1) (West 2025) (requiring a Class B Misdemeanor and a fine of no less than \$20 and no more than \$100 for each offense); **(Louisiana)** LA. STAT. ANN. § 32:361.1(G) (stating that any seller, installer, manufacturer or distributor in violation shall be fined \$1,000 for a first offense, \$2,000 for a second offense, and shall be prohibited from conducting any business specified in this Section upon conviction for a third or subsequent offense); **(Maine)** ME. STAT. TIT. 29, § 1916(6) (West 2025); **(Maryland)** MD. CODE ANN., TRANSP. § 22-406 (West 2025); **(Massachusetts)** MASS. GEN. LAWS ANN. CH. 90, § 9D; **(Michigan)** MICH. COMP. LAWS ANN. § 257.683(2); **(Minnesota)** MINN. STAT. ANN. § 169.71(subd. 5) (stating that violations are a misdemeanor); **(Mississippi)** MISS. CODE ANN. § 63-7-59(10) (requiring a fine of not more than \$1000 or imprisonment in county jail of not more than three months, or both); **(Missouri)** V.A.M.S. 307.173(4) (West 2025); **(Montana)** MCA 61-9-511 (West 2025); **(Nebraska)** NEB. REV. ST. § 60-6,258 (West 2025); **(New Hampshire)** N.H. REV. STAT. ANN. § 266:58-a(VI) (stating that any person who violates the provisions of the section shall be guilty of a violation); **(New Jersey)** N.J. STAT. ANN. § 39:3-75.3(b) (West 2025) (requiring a fine not exceeding \$1,000 for a first offense and not to exceed \$5,000 for a second or subsequent offense); **(New Mexico)** N.M. STAT. ANN. § 66-3-846.1(I) (requiring a penalty assessment misdemeanor); **(New York)** N.Y. VEH. & TRAF. LAW § 375(16) (West 2025); **(North Carolina)** N.C. GEN. STAT. ANN. § 20-127(d) (requiring a Class 3 misdemeanor); **(North Dakota)** N.D.C.C. § 39-21-46 (West 2025); **(Ohio)** OHIO REV. CODE ANN. § 4513.241(K)(3) (requiring a fourth-degree misdemeanor and stating that the installer may be civilly liable to owner of vehicle, also requiring registration/license suspension on second violation and a minor misdemeanor for car dealers and distributors); **(Oklahoma)** OKLA. STAT. ANN. tit. 47, § 12-422(I); OKLA. STAT. ANN. tit. 47, § 17-101 (West 2025) (requiring a misdemeanor with a fine of at least \$5 and at most \$500 or by imprisonment of no more than 10 days - and imprisonment of no more than 20 days for a second conviction with one year - and by imprisonment of no more than six months or by both fine and imprisonment upon a third or subsequent conviction); **(Oregon)** ORS § 815.222 (West 2025); **(Pennsylvania)** 75 PA. STAT. AND CONS. STAT. ANN. § 6502 (West 2025) (summary offense); **(Rhode Island)** 31 R.I. GEN. LAWS ANN. § 31-23.3-5(b) (West 2025) (requiring a fine of \$250 each offense); **(South Carolina)** S.C. CODE ANN. § 56-5-5015(G) (stating that for professional installers: the penalty is a misdemeanor triable in magistrate's court and fined at least \$1000 or imprisoned not more than 30 days, or both, for each offense - for consumers who sell or install: the penalty is a misdemeanor triable in magistrate's court and fined at least \$200 or imprisoned not more than 30 days, for each offense); **(South Dakota)** S.D. CODIFIED LAWS § 32-15-2.9 (2025) (requiring a Class 2 Misdemeanor); **(Tennessee)** TENN. CODE ANN. § 55-9-107(d) (requiring a Class C Misdemeanor); **(Texas)** TEX. TRANSP. CODE ANN. § 547.613(a) and (a-1) (requiring a misdemeanor with a fine limit not to exceed \$1000); **(Utah)** UTAH CODE ANN. § 41-6a-1635(9) (requiring an infraction); **(Vermont)** 23 V.S.A. § 2302 (West 2025) (fine); **(Virginia)** VA. CODE ANN. § 46.2-1052 (requiring a Class 3 or Class 2 misdemeanor for repeat offenders); **(Washington)** WASH. REV. CODE ANN. § 46.37.435(1) (West 2025) (requiring a misdemeanor); **(West Virginia)** W. VA. CODE ANN. § 17C-15-36a(i) (West

Of the 50 jurisdictions that provide penalties for vehicle operators, 14 jurisdictions, including New Jersey, only specify fines as penalties, and the fines are often accompanied by different names for the related offense, such as “civil penalty” for Florida, “summary offense” for Pennsylvania, and “petty offense” for Illinois.<sup>109</sup> Among these jurisdictions, fine amounts generally range from \$20 to \$1,000, with the exception of D.C., which provides that a fine may be as high as \$5,000 but only upon the second infraction. Along with D.C., Massachusetts, Illinois, and Louisiana also provide for higher fines for subsequent offenses. New Jersey’s fine is limited to \$100.<sup>110</sup>

Regarding the 27 jurisdictions that also provide penalties for installers, 18 provide for misdemeanors.<sup>111</sup> Six jurisdictions, including New Jersey, out of the 27 that provide penalties for installers, only specify fines ranging from \$100 to \$5,000.<sup>112</sup> Along with fines, Delaware requires installers to pay restitution to the vehicle owner for the tinting fees, and Hawaii provides that installers must reinstall a compliant tint or reimburse the driver for the cost of installing a compliant tint. New Jersey provides that fines should “not . . . exceed \$1,000 for a first offense and not . . . exceed \$5,000 for a second or subsequent offense.”<sup>113</sup>

- *Administrative Code Provisions*

Some states have enacted administrative code provisions that address window tinting.<sup>114</sup> In Alaska and Wisconsin, regulation of window tinting is entirely contained in the administrative code, and there is no statute addressing window tinting.<sup>115</sup> Seven states have an administrative code provision that parallels or cross-references the state’s statute.<sup>116</sup>

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2025) (requiring a misdemeanor subject to a fine not to exceed \$200); **(Wyoming)** WYO. STAT. ANN. § 31-5-901(a) (West 2025) (requiring a misdemeanor).

<sup>109</sup> See *supra*, note 108.

<sup>110</sup> *Id.*

<sup>111</sup> *Id.*

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> **(Alabama)** ALA. ADMIN. CODE 760-X-1-.17 (2025); **(Alaska)** ALASKA ADMIN. CODE TIT. 13, § 04.223 (2025); **(Connecticut)** CONN. AGENCIES REGS. § 14-99G-2 (2025); **(Iowa)** IOWA ADMIN. CODE R. 761-450.7(321) (2025); **(Louisiana)** 55 LA. ADMIN CODE. PT III, 813 (2025); **(Maryland)** MD. CODE REGS. 29.02.01.11 (2025); **(Minnesota)** MINN. R. 7425.5000 (2025); **(Missouri)** MO. CODE REGS. ANN. TIT. 11, § 30-7.010 (2025); **(Nevada)** NEV. ADMIN. CODE 484D.280, .285 & .290 (2025); **(New Hampshire)** N.H. CODE ADMIN. R. Saf-C 2501 – 2506 (2025) & 3217.06 (2025); **(New York)** 10 NYCRR 69-7.1 (2025) & 17 NYCRR 720.4 (2025); **(North Carolina)** 19A N.C. ADMIN. CODE 3D.0551 (2025) & 19A N.C. ADMIN. CODE 3D.0901 – .0904 (2025); **(Ohio)** OHIO ADMIN. CODE 4501-41-03 & -05 (2025); **(Oklahoma)** OKLA. ADMIN CODE 260:135-5-66 to -73 (2025); **(Pennsylvania)** 67 PA. CODE § 175.67, § 175 Table X & § 175.265 (2025); **(Rhode Island)** 280 R.I. CODE. R 30-15-7.5 (2025); **(Texas)** 37 TEX. ADMIN. CODE § 21.3 (2025); **(Utah)** UTAH ADMIN. CODE R. R714-160-15 (2025); **(Vermont)** 22-1 VT. CODE R. § 5 (2025); **(Wisconsin)** WIS. ADMIN. CODE §§ 305.32 & 305.34 (2025).

<sup>115</sup> ALASKA ADMIN. CODE TIT. 13, § 04.223 (2025) (“Tinted Vehicle Windows”); WIS. ADMIN. CODE §§ 305.32 (2025) (“Vent, side and rear windows”) & 305.34 (“Windshields”).

<sup>116</sup> ALA. ADMIN. CODE 760-X-1-.17 (2025); 55 LA. ADMIN CODE. PT III, 813 (2025); MD. CODE REGS. 29.02.01.11 (2025); MINN. R. 7425.5000 (2025); 280 R.I. CODE. R 30-15-7.5 (2025); 37 TEX. ADMIN. CODE § 21.3 (2025); UTAH ADMIN. CODE R. R714-160-15 (2025).



In the remaining states, the administrative code provides additional details or supplements the relevant statute. In Iowa, the administrative code defines the statutory language “excessively dark or reflective” using light transmittance percentages.<sup>117</sup> Similarly, in Pennsylvania, although the statute requires window tint to comply with federal regulations or permit someone to see inside the vehicle, the administrative code contains a table detailing the permissible light transmittance percentages.<sup>118</sup> Ohio’s statute authorizes “[t]he director of public safety [to] adopt rules governing the use of tinted glass,” and the administrative code provision contains detailed standards.<sup>119</sup>

Some states, including Missouri, Nevada, New Hampshire, New York, Oklahoma, and Pennsylvania, provide additional details regarding the statutory medical exemption, including specific qualifying medical conditions.<sup>120</sup> Two states, North Carolina and Vermont, detail vehicle safety inspection procedures that include window tinting standards.<sup>121</sup>

- *Relevant Recent Amendments*

Eighteen states have amended their window tinting statutes within the last five years. Of those 18 states, six<sup>122</sup> had amendments related to window tinting standards, such as the percentages of visible light transmission allowed, and only two states<sup>123</sup> had amendments relating to traffic stops.

Of the two states with recent amendments relating to traffic stops, Illinois added a provision stating “[n]o motor vehicle, or driver or passenger of such vehicle, shall be stopped or searched by any law enforcement officer solely on the basis of a violation or suspected violation of this subsection.” Similarly, Virginia added a subsection providing “[n]o law-enforcement officer shall stop a motor vehicle for a violation of this section. No evidence discovered or obtained as the result of a stop in violation of this subsection, including evidence discovered or obtained with the operator's consent, shall be admissible in any trial, hearing, or other proceeding[.]”<sup>124</sup>

- *Relevant Pending Bills*

There are 16 states with one or more bills pending proposing to amend their window tint

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<sup>117</sup> IOWA ADMIN. CODE R. 761-450.7(2) (2025) (“‘Excessively dark or reflective’ means that the windshield, front side window or front sidewing does not meet a minimum standard of transparency of 70 percent light transmittance.”).

<sup>118</sup> 67 PA. CODE § 175.67 & Table X (2025).

<sup>119</sup> OHIO ADMIN. CODE 4501-41-03 & -05 (2025).

<sup>120</sup> MO. CODE REGS. ANN. TIT. 11, § 30-7.010 (2025) (“This rule establishes procedures for the issuance of motor vehicle window tinting permits as authorized by section 307.173, RSMo.”); NEV. ADMIN. CODE 484D.280, .285 & .290 (2025); N.H. CODE ADMIN. R. Saf-C 2501 – 2506 (2025); 10 NYCRR 69-7.1 (West 2025) (listing eligible medical conditions); OKLA. ADMIN CODE 260:135-5-66 to -73 (2025) (“Medical Exemptions for Tinted Windows and Windshields”).

<sup>121</sup> 19A N.C. ADMIN. CODE 3D.0551 (2025) (“Window Tinting”) & 3D.0901 – .0904 (“Approval of Sun Screening Devices”); 22-1 VT. CODE R. § 5 (Sec. 22-1-5:3) (2025).

<sup>122</sup> KAN. STAT. ANN. § 8-1749A; KY. REV. STAT. ANN. § 189.110; MD. CODE ANN., TRANSP. § 21-1104; N.H. REV. STAT. § 266:58-A; N.D.C.C. § 39-21-39; 23 V.S.A. § 1125.

<sup>123</sup> 625 ILL. COMP. STAT. ANN. 5/12-503; VA. CODE ANN. § 46.2-1052.

<sup>124</sup> See Fig. 1 (fifty-state survey).

regulations.<sup>125</sup> Five states, including New Jersey, have bills pending related to exemptions or exceptions to window tinting restrictions.<sup>126</sup> There are 10 states with pending bills related to window tinting standards,<sup>127</sup> and three states have bills pending relating to traffic stops or penalties.<sup>128</sup>

Utah’s recently enacted House Bill 112 amended the window tint statute to allow a peace officer to stop a vehicle for improper side window tinting only if the peace officer has stopped the vehicle for a violation of another offense.<sup>129</sup> A pending bill in Virginia would amend § 46.2-1052 of the Virginia Annotated Code to remove subsection P, which was added to the statute in 2020 to prohibit a law enforcement officer from stopping a vehicle for a violation of the statute.<sup>130</sup>

In New York, Senate Bill 3662 would prohibit a law enforcement officer from initiating a traffic stop for certain violations of the vehicle and traffic law, including some provisions relating to window tint.<sup>131</sup> New York’s S.B. 6429 would authorize a police officer to request that a person roll down their tinted windows to protect the officer’s health and safety, defining “tinted windows” as those having light transmittance of less than 70%.<sup>132</sup>

In the prior session of the New Jersey Legislature, a bill was introduced that sought to clarify that “tinted material or film on the windshield or front side windows [is prohibited] unless the material or film is . . . applied by the vehicle manufacturer prior to its sale and the tinted material and film permits a light transmittance of less than 70 percent, except as applied to the top six inches of the windshield or above the AS-1 marking on the windshield.”<sup>133</sup>

- *Traffic Stops*

In *Cohen*, the Appellate Division held that an actual violation of New Jersey’s windshield statute was not necessary to support an initial traffic stop, so long as the officer had a reasonable, articulable suspicion of a violation.<sup>134</sup> Because the windshield statute, N.J.S. 39:3-74, is limited in application to “non-transparent material upon the front windshield . . . or front side windows,” a rear window tint cannot give rise to a reasonable suspicion necessary to justify a traffic stop.<sup>135</sup>

Ten states have incorporated provisions in their window tint statute or administrative code to directly address a law enforcement officer’s ability to conduct a traffic stop based on a presumed

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<sup>125</sup> *Id.*

<sup>126</sup> *Id.*

<sup>127</sup> *Id.*

<sup>128</sup> *Id.*

<sup>129</sup> UTAH CODE ANN. § 41-6a-1635.

<sup>130</sup> S.B. 947, Va. Gen. Assem., 2024 Reg. Sess. (2024).

<sup>131</sup> S. 3662, 2025-2026 Legis. (2025).

<sup>132</sup> S. 6429, 2025-2026 Legis. (2025).

<sup>133</sup> See Statement to A. 3496, 2022 Leg., 220<sup>th</sup> Sess. (Mar. 8, 2022).

<sup>134</sup> *State v. Cohen*, 347 N.J. Super. 375, 380 (App. Div. 2002).

<sup>135</sup> *State v. Smith*, 251 N.J. 244, 260 (2022).

violation.<sup>136</sup> Virginia’s code specifies that no officer shall stop a motor vehicle for a violation of the window tint statute, and no evidence discovered as a result of such a stop may be admissible in any trial.<sup>137</sup> Michigan requires that an officer have “reasonable grounds” of a violation to make a traffic stop,<sup>138</sup> while Maryland requires that “a police officer observes . . . a violation.”<sup>139</sup>

In most of the remaining states, there is no statutory provision specifying the necessary standard to initiate a traffic stop, but the courts have interpreted the state’s window tint statute to require reasonable suspicion, as in *Cohen*.<sup>140</sup> A Missouri appellate court held that a routine traffic stop based on any state traffic violation is a “justifiable seizure under the Fourth Amendment,” but the officer may only detain a person for as long as necessary to conduct a reasonable investigation of the violation.<sup>141</sup>

- *Of Interest*

### **Alabama:**

In 1993, Alabama’s window tinting statute was held unconstitutional by the Alabama Criminal Court of Appeals in *Timmons v. City of Montgomery*.<sup>142</sup> The statute, which has not been repealed, prohibits “tinting to the extent . . . that occupants of the vehicle cannot be easily identified or recognized through the sidewing or rear windows from outside the motor vehicle.”<sup>143</sup> The Court held this subsection to be unconstitutionally vague, and concluded that Alabama’s enactment of an administrative code provision<sup>144</sup> clarifying the permissible level of window tinting “was an unconstitutional usurpation of the legislature’s authority to make law.”<sup>145</sup>

In response, the Legislature enacted Title 5C, which provides detailed rules regarding window tinting.<sup>146</sup> The statutes in Title 5C closely track the requirements of the administrative code provision referenced in *Timmons*.

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<sup>136</sup> **(Alabama)** ALA. CODE § 32-5-310 (West 2025) & ALA. CODE § 32-5C-2; **(Alaska)** ALASKA ADMIN. CODE TIT. 13, § 04.006 (West 2025); **(Arizona)** ARIZ. REV. STAT. ANN. § 28-982 (West 2025); **(Arkansas)** ARK. CODE ANN. § 27-32-101 (West 2025); **(Colorado)** COLO. REV. STAT. ANN. § 42-4-203 (West 2025); **(Connecticut)** CONN. GEN. STAT. ANN. § 14-103(c) (West 2025); **(Illinois)** 625 ILL. COMP. STAT. ANN. 5/12-503(c-5); **(Maryland)** MD. CODE ANN., TRANSP. § 22-406 (West 2025); **(Michigan)** MICH. COMP. LAWS ANN. § 257.683 (West 2025); **(Virginia)** VA. CODE ANN. § 46.2-1052(P).

<sup>137</sup> *Id.* Illinois has a similar statutory provision that prohibits traffic stops for violations of the window tint statute. 625 ILL. COMP. STAT. ANN. 5/12-503(c-5).

<sup>138</sup> MICH. COMP. LAWS ANN. § 257.683. Alaska, Arizona, Arkansas, and Colorado also require reasonable cause or suspicion to initiate a traffic stop. See *supra*, note 136.

<sup>139</sup> MD. CODE ANN., TRANSP. § 22-406.

<sup>140</sup> See Fig. 1 (fifty-state survey), column M.

<sup>141</sup> *State v. Cox*, 248 S.W.3d 1 (Mo. Ct. App. 2008).

<sup>142</sup> 641 So. 2d 1263 (Ala. Crim. App. 1993).

<sup>143</sup> ALA. CODE § 32-5-215(d) (emphasis added).

<sup>144</sup> ALA. ADMIN. CODE 760-X-1-.17.

<sup>145</sup> *Timmons*, 641 So. 2d at 1266.

<sup>146</sup> ALA. CODE § 32-5C-2.

## North Carolina:

North Carolina is the only state that has incorporated a statutory defense to prosecution for violating the window tint statute.<sup>147</sup> To establish a “defense to a charge of driving a vehicle with an unlawfully tinted window,” the defendant must demonstrate that “the tinting was removed within 15 days after the charge and the window now meets the window tinting restrictions.”<sup>148</sup>

### Preliminary Outreach from the International Window Film Association

The International Window Film Association (IWFA) is an organization that supports distributors and installers of window film across the nation and around the world.<sup>149</sup> In November of 2023, the Commission authorized Staff to conduct further research on the statutes, regulations, and case law pertaining to window tint, both in New Jersey and throughout the United States.<sup>150</sup> Following the November 2023 meeting, Mr. Demerst B. Smit, Legislative Consultant to the IWFA, contacted Staff, explaining that the IWFA had previously assisted states in clarifying their window tinting laws, and kindly offered to meet with NJLRC Staff to provide further information and resources.<sup>151</sup>

Staff met with Mr. Smit virtually on May 21, 2024, and Mr. Smit shared that the IWFA recommends that New Jersey adopt a visible light transmission standard for front side windows.<sup>152</sup> He added that as many as forty-one states require at least 50% visible light transmission (VLT), and that it was his opinion that 50% VLT is not dark enough to cause harm by way of obstructing a clear view inside and outside of the vehicle.<sup>153</sup> He explained that the IWFA has tested the 50% VLT benchmark informally in many states and, recently, law enforcement agents in New York reported that they could see clearly through windows with 50% VLT.<sup>154</sup>

As for the windshield provisions, Mr. Smit explained that the aforementioned AS-1 line standard is customary and reflects the federal guidelines.<sup>155</sup> Mr. Smit updated Staff on the IWFA’s current work on a pending bill seeking to lower the 70% VLT standard for side windows to a range of 35% to 50% VLT, modeled after the current Virginia law, which the IWFA assisted in

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<sup>147</sup> N.C. GEN. STAT. ANN. § 20-127.

<sup>148</sup> N.C. GEN. STAT. ANN. § 20-127(e).

<sup>149</sup> E-mail from Demerst B. Smit, International Window Film Association, to Laura C. Tharney, Executive Director, NJLRC (November 29, 2023, 11:06 AM EST) (hereinafter “Smit E-mail”) [on file with NJLRC].

<sup>150</sup> N.J. L. Revision Comm’n, *Minutes of NJLRC Meeting*, (November 16, 2023), <https://www.njlrc.org/minutes-and-agendas> (last visited August 21, 2024).

<sup>151</sup> Smit E-mail, *supra* note 149.

<sup>152</sup> Video conference call between Demerst B. Smit, International Window Film Association, and Whitney G. Schlimbach, Deputy Director, NJLRC, and Carol Disla-Roa, Legislative Fellow, NJLRC (May 21, 2024, 11:00 AM EST) (hereinafter “Smit video conference”) [on file with NJLRC].

<sup>153</sup> *Id.*

<sup>154</sup> *Id.*

<sup>155</sup> *Id.*

drafting.<sup>156</sup>

### **Pending Bills**

There are no bills pending that seek to amend the language of N.J.S. 39:3-74. Two bills are pending that propose amendments to N.J.S. 39:3-75.1, but they do not address the issues raised in *Smith*.<sup>157</sup>

### **Conclusion**

New Jersey is one of five states that have no express restrictions on light transmittance for the rear window and one of 18 states without specific restrictions for rear side windows. While the windshield statute has historically served as the statutory basis for traffic stops based on window tint, the Court in *Smith* noted that the Legislature may wish to modify the statute's text to modernize the century-old language.

Staff requests guidance on whether to engage in additional research and outreach to determine if amending N.J.S. 39:3-74 would be of assistance to clarify its application.

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<sup>156</sup> *Id.*

<sup>157</sup> See Statement to S.B. 2063, 221<sup>st</sup> Leg., 2024 Sess. (Jan. 9, 2024). See also Statement to S.B. 3971, 221<sup>st</sup> Leg., 2024 Sess. (Dec. 16, 2024).