

NYVIP2 MESSAGE No. 225

DATE: 12/27/2016

TO: ALL INSPECTION STATIONS

FROM: NYS DMV

SUBJECT: WINDOW TINT INSPECTION REGULATION

**PLEASE BRING THIS MESSAGE TO THE ATTENTION OF THE STATION OWNER AND/OR
MANAGER**

THIS MESSAGE REPLACES NYVIP MESSAGE 224.

DMV has amended the window tint regulation provided to all stations with NYVIP message 224. The only change in the regulations (provided below) is a modification which eliminates the requirements for testing rear side windows on model year 1991 and older vehicles. The version of the regulation attached to message 224 said, "Window Tint 3(b): Inspect all side windows for proper visible light transmittance." The revised version (provided below) says "Window Tint 3(b): Inspect all side windows adjacent to or forward of the driver's seating position for proper visible light transmittance.

The requirements for 1992 and newer vehicles remain unchanged.

This is to advise you that DMV is promulgating emergency regulations to define requirements for newly-enacted legislation requiring the measuring of light transmittance. These regulations provide standards to be followed when inspecting required windows as a part of the safety inspection.

As stated in NYVIP2 Message, No. 223, examination of window tinting will be included as part of the annual safety inspection, effective January 1, 2017. All group 1a and 2a inspection stations are required to have a two-piece window tint meter and inspect window tint in accordance with the new regulations.

It is important that you review the regulation below for the proper failure criteria, and to note the different requirements for MY 1992 and newer vehicles, MY 1991 and older vehicles, and vehicles classified as "passenger car" on the Federal Motor Vehicle Safety Standard (FMVSS) certification label, usually found on the driver's side door jamb.

The recording of inspection results is not being changed. In the NYVIP2 Computerized Vehicle Inspection System (CVIS), the certified inspector would address Pass or Fail of a vehicle for window tint under the existing "Windshield and other Glass" choice. When a station is required to record their inspections on a paper VS-1074SD or VS-1074S, Vehicle Inspection Record, a vehicle being rejected for window tint would have a check mark placed under "Other" in column 11.

When a vehicle fails inspection for window tint, it is no different than a vehicle failing for any other safety item. The vehicle must be repaired and then re-inspected. If the vehicle fails, the station should

explain to the motorist that any aftermarket window tint film must be removed in order for the vehicle to pass inspection. A station is not required to remove aftermarket window tint film if it chooses not to engage in that business. If a public station chooses to remove the tint film, the station is responsible to perform quality work and provide an invoice based on existing Repair Shop regulations.

Attached below is the emergency regulation DMV will post to the State Register (<http://www.dos.ny.gov/info/register.htm>) on January 4, 2017. However, stations must begin using the below criteria on January 1, 2017. You may provide comments on the proposed regulation as described in the State Register.

STATE OF NEW YORK

DEPARTMENT OF MOTOR VEHICLES

Pursuant to the authority contained in sections 215(a), 301 and 302(e) of the Vehicle and Traffic Law, the Commissioner of Motor Vehicles hereby amends the Regulations of the Commissioner of Motor Vehicles as follows:

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A new paragraph (9) is added to subdivision (d) of section 79.9 to read as follows:

(9) In addition to the equipment specified in paragraph (1) of this subdivision, an official inspection station licensed to perform a safety inspection of any vehicle in group 1a or group 2a must also have a tint meter to measure the visible light transmittance through immovable glass.

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Subdivision (f) of section 79.21 is amended to read as follows:

(f) *Windshield and other glass.* Every 1935 and newer vehicle must be equipped with a windshield, except trailers. All must be inspected. A star is considered to be a bruise from which multiple cracks extend, such as a "stone bruise", shot, etc.

Procedure	Reject if:
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<p>Approved Glass</p> <p>1. Inspect windshield and other windows on vehicle for presence of approved safety glazing.</p>	<p>1. Vehicle is not equipped with a windshield.</p> <p>Any 1935 or newer model year vehicle is not equipped with approved safety glass with an AS-1, AS-10 or AS-14 rating in the windshield or an AS-1, -2, -3, -10 or -11 rating in the windows to the left, right and rear of the driver.</p> <p>Any 1935 or newer model year vehicle is not equipped with approved safety glass or rigid plastic, if plastic is used with an AS-1, -2, -3, -4, -5, -10 or -11 rating in any rear window on a convertible pickup truck or light-duty truck.</p>
<p>Cracks</p> <p>2. Inspect windshield and other windows for cracks or sharp edges.</p>	<p>2. Windshield or other window is broken or has exposed sharp or jagged edges.</p> <p><i>Windshield Only:</i></p> <p>Any "star" larger than 3 inches in diameter is located in any area of the windshield.</p> <p>There is a crack more than 11 inches long, any part of which extends into the path of the windshield wiper(s).</p>
<p><u>Window Tint</u></p> <p><u>Note: If a windshield or a window, through observation, clearly meets the required visible light transmittance standard, it is not necessary to use the tint meter. Vehicles displaying a valid MV-80W.2 "Exempt Tinted Windows" sticker need not be inspected for window tint.</u></p> <p><u>3.</u></p> <p><u>Model year 1991 or older vehicles:</u></p> <p><u>(a) Inspect the windshield for proper visible light transmittance.</u></p>	<p><u>3.</u></p> <p><u>a) Any part of the windshield below the top 6 inches allows less than 35% visible light transmittance.</u></p>

<p><u>(b) Inspect all side windows adjacent to or forward of the driver’s seating position for proper visible light transmittance.</u></p> <p><u>(c) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.</u></p> <p>Model year 1992 or newer vehicles:</p> <p><u>(d) Inspect the windshield for proper visible light transmittance.</u></p> <p><u>(e) Inspect all side windows adjacent to or forward of the driver’s seating position for proper visible light transmittance.</u></p> <p><u>(f) Inspect all side windows to the rear of the driver’s seating position on any vehicle classified as “Passenger Car” on the FMVSS certification label for proper visible light transmittance.</u></p> <p><u>(g) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.</u></p>	<p><u>(b) Any part of the window allows less than 35% visible light transmittance.</u></p> <p><u>(c) Any part of the rear window allows less than 35% visible light transmittance.</u></p> <p><u>(d) Any part of the windshield below the top 6 inches allows less than 70% visible light transmittance.</u></p> <p><u>(e) Any part of any side window adjacent to or forward of the driver’s seating position allows less than 70% visible light transmittance.</u></p> <p><u>(f) Any part of any side window to the rear of the driver’s seating position on any vehicle classified as “Passenger Car” on the FMVSS certification label allows less than 70% visible light transmittance.</u></p> <p><u>(g) Any part of the rear window allows less than 70% visible light transmittance.</u></p>
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Subdivision (g) of section 79.27 is amended to read as follows:

3. Window Tint

Note: If a windshield or a window, through observation, clearly meets the required visible light transmittance standard, it is not necessary to use the tint meter. Vehicles displaying a valid MV-80W.2 “Exempt Tinted Windows” sticker need not be inspected for window tint.

Model year 1991 or older vehicles:

(a) Inspect the windshield for proper visible light transmittance.

(b) Inspect all side windows adjacent to or forward of the driver’s seating position for proper visible light transmittance.

(c) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.

Model year 1992 or newer vehicles:

(d) Inspect the windshield for proper visible light transmittance.

(e) Inspect all side windows adjacent to or forward of the driver’s seating position for proper visible light transmittance.

(f) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.

(a) Any part of the windshield below the top 6 inches allows less than 35% visible light transmittance.

(b) Any part of the window allows less than 35% visible light transmittance.

(c) Any part of the rear window allows less than 35% visible light transmittance.

(d) Any part of the windshield below the top 6 inches allows less than 70% visible light transmittance.

(e) Any part of any side window adjacent to or forward of the driver’s seating position allows less than 70 % light transmittance.

(f) Any part of the rear window allows less than 70% visible light transmittance.