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To: Senator Dwayne Umbarger
From: Laura Jurgensen, Legislative Fellow
Re: Medical Exemptions to State Window Tinting Statutes

Jill Shelley requested I assist with your request regarding states that have a medical exemption to their window tinting requirements. I have located medical exemptions from state window tinting requirements in at least 13 states. Below is an overview of how a few of those other states are handling this issue.

The **Georgia** statute provides an exemption "for medical reasons" if supported by a written document from a person licensed to practice medicine in Georgia or a person certified as an optometrist in Georgia. Ga. Code Ann. § 40-8-73.1(d). The person must apply with the Georgia Department of Public Safety to receive this exemption.

According to **Florida's** statute on this topic, a medical exemption is available for persons "afflicted with Lupus, any autoimmune disease, or other medical conditions which require a limited exposure to light..." Fla. Stat. § 316.29545(1). The Florida Department of Highway Safety and Motor Vehicles must consult with the state's Medical Advisory Board for guidance regarding medical conditions which necessitate the issuance of this certificate. A medical certificate cannot be transferred to another vehicle and expires once the vehicle is sold or transferred.

In **New York**, a person can obtain a medical exemption to the state's window tinting statutes if, for medical reasons, the person must "be shielded from the direct rays of the sun." N.Y. Veh. & Traf. Law § 375.12(c) (McKinney 2012). This exemption can be obtained by the person with the medical necessity, a person who operates the vehicle of the person with the medical necessity, or a person who operates a vehicle in which the person with the medical necessity is a habitual passenger. This medical exemption can be obtained by applying to the New York State Commissioner of Motor Vehicles and providing a physician's statement with the reason for the medical exemption. The physician making the statement must also specify the minimum level of light transmission required for the person with the exception. New York requires a sticker be affixed to the window providing such shielding.

In **California**, an individual does not have to obtain a medical exemption from the California Department of Motor Vehicles to place sun screening devices, which must meet the requirements of California statute, on the side windows in the front of the car. Cal. Veh. Code § 26708(b)(10). According to California statute, the person must drive or be a passenger in the front seat and must carry a letter or other document signed by a licensed physician and surgeon stating the person must be shaded from the sun due to a medical condition. The person may also carry a letter or other document signed by a licensed optometrist stating the person must

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be shaded from the sun due to a visual condition. The sun-screening devices referred to above may not be used during darkness.

In **Ohio**, the provisions of the state's window tinting statute do not apply to a motor vehicle registered in Ohio in the name of the person with medical exemption, the person's parent, legal guardian, or spouse. Ohio Rev. Code Ann. § 4501-41-05(A). To obtain a medical exemption, the person must obtain an affidavit signed by a physician licensed to practice in Ohio or an optometrist licensed to practice in Ohio stating the person has a physical condition that requires the medical exemption. The person or driver of the vehicle must carry the affidavit in the vehicle at all times.

This is just a sampling of what other states are doing regarding medical exemptions to state window tinting laws. I also have obtained a number of forms from the departments of motor vehicles from different states that a person must fill out to receive a medical exemption. If you would like any of this or more information on this topic, please contact me.

LJ/ml