

**2200 Division of Motor Vehicles
Vehicle Services**

2277 Approved Tinting for Side Windows (Formerly Reg. No. 76)

1.0 Introduction

Whereas, 21 **Del. C.** §. 4313 was amended in June 1990, to read as follows:

§4313. Altering Windshield, Front Side Windows, and Side Wings

- (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.
- (b) Nothing in this section shall prohibit the use of any products or materials along the top edge of the windshield so long as such products or materials are transparent and do not encroach upon the AS-1 portion of the windshield as provided by FMVSS 205 and FMVSS 128"; and
- (c) No person shall operate any motor vehicle on any public highway, road, or street which does not conspicuously display a certificate by the manufacturer of any "after manufacture" window tinting material which may have been installed that such window tinting material meets the requirements of Federal Motor Vehicle Safety Standard 205 in effect at the time of the vehicle's manufacture. It shall be a valid defense to any charge under this subsection if the person so charged produces in court a validated Mandatory Inspection Notice showing that the Division of Motor Vehicles has examined the motor vehicle since the date of offense and certifies compliance with FMVSS 205."

2.0 Authority

Whereas, the Department of Transportation needs a more definitive method in which to determine which products or materials are acceptable at the time of the vehicle safety inspection and to assist police officers in enforcing the law, the following regulation is adopted pursuant to 21 **Del.C.** §302.

3.0 Glass Coating Material on Motor Vehicles

- 3.1 The following regulations establish standards and specifications for the use of glass coating material and sun screening devices:
 - 3.1.1 Glass coating material placed, displayed, installed, affixed, or applied upon the windshield of a motor vehicle shall not extend below the AS -1 portion of the windshield as provided by FMVSS 205 and FMVSS 128. The material shall not extend more than five (5) inches down from the uppermost part of the windshield on older vehicles where no AS - 1 mark is indicated on the windshield.
 - 3.1.2 The front side wing vents and windows to the immediate right and left of the driver must comply with the requirements of Federal Motor Vehicle Safety Standard 205. Glass coating material (film tint), when used in conjunction with glazing (vehicle glass) material, must provide a light transmission of not less than 70 percent. All specifications in this rule shall be within normal manufacturer's tolerance, i.e., $\pm 3\%$.
 - 3.1.3 Rear window or windows may be applied with glass coating material in conjunction with glazing (vehicle glass) if the motor vehicle is equipped with outside mirrors on both left and right hand sides of the vehicle.
 - 3.1.4 Rear window mounted brake lights on 1986 and later vehicles will be clear of any tint material.
 - 3.1.5 The law applies to all motor vehicles which are operated on the roads and highways in this State, regardless of where such vehicles are registered.

9 DE Reg. 1988 (06/01/06)