

Motor Vehicle Division Policy Memo # 23-08

Vehicle registration revocations for window tint violations

FROM: Daniel Yeh, Central Programs Bureau Director and Kathleen Meradith-Eyers, MVD Deputy Director
TO: All Motor Vehicle Division staff, Iowa County Treasurers, and County Treasurers' staff

EFFECTIVE: November 1, 2023

SUBJECT

This memo explains the MVD's policy on denying, revoking, or suspending vehicle registration on the basis of excessively dark or reflective vehicle windows (i.e., tinted windows).

BACKGROUND

Iowa law prohibits the operation of a motor vehicle with certain windows that are "excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle." DOT administrative rule defines "excessively dark or reflective" to mean a window that does not meet a minimum standard of transparency of 70% transmittance. There is an exemption for certain vehicles approved prior to 2012 to operate with light transmittance between 35% and 70%.

Separately, Iowa law authorizes the DOT to suspend or revoke a vehicle's registration upon determination that the vehicle is "mechanically unfit or unsafe to be operated or moved upon the highways." A peace officer can request that we suspend or revoke the vehicle's registration by submitting a written request stating the basis for the action on a DOT-prescribed form. A report from law enforcement that a vehicle has windows tinted at 35% or less light transmittance is interpreted as meeting the criteria of "mechanically unfit or unsafe." We receive an average of less than 300 requests of this nature each year.

SUMMARY

After conferring with the Iowa Department of Public Safety, we have decided to limit window tint-based suspension or revocation to third or subsequent violations. This ensures that the vehicle registration will be utilized only after law enforcement has issued two prior citations to the vehicle owner, and the owner has failed to correct the issue. At that point, suspension of vehicle registration is an appropriate tool to incentivize an offender to remove the excessive tint.

Therefore, effective November 1, 2023, two prior window tint citations will be required before MVD will initiate a vehicle registration suspension. This applies to the vehicle owner, not the vehicle itself. For example, if vehicle owner is issued two citations for violating window tint law, then sells the vehicle without removing the tint, the new owner will not be immediately subject to a suspension upon a third violation. Instead, law enforcement would need to cite the new owner twice for a window tint violation before the new owner would be subject to a registration suspension.

The registration suspension request form (form 411012) will be updated to require the dates or numbers of two prior window tint citations. Law enforcement may still report to us (via form 411012) when they believe a vehicle is mechanically unfit or unsafe for a reason other than window tint without prior citations.

For a quick reference on what is an acceptable level of tinted window under Iowa law, please see our "Iowa Window Tinting Standards" one pager at: <https://www.iowadot.gov/mvd/resources/windowtintingstandards.pdf>

LINK TO RESOURCES

- Iowa Code section 321.438 (Windshields and windows) - <https://www.legis.iowa.gov/docs/code/2023/321.438.pdf>
- Iowa Code section 321.101 (Suspension or revocation of registration) - <https://www.legis.iowa.gov/docs/code/2023/321.101.pdf>
- Iowa Code section 321.30 (Grounds for refusing registration or title) – <https://www.legis.iowa.gov/docs/code/2023/321.30.pdf>
- Iowa administrative rule 761-450.7 (Front windshields, windows, or sidewings)– <https://www.legis.iowa.gov/docs/iac/rule/03-09-2022.761.450.7.pdf>
- Form 411012 - <https://iowadot.seamlessdocs.com/f/RequestForCancellationOfTheTitle>

CURRENT

MVD administrative staff currently suspend the registration of a vehicle upon receipt of a properly completed form 411012 (Request for Cancellation of Title or Revocation or Suspension of Registration and Plates) from a law enforcement officer indicating that the vehicle's windows are tinted to less than 35% light transmittance. Impacted vehicle owners are given information regarding how to remove window tint to comply with Iowa law and restore registration.

NEW

Effective November 1, 2023, we will no longer suspend vehicle registration for reports of window tint violations unless the vehicle owner has already been cited twice for a violation of Iowa Code section 321.438 (or equivalent ordinance). After two citations, law enforcement can submit form 411012 to MVD, listing the two prior citation numbers or dates and the tint measurement of the windows in violation.

Requests to suspend vehicle registration received prior to November 1, 2023 will not be processed. However, we will communicate with the applicable officers to let them know they can resubmit previous requests using this new criteria.

QUESTIONS AND ANSWERS:

DOES MVD HAVE TO VERIFY THE TWO PRIOR CITATIONS BEFORE SUSPENDING VEHICLE REGISTRATION?

No, as long as there are two prior citation numbers or dates listed on the request form, that is acceptable. We will not be verifying the citations in Iowa Courts Online unless we have specific reason to believe the citations are inaccurate.

ARE DARK WINDOWS UNSAFE FOR DRIVERS?

Highway safety advocates assert that a tinted window can impair one's visibility and make driving at night more dangerous. There is data demonstrating that tinted windows contribute particularly to intersection crashes. Unless and until Iowa law is changed to specifically deem otherwise, DOT and DPS concur that excessively tinted windows can pose a safety threat.

IS THE LEGISLATURE CONSIDERING WAYS TO ADDRESS THIS ISSUE?

Over the last several years we have seen many bills attempting to establish window tint standards in Iowa law (rather than administrative rule), including reducing the standard of transparency to 25% for anyone regardless of a medical necessity and requiring that a driver roll down tinted windows when stopped by law enforcement. If the law regarding window tint standards changes, we will re-evaluate this policy.

WHAT SHOULD WE DO IF WE RECEIVE AN OLD REQUEST FORM FROM LAW ENFORCEMENT THAT DOES NOT INCLUDE TWO PRIOR CITATIONS?

We are distributing the new form to law enforcement agencies, however, we may continue to receive these requests on the old form. If an old form is received, MVD administrative staff will send the requesting officer a request for information on the two prior citations before initiating a suspension.