

The following information clarifies the position for drivers who are considering the fitting of tinted window film to windows forward of the 'B' pillar and confirms that such application would mean that installation firms and drivers would be breaking the law in doing so.

Section 32 of the Road Vehicles (Construction and Use) Regulations have been amended to include "Window Tint Films" where such materials attached to the glass are capable of reducing the Visible Light Transmission of forward windows to below prescribed levels (70% VLT for windows forward of the 'B' pillar).

This will effectively ban the practice in future of applying virtually all tinted films to windows forward of the 'B' pillar on any vehicle that is to be driven on UK roads.

The reason for these changes is the recent proliferation of vehicles that are excessively tinted. Some vehicles may be so heavily tinted that they present a real danger when used on public roads.

The actions being taken by the government follows a fatality that occurred recently where a heavily tinted car was involved in a collision with a motorcycle and the window tints were held to blame due to the vision of the driver being impaired.

There is however, a recognised difference between 'light window tints' which may be considered safe for road use and 'excessively dark window tints' which are considered unsafe.

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There has also been a great deal of debate in recent years about the legitimacy of window tints that do not obscure the vision of the driver. A clear case has been argued that road safety window tints do not actually conflict with existing regulations. The Department for Transport have argued however, that section 32 was always intended to cover

materials attached to the glass, despite the fact that no mention of this is made in the Regulation itself. The only solution remaining would be to amend the legislation.

Consequently and in order to clarify the situation, the Government have finally decided to up-date the Regulations to specially include Tinted Films since, in the view of the Police and the Department for Transport, this is the only way in which the problems of excessive tints can be remedied.

Unfortunately however, even tint films that may be considered to be safe for road use will now be viewed as in conflict with the Regulations, enabling the Police and Vehicle Inspectorate to take action against vehicle owners.

This has significant implications for the owners of vehicles that have window tints and also those that are responsible for installing or selling window tints.

Implications for the installer and motor retailer

From 1 January 2004, any *Motor retailer that sells a vehicle that has window tint films applied* which reduce the visible light transmission level to below prescribed levels forward of the 'B' pillar is committing an offence and runs the risk of prosecution under Section 75 of the 1988 Road Traffic Act with reference to Section 41 (which refers to Construction and Use Regulations).

In a similar way, anyone *responsible for the fitting of window tints* which reduce visible light transmission levels to below prescribed levels on windows forward of the 'B' pillar is committing an offence and can be prosecuted under Section 76 of the 1988 Road Traffic Act.

Implications for the vehicle owner

After much discussion, a sympathetic Policy has been agreed between the Department for Transport and the Glass and Glazing Federation to ensure that all vehicle owners that have had tints applied in the past may be dealt with fairly. This applies in particular where the infringement is with respect to tints that do not pose a significant threat to Road Safety, despite being in convention with the amendment regulations.

As of 1 January 2004, the owner of a vehicle that has tints applied forward of the 'B' pillar is liable to be challenged by either a Police Officer or by an Inspector from the Department for Transport's Vehicle Inspectorate, where their vehicle is noticed being driven on public roads.

Where such a vehicle is stopped and the window tints applied are such that the visible light transmission level, when measured using an approved device, falls to below prescribed levels, the following enforcement guidelines have been agreed with and recommended by the Government.

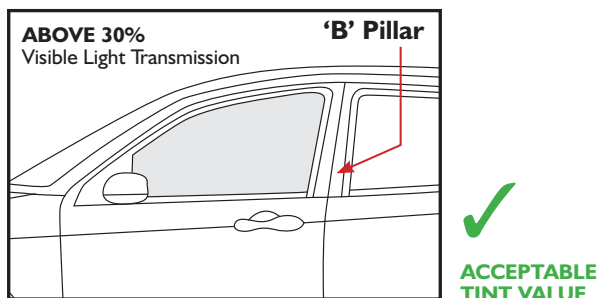
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ABOVE 30% Visible Light Transmission (Less severe window tints)

The driver or owner of such a vehicle will be required to have the tinted film removed from the windows under the direction of a rectification notice or a prohibition notice.

A period of grace will apply for a limited number of days (normally ten) during which time the vehicle may be driven whilst the rectification work is to be completed.

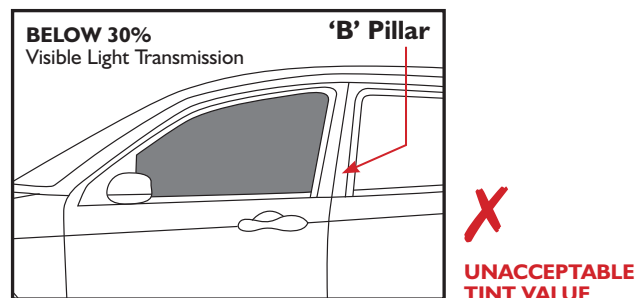
In either case, the vehicle will need to be inspected by either a Police Officer or Vehicle Inspectorate Officer to confirm that the glass has been restored to a compliant condition. Prosecution is unlikely in such circumstances provided the vehicle owner complies fully.



BELOW 30% Visible Light Transmission (Excessively dark window tints)

The driver or owner of such a vehicle may be issued with an immediate Prohibition Notice and immediately prevented from driving the vehicle on public roads until the tints have been removed and either a Police Officer or Vehicle Inspectorate Officer confirms that the glass has been restored to a compliant condition. It is also possible depending on the severity of the offence, that the owner may be prosecuted for driving a vehicle in a non-roadworthy or even dangerous condition with the potential for penalty points and a fine.

Driving such a vehicle on public roads before the tints have been removed and before a Prohibition notice has been lifted will be a serious offence and the owner or driver is likely to be prosecuted.



Action that needs to be taken by the Motor Retailer

Restrictions: From January 2004 all customers of a motor retailer that enquires about window tinting should be informed about the new Regulations. It will be unlawful to sell them a vehicle that has tints applied forward of the 'B' pillar and may render the retailer liable to prosecution. The vehicle may also be deemed to be in a non-roadworthy condition leaving the owner liable to prosecution as well.

The owner of a vehicle that is in a non-roadworthy condition may find that they void their insurance cover if they continue to drive it on public roads. In the event of an accident, the insurance company may refuse to pay part or their entire claim

Rectification: All Motor retailers that have supplied vehicles with window tints forward of the 'B' pillar are being encouraged by the Government and the Glass and Glazing Federation to contact their previous customers to inform them of the changes to legislation and to offer a chance to have their vehicle returned to have front tints removed.

This is most important as this will give every customer the chance to become informed about the amendments to the regulations whilst being able to change their vehicle into a compliant condition before they may be challenged in the future by the police or an officer from the Vehicle Inspectorate.

Clear Security Film

Clear Security Film that only marginally reduces the visible light transmission levels on windows forward of the 'B' pillar may be considered to be compliant with the amended regulations subject to the quality of the fitment being to a standard that does not result in the vision of the driver being obscured in any way.