



Legislation Text

File #: Res 1114-2007, **Version:** *

Res. No. 1114

Resolution calling upon the New York State Legislature to strengthen vehicle window tinting laws and urging the federal government to consider revising federal law in this area to enhance the safety of police officers.

By Council Member Addabbo and The Public Advocate (Ms. Gotbaum), and Council Members Avella, Brewer, Fidler, Gennaro, Gentile, Gonzalez, Liu, Nelson, Recchia Jr., Weprin, Jackson and Vallone Jr.

Whereas, On July 9, 2007, while pulling over a suspicious vehicle in Brooklyn, New York, Police Officer Russel Timosheko was shot and died five days later, and his partner, Police Officer Herman Yan, was wounded; and

Whereas, According to a New York Times article on September 23, 2007, entitled “Motoring; Seeing the Light. Then Again, Maybe Not,” the assailants who shot the two officers were hidden behind the dark tinted windows of their vehicle; and

Whereas, The more darkly tinted a vehicle’s windows are, the more difficult it is for an officer to see inside of it and assess the potential risk of approaching the vehicle; and

Whereas, Currently, while federal standards regulate tinted vehicle windows, they also allow states some flexibility in establishing their own tinted window laws; and

Whereas, New York State Vehicle and Traffic Law Section 375, in general, requires vehicles to have a front windshield that allows at least 70 percent of visible light through most of the windshield, and mandates that station wagons, sedans, hardtops, coupes, hatchbacks and convertibles only also have rear side windows that have a light transmittance of at least 70 percent; and

Whereas, This law also permits a vehicle’s rear window to have a light transmittance of less than 70 percent if the vehicle is equipped with side mirrors on both sides; and

Whereas, Requiring only 70 percent light transmittance on front windshields and on certain side windows, and allowing unlimited tinting of rear windows on certain vehicles can pose a very dangerous situation for police officers who pull vehicles over for suspected traffic violations or illegal activities; and

Whereas, Such traffic stops would become a great deal safer for police officers if all windows of a vehicle, regardless of whether the vehicle has side mirrors or not, were required to allow at least 90 percent of visible light through; and

Whereas, New York State Vehicle and Traffic Law Section 375 limits enforcement of vehicle tinting laws and regulations to vehicles that are on public highways, roads or streets; and

Whereas, Mandating broader enforcement would contribute to improving safety conditions for police officers who need to approach vehicles; and

Whereas, Other state imposed safety enhancements could include requiring an annual inspection of vehicles registered in New York State to ensure that they are complying with the State's tinted window laws and regulations, and increasing penalties for violations of Section 375(12-a)(e) of the State Vehicle and Traffic Law, which prohibits any person from selling, equipping, or operating vehicles with illegally tinted windows; and

Whereas, It has been suggested that two hundred and fifty dollars be deducted from any fine imposed for a violation of tinted window laws and/or regulations which would be deposited into a dedicated fund to benefit law enforcement safety and training; and

Whereas, The federal government should consider revising the federal law and regulations addressing vehicle window tinting, to ensure less confusion between different state standards and to address the safety issues involved when police officers need to approach vehicles; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to strengthen vehicle window tinting laws and urges the federal government to consider revising federal law in this area to enhance the safety of police officers.

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