

**Readopt with amendments Saf-C 2500, effective January 31, 2012 (Doc. # 10083), to read as follows:**

CHAPTER Saf-C 2500 MOTOR VEHICLE EQUIPMENT WAIVER

PART Saf-C 2501 DEFINITIONS

Saf-C 2501.01 "After market tinting" means any window tinting applied to the windshield after original manufacture of the motor vehicle.

Saf-C 2501.02 "Applicant" means any person with a medical condition pursuant to Saf-C 2503.02 who applies for a medical waiver of the tinted windshield restriction pursuant to Saf-C 2502.01.

Saf-C 2501.03 "Commissioner" means "commissioner" as defined in RSA 259:13.

Saf-C 2501.04 "Department" means "department" as defined in RSA 259:19.

Saf-C 2501.05 "Director" means "director" as defined in RSA 259:20.

Saf-C 2501.06 "Division" means "division" as defined in RSA 259:22.

Saf-C 2501.07 "Medical condition" means a disease or ailment aggravated by exposure to the sun for which applicants may obtain a waiver of the tinted windshield restriction if they qualify pursuant to this chapter.

Saf-C 2501.08 "Medical provider" means a physician licensed to practice medicine in this state.

Saf-C 2501.09 "Motor vehicle" means "motor vehicle" as defined in RSA 259:60.

PART Saf-C 2502 TINTED WINDSHIELD RESTRICTION

Saf-C 2502.01 Tinted Windshield Restriction. No motor vehicle registered in New Hampshire shall be sold, inspected, or driven on any way in New Hampshire which has after market tinting on the windshield except as allowed by RSA 266:58-a or these rules.

Saf-C 2502.02 Tinted Strip on Windshield. Pursuant to RSA 266:58-a, V, a strip of after market tinting shall not be prohibited as long as the strip:

- (a) Is not wider than 6 inches; and
- (b) Has a light transmittance of not less than 35 percent.

PART Saf-C 2503 MEDICAL WAIVER OF TINTED WINDSHIELD RESTRICTION

Saf-C 2503.01 Qualification. Pursuant to RSA 266:58-a, III-a, individuals may apply for a medical waiver of the tinted windshield restriction set forth in Saf-C 2502.01 if they have a medical condition as listed in Saf-C 2503.02.

Saf-C 2503.02 Medical Conditions. Medical conditions for which a waiver shall be granted include:

- (a) Extreme intolerance to light;
- (b) Allergic reactions to the sun;
- (c) Melanoma;
- (d) Lupus;

(e) Porphyria; or

(f) Any other medical condition which is aggravated by exposure to the sun.

Saf-C 2503.03 Form DSMV 603 (Rev. 7-2022) Application for a Tinted Windshield Medical Waiver.

(a) All applicants for a waiver of the tinted windshield restriction shall submit form DSMV 603 (Rev. 7-2022), "Application For Tinted Windshield Medical Waiver," to the Division of Motor Vehicles, Director's Office, 23 Hazen Drive, Concord, NH 03305, completed by their medical provider within the last 6 months.

(b) The medical provider shall provide the following information regarding the form DSMV 603 (Rev. 7-2022):

(1) Name and description of the medical condition;

(2) A statement how a tinted windowshield will alleviate the medical condition; and

(3) Certification that:

(a) Sunglasses or other protective equipment will not alleviate the medical condition;

(b) A tinted windshield is recommended due to the applicant's medical condition;

(c) The applicant is under the medical provider's treatment and care; and

(d) In the medical provider's professional opinion, the applicant requires a medical waiver for window tinting as defined under RSA 266:58-a and Saf-C 2500.

(c) The applicant shall submit a copy of the registration(s) of the motor vehicle(s) to which the after market tinting will be affixed, along with form DSMV 603 (Rev. 7-2022).

(d) If an applicant's legal guardian is applying on the applicant's behalf, a copy of the entire order that shows the powers granted to the legal guardian shall be provided at the time of application.

(e) The registered owner(s) of the vehicle(s) to which the after market tinting will be affixed shall sign the application.

(f) Within 20 days of receiving the application, the director shall respond to the applicant either granting the waiver or denying it.

Saf-C 2503.04 Procedure for Granting a Medical Waiver. Pursuant to RSA 266:61-a, the director shall waive the tinted windshield restriction when:

(a) Form DSMV 603 (Rev. 7-2022) is received by the director pursuant to the requirements of Saf-C 2503.03; and

(b) The director reviews Form DSMV 603 (Rev. 7-2022) and determines that:

(1) The applicant has a medical condition set forth in Saf-C 2503.02; and

(2) The requirements of Saf-C 2503.03 have been satisfied.

Saf-C 2503.05 Permit.

- (a) Upon granting a waiver, the director shall issue a permit to the applicant.
- (b) The permit shall be form DSMV 473 (Rev. 7-2022) “Permit for Tinted Windshield Medical Waiver.”
- (c) The applicant shall sign form DSMV 473 (Rev. 7-2022). If the applicant is a minor or has a legal guardian, the applicant’s parent or legal guardian shall sign the form on behalf of the applicant.
- (d) The registered owner of the vehicle on which the after market windshield tinting is permitted, if different from the applicant, shall sign form DSMV 473 (Rev. 7-2022) to acknowledge that the vehicle referenced on the permit has been authorized to have a tinted windshield.
- (e) The applicant shall be issued a permit for no more than 2 vehicles.
- (f) The permit shall contain the name of the registered owner of the vehicle on which the after market windshield tinting is permitted, if different from the applicant.

Saf-C 2503.06 Tinted Windshield Requirements After Medical Waiver Granted. An applicant who has been issued a permit by the director shall use after market tinting with a light transmittance of not less than 70 percent.

Saf-C 2503.07 Expiration Date. A permit shall expire 2 years from its date of issuance.

PART Saf-C 2504 DENIAL OF MEDICAL WAIVER

Saf-C 2504.01 Medical Waiver Denied. If an applicant is denied a medical waiver, the director shall state in writing the reasons for the denial and mail it to the applicant.

Saf-C 2504.02 Appeal Process. Any person whose application has been denied shall have the right to appeal pursuant to RSA 541.

PART Saf-C 2505 ENFORCEMENT

Saf-C 2505.01 Permit in Motor Vehicle. The permit authorizing a tinted windshield shall remain in the motor vehicle on which the after market windshield tinting is permitted at all times.

Saf-C 2505.02 Inspection of Motor Vehicle. An inspection station shall reject any motor vehicle which has after market tinting on the windshield unless the driver displays a valid permit granting a tinted windshield medical waiver for that registered motor vehicle.

Saf-C 2505.03 Presentation of Permit Upon Request. A person shall present the permit granting a tinted windshield medical waiver upon request of:

- (a) Any law enforcement officer; or
- (b) Any inspection station which inspects the motor vehicle.

PART Saf-C 2506 RENEWAL

Saf-C 2506.01 Renewal Process. All individuals with a medical waiver shall renew their permits:

- (a) During the month before the expiration date; and

(b) Following the procedures set forth in PART Saf-C 2503.

**APPENDIX**

<b>RULE NUMBER</b>	<b>STATUTE IMPLEMENTED</b>
Saf-C 2501.01 – Saf-C 2501.02	RSA 541-A:7
Saf-C 2501.03	RSA 259:13
Saf-C 2501.04	RSA 259:19
Saf-C 2501.05	RSA 259:20
Saf-C 2501.06	RSA 259:22
Saf-C 2501.07	RSA 541-A:7
Saf-C 2501.08	RSA 541-A:7
Saf-C 2501.09	RSA 259:60
Saf-C 2502.01 – Saf-C 2503.03	RSA 266:58-a, IV
Saf-C 2503.04 – Saf-C 2506.01	RSA 266:58-a, IV; RSA 266:61-a, IX