



## WINDOW TINTING

### AMENDMENTS TO LEGISLATION

During the early part of 2004, Section 32 of the Road Vehicles (Construction and Use) Regulations will be 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. These changes will be back-dated to become applicable from 1<sup>st</sup> January 2004.

This will effectively ban virtually all **tinted** films fitted to windows forward of the B-Post 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 action 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 (such as those supplied to you by Pentagon) and "excessively dark window tints" which are not.

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-safe 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 specifically 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 already fitted and also those that are responsible for installing or selling window tints.

## **Implications for the vehicle owner**

After much discussion, a sympathetic Enforcement 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 contravention with the amended Regulations.

In any event, after the date of the amendment to Section 32, the owner of a vehicle that has window tints applied forward of the B-Post could 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.

### **Above 30% Visible Light Transmission (Less Severe Window Tints)**

The owner or driver of such a vehicle would be required to have the tinted film removed from the windows under the direction of either a Rectification Notice or a Delayed 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.

### **Action that needs to be taken**

All Businesses that have supplied window tints forward of the B-Post are being encouraged by the Government and the Glass and Glazing Federation to contact all of their previous customers to inform them of the changes to Legislation and to offer them a chance to have their vehicle rectified by having the front tints removed.

As one of our existing customers, this is a service that we are happy to offer to you free of charge. It is also something that we can do for you while you wait to minimise any inconvenience.

Should you wish, we can instead apply Clear SupaGlass once the tints have been removed, for a small charge, and full details are available on request. Please note that in order to apply SupaGlass to the two forward windows we will need to retain your vehicle for a longer period, depending on the model.

## **New compliant SupaGlass and Tints Package**

Pentagon Glass Tech's new SupaGlass and Tints Package will be compliant with the new Regulations.

This will include Clear (untinted) SupaGlass forward of the B-Post and either Tints or Tinted SupaGlass to the rear of the vehicle which will be acceptable under the amended legislation.

\*\*\*\*\*

### **Please Note:**

Pentagon as a group have always sought to ensure that the tints we supply are both safe for road use and acceptable within the law. Throughout our history we have regularly consulted the Police, Road Safety Groups and other Authorities for guidance on this matter.

Our policy has been **not** to supply tints on the driver and forward passenger windows that may obscure the vision of the driver in any driving conditions. This follows similar practices that have existed for decades in other parts of the world (such as in the USA and Australia) where window tinting above prescribed levels of Visible Light Transmission is widely employed and accepted as being safe for road use by the Authorities concerned.

To illustrate the confusion that exists about the current law in the UK, Pentagon have been requested in the past to supply tints to the Royal Family, the Prime Minister and for many Police Officers including Chief Constables.

We will continue in our efforts to campaign for a change in legislation that may eventually allow window tints which are known to be road safe on these windows, as is permitted in other parts of the world. Window tinting provides many benefits as you will have experienced and we feel that the motorist should have an opportunity for greater safety, security and comfort in their vehicles provided that this does not compromise road safety.