

**OPINION
67-144**

March 7, 1967 (OPINION)

Mr. Richard B. Thomas

State's Attorney

Ward County

RE: Motor Vehicles - Windshield - Use of Decals

We have reviewed the conclusions reached by Mr. Richard B. Thomas, State's Attorney of Ward County, North Dakota, in his letter of February 3, 1967, with reference to the legality of placing decals on the windshield of an automobile.

The Minot Air Force Base poses the question whether it is legal to place a decal in the upper center of the windshield. It appears that the regulation of the Strategic Air Command requires a decal to be positioned "on the top center of the vehicle windshield unless prohibited by state or local law" (AFR 125-14/SAC Sup 1).

We are further informed that the decal would be placed in the center of the windshield behind the rear view mirror of privately owned vehicles.

Our earlier discussion and conclusions in 1962 on a similar subject pertained to the construction and interpretation of section 39-11-27 of the North Dakota Century Code. Said section has now been repealed and is superseded by section 39-21-39 of the 1965 Supplement to the North Dakota Century Code and provides as follows:

"WINDSHIELDS MUST BE UNOBSTRUCTED AND EQUIPPED WITH WIPERS.

1. No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which obstructs the driver's clear view of the highway or any intersecting highway.
2. The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.
3. Every windshield wiper upon a motor vehicle shall be maintained in good working order."

In reviewing this provision it becomes quite apparent that it is a safety measure which prohibits the placing of any nontransparent material on the windshield which "obstructs the driver's clear view of the highway or any intersecting highway." The decal is of such size that it is comparable to the size of the average rear view mirror placed on the inside of the automobile on the upper side of

the windshield. It would thus appear in our judgment that the decal does not obstruct the view any greater than the view is obstructed by the rear view mirror on the upper side of the windshield.

We are assuming in our conclusions that the decals will be placed side by side or in the alternative that the decal form "SAC 66 A" will be used only. We are also assuming that the windshield is of the common variety and that the placing of the decal or decals will, in fact, not obstruct a clear view of the highway or any intersecting highway. If the windshield is of such small dimensions that the decal or decals will obstruct the view, then same could not legally be placed on the windshield.

It is our opinion that the decal or decals may be used and placed on the windshield if they are placed in the manner discussed herein, on the assumption that the windshield is comparable to the ordinary type of windshield.

HELGI JOHANNESON

Attorney General