



## **CAN WEARING TINTED EYE GLASSES AT NIGHT REDUCE VISION QUALITY?**

### **THE FACTS**

On May 24, 2007, at approximately 9:42 p.m., an individual was driving his automobile on an unlit road while wearing black-tinted eye glasses. A police officer followed him for a while and stopped him. The individual claimed that his glasses made him look “cool”. The police officer ticketed him for an offence, on the ground that he had committed an act that could endanger human safety.

### **THE ISSUE**

Does wearing tinted eye glasses late in the evening on an unlit road constitute an action that can endanger human safety?

### **THE DECISION**

The defendant was convicted under section 327 of the *Highway Safety Code*. He was required to pay a fine of \$300 plus costs, the whole within a period of six months.

### **THE GROUNDS**

The prosecution argued that the police officer had passed both the subjective test and the objective test: by trying on the glasses himself, the police officer had been able to assess the degree of perception and the quality of visibility. The defence submitted that this was a situation in which the assessment had been purely and solely subjective. The defendant had been driving properly, without any flaws. One must consider that vision capacity or quality varies from one individual to another; the defendant testified to the effect that there had been no decrease in the quality of his vision. When the police officer stopped the defendant, he asked him for his papers and his tinted glasses. The police officer then tested out driving on the same road, first while wearing the tinted glasses and then removing them in order to see the difference. The road was located in a rural zone and was a two-way road with pedestrians and cyclists present. The police officer testified that he was certain that with the glasses on, given that they

made things darker, his reflexes had been reduced and less rapid. The Court drew a parallel with section 265 of the *Highway Safety Code*. The provincial legislature has established standards for the windshield and other windows of a motor vehicle to ensure the driver’s visibility (section 265 of the *Highway Safety Code*). Section 266 of the *Highway Safety Code* states that no person may coat the windshield or the front side windows of a road vehicle or cause them to be coated with a substance having the effect of **reducing** or preventing good visibility from inside or outside the vehicle. Section 61 of the *Regulation respecting safety standards for road vehicles* made under the *Highway Safety Code* states: “If the windshield has lost transparency, the loss shall not exceed 10% of the total surface and it shall not be in the area covered by the wipers.” Section 64 is also relevant: “**No material which darkens glass** shall be affixed to or sprayed on the windshield of a road vehicle. However, a strip no more than 15 cm in width may be affixed to the upper part of the windshield.” By drawing a parallel between the above-mentioned prohibition and the wearing of tinted eye glasses, one can conclude that visibility is necessarily reduced by the use of tinted eye glasses late in the evening or at night, because it cannot be contested that tinted eye glasses cloud visibility during that time of the day.

### **References**

*Laval (Ville de) v. Provençal*, Municipal Court (C.M.) Laval, 0210095298, May 12, 2009, Judge Yves Fournier

*Highway Safety Code*, (R.S.Q., c. C-24.2), sections 265 and 266;

*Regulation respecting safety standards for road vehicles*, (R.R.Q. 1981, c. C-24.2, r. 1.03), sections 61 and 64.

The judgement discussed in this article was rendered based on the evidence submitted to the court.

Each situation is unique. If in doubt, we suggest you consult a legal aid lawyer.

### **Contact us**

Commission  
des services juridiques  
2, Complexe Desjardins  
Tour de l’Est, bureau  
1404  
C.P. 123  
Succursale Desjardins  
Montréal (Québec)  
H5B 1B3

Phone : 514 873-3562  
Fax : 514 873-8762  
[www.csj.qc.ca](http://www.csj.qc.ca)

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