



State of West Virginia
Office of the Attorney General

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The Honorable Joseph R. Canestraro
Marshall County Prosecuting Attorney
Marshall County Courthouse
600 7th Street
Moundsville, West Virginia 26041

Dear Prosecutor Canestraro:

You have asked for an Opinion of the Attorney General about whether police may use an unmarked law enforcement vehicle without tinted windows to conduct radar enforcement and issue speeding citations.

We are issuing this Opinion under West Virginia Code § 5-3-2, which provides that the Attorney General “may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office.” When this Opinion relies on facts, it depends solely on the factual assertions in your correspondence and discussions with the Office of the Attorney General.

You explain that a local police department within Marshall County is using a gold Dodge Charger to “run radar and conduct routine traffic stops,” including stops for “speeding offenses,” on a stretch of West Virginia Route 2. The vehicle has no lightbar or side decal but bears front and back police license plates. The vehicle’s windows are not tinted. A dispute has arisen between “law enforcement officers of other [county] agencies” and the municipality’s police officers about whether West Virginia Code § 17C-15-36a bars the use of this vehicle.

With these facts in mind, your letter raises the following legal question:

Does West Virginia Code § 17C-15-36a prohibit the local police department from using its vehicle to run radar and issue citations to speeders?

We conclude that West Virginia Code § 17C-15-36a does not prohibit the patrol activity you described, in the vehicle you described. Section 17C-15-36a restricts only unmarked law

enforcement vehicles used primarily for covert or undercover enforcement *with tinted windows* from engaging in routine traffic stops. Because the gold Charger does not have tinted windows, the routine traffic stop prohibition does not apply. Local police may use the vehicle to stop speeders.

DISCUSSION

Our analysis must “begin with the text” of West Virginia Code § 17C-15-36a. *Raymond H. v. Cammie H.*, 242 W. Va. 640, 644, 837 S.E.2d 701, 705 (2019). The statute regulates “[s]un-screening devices”—commonly known as “window tint”—and provides penalties for noncompliance. *See* W. VA. CODE § 17C-15-36a; *see also* \$7,850 in *U.S. Currency v. State*, No. 13-0499, 2013 WL 6283823, at *3 (W. Va. Dec. 4, 2013) (memorandum decision) (describing how the statute generally criminalizes “window tinting”). It first lays out a broad prohibition: “no person may operate a motor vehicle” with “a sun-screening device” on the windshield, front side windows, and windows adjacent to the driver that does not comply with certain enumerated requirements. W. VA. CODE § 17C-15-36a(a). But “unmarked law-enforcement vehicles primarily used for covert or undercover enforcement” are “exempt.” *Id.* And the statute includes a limitation on that exemption: “No unmarked law-enforcement vehicle, herein exempted, may engage in routine traffic stops.” *Id.*

The key phrase is “herein exempted.” This language limits the “routine traffic stop” prohibition to vehicles that fall within the preceding sun-screening exemption. In other words, the statute bars only unmarked law-enforcement vehicles that (1) have tinted windows and (2) are primarily used for covert or undercover enforcement, from conducting routine traffic stops. *See, e.g., United States v. Murphy*, No. 2:24-CR-00101, 2024 WL 4518292, at *3 (S.D.W. Va. Oct. 17, 2024) (holding that vehicle violated the statute where it was “an unmarked law-enforcement vehicle *with tinted windows*” that was assumed to be involved in a “routine traffic stop within the meaning of [West Virginia] Code § 17C-15-36a” (emphasis added)).

A vehicle without tinted windows never reaches the exemption. Such a vehicle is not exempted from the statute’s sun-screening device requirements; it simply satisfies them. Reading the routine traffic stop prohibition to apply to all unmarked vehicles—regardless of window tint—would render the phrase “herein exempted” meaningless. And it is a “cardinal rule of statutory construction” that “every section, clause, word or part of the statute” must be given “significance and effect.” Syl. pt. 6, *W. Va. Auto. v. Ford Motor Co.*, 251 W. Va. 352, 913 S.E.2d 534 (2025) (citation omitted).

More, the sun-screening exemption is limited to “unmarked law-enforcement vehicles primarily used for covert or undercover enforcement”—operations that may require the concealment that tinted windows provide. W. VA. CODE § 17C-15-36a. In exchange for that privilege, the statute bars those same vehicles from conducting routine traffic stops. Extending the prohibition to all unmarked vehicles would untether it from the exemption for vehicles “primarily used for covert or undercover enforcement.” *Id.* And it would transform a narrow limitation on a specific exemption into a sweeping regulation of unmarked police vehicles generally. If the Legislature were interested in barring all uses of unmarked vehicles for traffic stops, then we expect it would not bury such a broad prohibition in an anti-sun-screening statute.

Because the vehicle you describe does not have tinted windows, it is not “herein exempted,” and the prohibition on routine traffic stops does not apply. We therefore need not reach whether the car, as described, is “unmarked.”

* * *

We conclude that West Virginia Code § 17C-15-36a does not prohibit municipal police departments from using an unmarked vehicle without tinted windows to run radar and issue citations for speeding and other traffic offenses. The statute’s restriction on “routine traffic stops” applies only to unmarked law-enforcement vehicles that are “herein exempted” from the sun-screening requirements—namely, those with tinted windows primarily used for covert or undercover enforcement.

Sincerely,



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West Virginia Attorney General

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Mattie F. Shuler
Assistant Solicitor General