

AMENDED IN ASSEMBLY APRIL 27, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1942**

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**Introduced by Assembly Member Fletcher**

February 17, 2010

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An act to amend Section 26708 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1942, as amended, Fletcher. Windshield: video event recorder.

Existing law prohibits any person, except as specified, from driving any motor vehicle with any object or material placed, displayed, installed, affixed, or applied in or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows.

This bill would additionally exempt from these provisions a video event recorder, *as defined*, that has the capability of monitoring driver performance, which may be mounted in a 7-inch square in the lower corner of the windshield farthest removed from the driver ~~or~~, in a 5-inch square in the lower corner of the windshield nearest to the driver and outside of an airbag deployment zone, *or in a 5-inch square mounted to the center uppermost portion of the interior of the windshield.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 26708 of the Vehicle Code is amended
- 2 to read:

1 26708. (a) (1) A person shall not drive any motor vehicle with  
2 any object or material placed, displayed, installed, affixed, or  
3 applied upon the windshield or side or rear windows.

4 (2) A person shall not drive any motor vehicle with any object  
5 or material placed, displayed, installed, affixed, or applied in or  
6 upon the vehicle that obstructs or reduces the driver's clear view  
7 through the windshield or side windows.

8 (3) This subdivision applies to a person driving a motor vehicle  
9 with the driver's clear vision through the windshield, or side or  
10 rear windows, obstructed by snow or ice.

11 (b) This section does not apply to any of the following:

12 (1) Rearview mirrors.

13 (2) Adjustable nontransparent sunvisors that are mounted  
14 forward of the side windows and are not attached to the glass.

15 (3) Signs, stickers, or other materials that are displayed in a  
16 ~~7-inch~~ *seven-inch* square in the lower corner of the windshield  
17 farthest removed from the driver, signs, stickers, or other materials  
18 that are displayed in a ~~7-inch~~ *seven-inch* square in the lower corner  
19 of the rear window farthest removed from the driver, or signs,  
20 stickers, or other materials that are displayed in a ~~5-inch~~ *five-inch*  
21 square in the lower corner of the windshield nearest the driver.

22 (4) Side windows that are to the rear of the driver.

23 (5) Direction, destination, or terminus signs upon a passenger  
24 common carrier motor vehicle or a schoolbus, if those signs do  
25 not interfere with the driver's clear view of approaching traffic.

26 (6) Rear window wiper motor.

27 (7) Rear trunk lid handle or hinges.

28 (8) The rear window or windows, if the motor vehicle is  
29 equipped with outside mirrors on both the left- and right-hand  
30 sides of the vehicle that are so located as to reflect to the driver a  
31 view of the highway through each mirror for a distance of at least  
32 200 feet to the rear of the vehicle.

33 (9) A clear, transparent lens affixed to the side window opposite  
34 the driver on a vehicle greater than 80 inches in width and that  
35 occupies an area not exceeding 50 square inches of the lowest  
36 corner toward the rear of that window and that provides the driver  
37 with a wide-angle view through the lens.

38 (10) Sun screening devices meeting the requirements of Section  
39 26708.2 installed on the side windows on either side of the  
40 vehicle's front seat, if the driver or a passenger in the front seat

1 has in his or her possession a letter or other document signed by  
2 a licensed physician and surgeon certifying that the person must  
3 be shaded from the sun due to a medical condition, or has in his  
4 or her possession a letter or other document signed by a licensed  
5 optometrist certifying that the person must be shaded from the sun  
6 due to a visual condition. The devices authorized by this paragraph  
7 shall not be used during darkness.

8 (11) An electronic communication device affixed to the center  
9 uppermost portion of the interior of a windshield within an area  
10 that is not greater than ~~5~~ *five* inches square, if the device provides  
11 either of the following:

12 (A) The capability for enforcement facilities of the Department  
13 of the California Highway Patrol to communicate with a vehicle  
14 equipped with the device.

15 (B) The capability for electronic toll and traffic management  
16 on public or private roads or facilities.

17 (12) A portable Global Positioning System (GPS), which may  
18 be mounted in a ~~7-inch~~ *seven-inch* square in the lower corner of  
19 the windshield farthest removed from the driver or in a ~~5-inch~~  
20 *five-inch* square in the lower corner of the windshield nearest to  
21 the driver and outside of an airbag deployment zone, if the system  
22 is used only for door-to-door navigation while the motor vehicle  
23 is being operated.

24 (13) A video event recorder with the capability of monitoring  
25 driver performance to improve driver safety, which may be  
26 mounted in a ~~7-inch~~ *seven-inch* square in the lower corner of the  
27 windshield farthest removed from the driver ~~or in a 5-inch~~, *in a*  
28 *five-inch* square in the lower corner of the windshield nearest to  
29 the driver and outside of an airbag deployment ~~zone~~: *zone, or in*  
30 *a 5-inch square mounted to the center uppermost portion of the*  
31 *interior of the windshield. As used in this section, "video event*  
32 *recorder" means a video recorder that continuously records in a*  
33 *digital loop, recording audio, video, and G-force levels, but saves*  
34 *video only when triggered by an unusual motion or crash or when*  
35 *operated by the driver to monitor driver performance.*

36 (c) Notwithstanding subdivision (a), transparent material may  
37 be installed, affixed, or applied to the topmost portion of the  
38 windshield if the following conditions apply:

39 (1) The bottom edge of the material is at least 29 inches above  
40 the undepressed driver's seat when measured from a point ~~5~~ *five*

1 inches in front of the bottom of the backrest with the driver’s seat  
2 in its rearmost and lowermost position with the vehicle on a level  
3 surface.

4 (2) The material is not red or amber in color.

5 (3) There is no opaque lettering on the material and any other  
6 lettering does not affect primary colors or distort vision through  
7 the windshield.

8 (4) The material does not reflect sunlight or headlight glare into  
9 the eyes of occupants of oncoming or following vehicles to any  
10 greater extent than the windshield without the material.

11 (d) Notwithstanding subdivision (a), clear, colorless, and  
12 transparent material may be installed, affixed, or applied to the  
13 front side windows, located to the immediate left and right of the  
14 front seat if the following conditions are met:

15 (1) The material has a minimum visible light transmittance of  
16 88 percent.

17 (2) The window glazing with the material applied meets all  
18 requirements of Federal Motor Vehicle Safety Standard No. 205  
19 (49 C.F.R. 571.205), including the specified minimum light  
20 transmittance of 70 percent and the abrasion resistance of AS-14  
21 glazing, as specified in that federal standard.

22 (3) The material is designed and manufactured to enhance the  
23 ability of the existing window glass to block the sun’s harmful  
24 ultraviolet A rays.

25 (4) The driver has in his or her possession, or within the vehicle,  
26 a certificate signed by the installing company certifying that the  
27 windows with the material installed meet the requirements of this  
28 subdivision and the certificate identifies the installing company  
29 and the material’s manufacturer by full name and street address,  
30 or, if the material was installed by the vehicle owner, a certificate  
31 signed by the material’s manufacturer certifying that the windows  
32 with the material installed according to manufacturer’s instructions  
33 meet the requirements of this subdivision and the certificate  
34 identifies the material’s manufacturer by full name and street  
35 address.

36 (5) If the material described in this subdivision tears or bubbles,  
37 or is otherwise worn to prohibit clear vision, it shall be removed  
38 or replaced.

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