

Introduced by Senator Lowenthal

February 19, 2010

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1328, as introduced, Lowenthal. Vehicles: windows.

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 make a technical, nonsubstantive change to these provisions.

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:
3 26708. (a) (1) A person shall not drive any motor vehicle with
4 any object or material placed, displayed, installed, affixed, or
5 applied upon the windshield or side or rear windows.
6 (2) A person shall not drive any motor vehicle with any object
7 or material placed, displayed, installed, affixed, or applied in or
8 ~~upon~~ *on* the vehicle that obstructs or reduces the driver's clear
9 view through the windshield or side windows.

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

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

5 (1) Rearview mirrors.

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

8 (3) Signs, stickers, or other materials that are displayed in a
9 7-inch square in the lower corner of the windshield farthest
10 removed from the driver, signs, stickers, or other materials that
11 are displayed in a 7-inch square in the lower corner of the rear
12 window farthest removed from the driver, or signs, stickers, or
13 other materials that are displayed in a 5-inch square in the lower
14 corner of the windshield nearest the driver.

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

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

19 (6) Rear window wiper motor.

20 (7) Rear trunk lid handle or hinges.

21 (8) The rear window or windows, if the motor vehicle is
22 equipped with outside mirrors on both the left- and right-hand
23 sides of the vehicle that are so located as to reflect to the driver a
24 view of the highway through each mirror for a distance of at least
25 200 feet to the rear of the vehicle.

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

31 (10) Sun screening devices meeting the requirements of Section
32 26708.2 installed on the side windows on either side of the
33 vehicle's front seat, if the driver or a passenger in the front seat
34 has in his or her possession a letter or other document signed by
35 a licensed physician and surgeon certifying that the person must
36 be shaded from the sun due to a medical condition, or has in his
37 or her possession a letter or other document signed by a licensed
38 optometrist certifying that the person must be shaded from the sun
39 due to a visual condition. The devices authorized by this paragraph
40 shall not be used during darkness.

1 (11) An electronic communication device affixed to the center
2 uppermost portion of the interior of a windshield within an area
3 that is not greater than 5 inches square, if the device provides either
4 of the following:

5 (A) The capability for enforcement facilities of the Department
6 of the California Highway Patrol to communicate with a vehicle
7 equipped with the device.

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

10 (12) A portable Global Positioning System (GPS), which may
11 be mounted in a 7-inch square in the lower corner of the windshield
12 farthest removed from the driver or in a 5-inch square in the lower
13 corner of the windshield nearest to the driver and outside of an
14 airbag deployment zone, if the system is used only for door-to-door
15 navigation while the motor vehicle is being operated.

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

19 (1) The bottom edge of the material is at least 29 inches above
20 the undepressed driver's seat when measured from a point 5 inches
21 in front of the bottom of the backrest with the driver's seat in its
22 rearmost and lowermost position with the vehicle on a level
23 surface.

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

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

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

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

35 (1) The material has a minimum visible light transmittance of
36 88 percent.

37 (2) The window glazing with the material applied meets all
38 requirements of Federal Motor Vehicle Safety Standard No. 205
39 (49 C.F.R. 571.205), including the specified minimum light

1 transmittance of 70 percent and the abrasion resistance of AS-14
2 glazing, as specified in that federal standard.

3 (3) The material is designed and manufactured to enhance the
4 ability of the existing window glass to block the sun's harmful
5 ultraviolet A rays.

6 (4) The driver has in his or her possession, or within the vehicle,
7 a certificate signed by the installing company certifying that the
8 windows with the material installed meet the requirements of this
9 subdivision and the certificate identifies the installing company
10 and the material's manufacturer by full name and street address,
11 or, if the material was installed by the vehicle owner, a certificate
12 signed by the material's manufacturer certifying that the windows
13 with the material installed according to manufacturer's instructions
14 meet the requirements of this subdivision and the certificate
15 identifies the material's manufacturer by full name and street
16 address.

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