

AMENDED IN SENATE MARCH 25, 2010

SENATE BILL

No. 1328

Introduced by Senator Lowenthal

February 19, 2010

~~An act to amend Section 26708 of the Vehicle Code, relating to vehicles.~~ *An act to add Section 43018.7 to the Health and Safety Code, relating to air pollution.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1328, as amended, Lowenthal. ~~Vehicles: windows.~~ *Greenhouse gas emissions: automotive glazing standards.*

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with monitoring and regulating sources of emissions of greenhouse gases. The state board is required to adopt a statewide greenhouse gas emissions limit equivalent to the statewide greenhouse gas emissions level in 1990 to be achieved by 2020, and to adopt rules and regulations in an open public process to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions.

This bill would require the executive officer of the board, by no later than January 1, 2011, to complete and approve alternative test procedures for automotive glazing standards applicable to new passenger cars, light duty trucks, and medium duty vehicles less than or equal to 10,000 pounds gross vehicle weight (GVW) in order to reduce the percentage of the total solar energy (Tts) transmitted into the vehicle when the vehicle is parked.

~~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~~-yes.
State-mandated local program: no.

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

1 SECTION 1. Section 43018.7 is added to the Health and Safety
2 Code, to read:

3 43018.7. No later than January 1, 2011, the executive officer
4 of the board shall complete and approve the alternative test
5 procedures for automotive glazing standards referenced in Section
6 95603 of Title 17 of the California Code of Regulations.

7 SECTION 1. ~~Section 26708 of the Vehicle Code is amended~~
8 to read:

9 26708. (a) (1) ~~A person shall not drive any motor vehicle with~~
10 ~~any object or material placed, displayed, installed, affixed, or~~
11 ~~applied upon the windshield or side or rear windows.~~

12 (2) ~~A person shall not drive any motor vehicle with any object~~
13 ~~or material placed, displayed, installed, affixed, or applied in or~~
14 ~~on the vehicle that obstructs or reduces the driver's clear view~~
15 ~~through the windshield or side windows.~~

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

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

20 (1) ~~Rearview mirrors.~~

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

23 (3) ~~Signs, stickers, or other materials that are displayed in a~~
24 ~~7-inch square in the lower corner of the windshield farthest~~
25 ~~removed from the driver, signs, stickers, or other materials that~~
26 ~~are displayed in a 7-inch square in the lower corner of the rear~~
27 ~~window farthest removed from the driver, or signs, stickers, or~~
28 ~~other materials that are displayed in a 5-inch square in the lower~~
29 ~~corner of the windshield nearest the driver.~~

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

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

4 ~~(6) Rear window wiper motor.~~

5 ~~(7) Rear trunk lid handle or hinges.~~

6 ~~(8) The rear window or windows, if the motor vehicle is~~
7 ~~equipped with outside mirrors on both the left and right-hand~~
8 ~~sides of the vehicle that are so located as to reflect to the driver a~~
9 ~~view of the highway through each mirror for a distance of at least~~
10 ~~200 feet to the rear of the vehicle.~~

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

16 ~~(10) Sun screening devices meeting the requirements of Section~~
17 ~~26708.2 installed on the side windows on either side of the~~
18 ~~vehicle's front seat, if the driver or a passenger in the front seat~~
19 ~~has in his or her possession a letter or other document signed by~~
20 ~~a licensed physician and surgeon certifying that the person must~~
21 ~~be shaded from the sun due to a medical condition, or has in his~~
22 ~~or her possession a letter or other document signed by a licensed~~
23 ~~optometrist certifying that the person must be shaded from the sun~~
24 ~~due to a visual condition. The devices authorized by this paragraph~~
25 ~~shall not be used during darkness.~~

26 ~~(11) An electronic communication device affixed to the center~~
27 ~~uppermost portion of the interior of a windshield within an area~~
28 ~~that is not greater than 5 inches square, if the device provides either~~
29 ~~of the following:~~

30 ~~(A) The capability for enforcement facilities of the Department~~
31 ~~of the California Highway Patrol to communicate with a vehicle~~
32 ~~equipped with the device.~~

33 ~~(B) The capability for electronic toll and traffic management~~
34 ~~on public or private roads or facilities.~~

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

1 ~~(e) Notwithstanding subdivision (a), transparent material may~~
2 ~~be installed, affixed, or applied to the topmost portion of the~~
3 ~~windshield if the following conditions apply:~~

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

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

10 ~~(3) There is no opaque lettering on the material and any other~~
11 ~~lettering does not affect primary colors or distort vision through~~
12 ~~the windshield.~~

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

16 ~~(d) Notwithstanding subdivision (a), clear, colorless, and~~
17 ~~transparent material may be installed, affixed, or applied to the~~
18 ~~front side windows, located to the immediate left and right of the~~
19 ~~front seat if the following conditions are met:~~

20 ~~(1) The material has a minimum visible light transmittance of~~
21 ~~88 percent.~~

22 ~~(2) The window glazing with the material applied meets all~~
23 ~~requirements of Federal Motor Vehicle Safety Standard No. 205~~
24 ~~(49 C.F.R. 571.205), including the specified minimum light~~
25 ~~transmittance of 70 percent and the abrasion resistance of AS-14~~
26 ~~glazing, as specified in that federal standard.~~

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

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

- 1 ~~(5) If the material described in this subdivision tears or bubbles,~~
- 2 ~~or is otherwise worn to prohibit clear vision, it shall be removed~~
- 3 ~~or replaced.~~

O