

**Introduced by Senator Harman**

February 24, 2012

---

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1534, as introduced, Harman. Vehicles: video event recorders.

Existing law prohibits a person from driving a motor vehicle with an object or material placed, displayed, installed, affixed, or applied upon the windshield or side or rear windows, or upon the vehicle that obstructs or reduces the driver's clear view through the windshield or side windows. Existing law provides that the above prohibition does not apply, to among other things, a video event recorder with the capability of monitoring driver performance to improve driver safety.

This bill would authorize local government agencies to require a taxicab to be equipped with a video event recorder, specify the video event recorder's operating specifications and parameters, and authorize specified entities to review the images captured by the video event recorder.

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~~ a motor vehicle
- 4 with ~~any~~ an object or material placed, displayed, installed, affixed,
- 5 or applied upon the windshield or side or rear windows.

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

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

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

9 (1) Rearview mirrors.

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

12 (3) Signs, stickers, or other materials that are displayed in a  
13 seven-inch square in the lower corner of the windshield farthest  
14 removed from the driver, signs, stickers, or other materials that  
15 are displayed in a seven-inch square in the lower corner of the rear  
16 window farthest removed from the driver, or signs, stickers, or  
17 other materials that are displayed in a five-inch square in the lower  
18 corner of the windshield nearest the driver.

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

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

23 (6) Rear window wiper motor.

24 (7) Rear trunk lid handle or hinges.

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

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

35 (10) Sun screening devices meeting the requirements of Section  
36 26708.2 installed on the side windows on either side of the  
37 vehicle's front seat, if the driver or a passenger in the front seat  
38 has in his or her possession a letter or other document signed by  
39 a licensed physician and surgeon certifying that the person must  
40 be shaded from the sun due to a medical condition, or has in his

1 or her possession a letter or other document signed by a licensed  
2 optometrist certifying that the person must be shaded from the sun  
3 due to a visual condition. The devices authorized by this paragraph  
4 shall not be used during darkness.

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

9 (A) The capability for enforcement facilities of the Department  
10 of the California Highway Patrol to communicate with a vehicle  
11 equipped with the device.

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

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

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

33 (B) A vehicle equipped with a video event recorder shall have  
34 a notice posted in a visible location which states that a passenger’s  
35 conversation may be recorded.

36 (C) Video event recorders shall store no more than 30 seconds  
37 before and after a triggering event.

38 (D) The registered owner or lessee of the vehicle may disable  
39 the device.

1 (E) The data recorded to the device is the property of the  
2 registered owner or lessee of the vehicle.

3 (F) When a person is driving for hire as an employee in a vehicle  
4 with a video event recorder, the person's employer shall provide  
5 unedited copies of the recordings upon the request of the employee  
6 or the employee's representative. These copies shall be provided  
7 free of charge to the employee and within five days of the request.

8 (G) *A local government agency may require a taxicab to be*  
9 *equipped with video event recorders, specify the video event*  
10 *recorder's operation specifications and parameters, and authorize*  
11 *entities and personnel to review the images captured by the video*  
12 *event recorder. The entities or personnel authorized to review the*  
13 *captured images shall be limited to taxicab management*  
14 *employees, employees of the local taxicab regulatory authority,*  
15 *and local, state, and federal law enforcement officials.*

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 five  
21 inches in front of the bottom of the backrest with the driver's seat  
22 in its 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.