

Introduced by Senator Emmerson

February 21, 2013

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

LEGISLATIVE COUNSEL'S DIGEST

SB 424, as introduced, Emmerson. Vehicles: windshields: obstructions.

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. A violation of these provisions is a crime.

This bill would exempt from the prohibition against placing an object that obstructs or reduces the driver's clear view, as specified above, objects or materials placed, displayed, installed, affixed, or applied in or upon a vehicle owned by a government agency if those objects or materials do not interfere with the driver's clear view of approaching traffic.

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.

- 1 (2) A person shall not drive any motor vehicle with any object
- 2 or material placed, displayed, installed, affixed, or applied in or
- 3 upon the vehicle that obstructs or reduces the driver’s clear view
- 4 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 (14) (A) A video event recorder in a commercial motor vehicle
9 with the capability of monitoring driver performance to improve
10 driver safety, which may be mounted no more than two inches
11 below the upper edge of the area swept by the windshield wipers,
12 and outside the driver's sight lines to the road and highway signs
13 and signals. Subparagraphs (B) to (F), inclusive, of paragraph (13)
14 apply to the exemption provided by this paragraph.

15 (B) Except as provided in subparagraph (C), subparagraph (A)
16 shall become inoperative on the following dates, whichever date
17 is later:

18 (i) The date that the Department of the California Highway
19 Patrol determines is the expiration date of the exemption from the
20 requirements of paragraph (1) of subdivision (e) of Section 393.60
21 of Title 49 of the Code of Federal Regulations, as renewed in the
22 notice of the Federal Motor Carrier Safety Administration on pages
23 21791 and 21792 of Volume 76 of the Federal Register (April 18,
24 2011).

25 (ii) The date that the Department of the California Highway
26 Patrol determines is the expiration date for a subsequent renewal
27 of an exemption specified in clause (i).

28 (C) Notwithstanding subparagraph (B), subparagraph (A) shall
29 become operative on the date that the Department of the California
30 Highway Patrol determines is the effective date of regulations
31 revising paragraph (1) of subdivision (e) of Section 393.60 of Title
32 49 of the Code of Federal Regulations to allow the placement of
33 a video event recorder at the top of the windshield on a commercial
34 motor vehicle.

35 (15) *Objects or materials placed, displayed, installed, affixed,*
36 *or applied in or upon a vehicle owned by a government agency if*
37 *those objects or materials do not interfere with the driver's clear*
38 *view of approaching traffic.*

1 (c) 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 five
6 inches in front of the bottom of the backrest with the driver’s seat
7 in its 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