

AMENDED IN SENATE MAY 1, 2012

**SENATE BILL**

**No. 1534**

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**Introduced by Senator Harman**

February 24, 2012

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1534, as amended, 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.~~ *Additionally exempt from that prohibition a video recorder that is installed in a licenced taxicab for purposes of routine video monitoring, as defined.*

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

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

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

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

(2) A person shall not drive a motor vehicle with an 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.

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

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

(1) Rearview mirrors.

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

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

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

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

(6) Rear window wiper motor.

(7) Rear trunk lid handle or hinges.

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

(9) A clear, transparent lens affixed to the side window opposite the driver on a vehicle greater than 80 inches in width and that occupies an area not exceeding 50 square inches of the lowest

1 corner toward the rear of that window and that provides the driver  
2 with a wide-angle view through the lens.

3 (10) Sun screening devices meeting the requirements of Section  
4 26708.2 installed on the side windows on either side of the  
5 vehicle's front seat, if the driver or a passenger in the front seat  
6 has in his or her possession a letter or other document signed by  
7 a licensed physician and surgeon certifying that the person must  
8 be shaded from the sun due to a medical condition, or has in his  
9 or her possession a letter or other document signed by a licensed  
10 optometrist certifying that the person must be shaded from the sun  
11 due to a visual condition. The devices authorized by this paragraph  
12 shall not be used during darkness.

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

17 (A) The capability for enforcement facilities of the Department  
18 of the California Highway Patrol to communicate with a vehicle  
19 equipped with the device.

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

22 (12) A portable Global Positioning System (GPS), which may  
23 be mounted in a seven-inch square in the lower corner of the  
24 windshield farthest removed from the driver or 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, if the system is used only  
27 for door-to-door navigation while the motor vehicle is being  
28 operated.

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

1 (B) A vehicle equipped with a video event recorder shall have  
2 a notice posted in a visible location which states that a passenger's  
3 conversation may be recorded.

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

6 (D) The registered owner or lessee of the vehicle may disable  
7 the device.

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

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

15 ~~(G) A local government agency may require a taxicab to be~~  
16 ~~equipped with video event recorders, specify the video event~~  
17 ~~recorder's operation specifications and parameters, and authorize~~  
18 ~~entities and personnel to review the images captured by the video~~  
19 ~~event recorder. The entities or personnel authorized to review the~~  
20 ~~captured images shall be limited to taxicab management employees,~~  
21 ~~employees of the local taxicab regulatory authority, and local,~~  
22 ~~state, and federal law enforcement officials.~~

23 (14) (A) *A video recorder that is installed in a licenced taxicab*  
24 *for purposes of routine video monitoring.*

25 (B) *For purposes of this paragraph the following definitions*  
26 *shall apply:*

27 (i) *"Routine video monitoring" has the same meaning as defined*  
28 *in subdivision (c) of Section 53160 of the Government Code, but*  
29 *with regard to a taxicab, instead of a special district.*

30 (ii) *"Video recorder" means a device that continuously records,*  
31 *in a digital loop, audio and video.*

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

35 (1) The bottom edge of the material is at least 29 inches above  
36 the undeepressed driver's seat when measured from a point five  
37 inches in front of the bottom of the backrest with the driver's seat  
38 in its rearmost and lowermost position with the vehicle on a level  
39 surface.

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

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

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

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

11 (1) The material has a minimum visible light transmittance of  
12 88 percent.

13 (2) The window glazing with the material applied meets all  
14 requirements of Federal Motor Vehicle Safety Standard No. 205  
15 (49 C.F.R. 571.205), including the specified minimum light  
16 transmittance of 70 percent and the abrasion resistance of AS-14  
17 glazing, as specified in that federal standard.

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

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

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