

CHAPTER 235

H.B. No. 865

AN ACT

relating to devices on a motor vehicle that obstruct the driver's view of the road; providing a criminal penalty.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Article XIV, Uniform Act Regulating Traffic on Highways (Article 6701d, Vernon's Texas Civil Statutes), is amended by amending Section 134B and adding Section 134C to read as follows:

Sec. 134B. WINDSHIELDS MUST BE [UNOBSTRUCTED AND] EQUIPPED WITH WIPERS. (a) ~~[No person shall drive a motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings or side or rear windows of such vehicle which materially obstructs, obscures, or impairs the driver's clear view of the highway or any intersecting highway.]~~

[(b)] The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(b) [(e)] Every windshield wiper upon a motor vehicle shall be maintained in good working order.

Sec. 134C. WINDSHIELD AND WINDOWS MUST BE UNOBSTRUCTED. (a) In this Section:

(1) "Sunscreening device" means a film, material, or device meeting standards adopted by the Department for reducing the effects of the sun.

(2) "Light transmission" means the ratio of the amount of total light to pass through a product or material to the amount of total light falling on the product or material and the glazing.

(3) "Luminous reflectance" means the ratio of the amount of total light that is reflected outward by a product or material to the amount of total light falling on the product or material.

(4) "Manufacturer" means a person who:

(A) engages in the manufacture or assembly of a sunscreening device; or

(B) fabricates, laminates, or tempers a safety glazing material, incorporating, during the manufacturing process, the capacity to reflect or reduce the transmission of light.

(5) "Installer" means a person who fabricates, laminates, or tempers a safety glazing material, incorporating, during the installation process, the capacity to reflect or reduce the transmission of light.

(6) "Multipurpose vehicle" means a motor vehicle designed to carry 10 or fewer persons that is constructed either on a truck chassis or with special features for occasional off-road use.

(b) Except as provided by Subsection (d) of this Section, a person commits an offense if the person operates a motor vehicle with any object or material placed on or affixed to the windshield or to a side or rear window of the vehicle so as to obstruct or reduce the driver's clear view through the windshield or side or rear window.

(c) Except as provided by Subsection (d) of this Section, a person, including an installer or manufacturer, commits an offense if the person places on or affixes to the windshield or to a side or rear window of a motor vehicle any transparent material if the material alters the color or reduces the light transmission of the windshield or side or rear window.

(d) This Section does not apply to:

(1) a windshield that has a sunscreening device that:

(A) has a light transmission of not less than thirty-three (33) percent;

(B) has a luminous reflectance of not more than thirty-five (35) percent;

(C) is not red or amber in color; and

(D) does not extend downward beyond the AS-1 line or more than five (5) inches from the top of the windshield, whichever is closer to the top of the windshield;

(2) a front side wing vent or window that has a sunscreening device that has a light transmission of not less than thirty-five (35) percent and a luminous reflectance of not more than thirty-five (35) percent;

(3) a side window to the rear of the driver, or a rear window, that has a sunscreening device that has a luminous reflectance of not more than thirty-five (35) percent and a light transmission of not less than thirty-five (35) percent;

(4) a rear window if the motor vehicle is equipped with outside mirrors on both the left and right sides of the vehicle that are located so as to reflect to the driver a view of the highway through each mirror a distance of at least two hundred (200) feet to the rear of the vehicle;

(5) a rearview mirror;

(6) an adjustable nontransparent sun visor mounted forward of the side windows and not attached to the glass;

(7) a direction, destination, or termination sign on a passenger common carrier motor vehicle, if the sign does not interfere with the driver's clear view of approaching traffic;

(8) a rear window wiper motor;

(9) a rear trunk lid handle or hinge;

(10) a luggage rack attached to the rear trunk;

(11) a side window that is to the rear of the driver on a multipurpose vehicle; or

(12) a motor vehicle that is not registered in this state.

(e) The Department may determine that a window that has a sunscreening device is exempt under Subdivision (2) or (3) of Subsection (d) of this Section if the light transmission or luminous reflectance of the device varies from the standards in those subdivisions by not more nor less than three (3) percent.

(f) A manufacturer shall certify to the Department that the device the manufacturer makes or assembles complies with the luminous reflectance and light transmission specifications excepted in Subsection (d) of this Section. A suncreening device certified under this Subsection is subject to testing by the Department and proceedings on compliance as provided by Sections 108D, 108E, and 108F of this Act.

(g) A sunscreening device must have a label, containing information required by the Department regarding the levels of light transmission and luminous reflectance of the device, that is permanently installed between the material and the surface to which the material is applied or affixed and is legible. A violation of this Subsection is punishable under Section 143 of this Act as a violation of this Act.

(h) The Department may adopt regulations for the visual verification of compliance with the provisions of Subsection (d)(2) or (3) of this Section.

(i) It is a defense to prosecution for a violation of this Section that the defendant or a person who was a passenger in the vehicle at the time of the violation is required for medical reasons to be shielded from the direct rays of the sun.

(j) This Section does not apply to the use or placement on any window of a federal, state, or local certificate required by law.

(k) This Section does not apply to operation of a motor vehicle if the manufacturer's model year of the motor vehicle is before 1988.

(l) This Section does not apply to a vehicle that is used to transport passengers for a fee on a regular basis and that is authorized to operate under license or permit by a local authority, if that authority provides for the issuance of such permits.

(m) It is not a violation of this Section to sell or offer for sale a motor vehicle with a windshield or window that does not comply with the terms of this Section.

SECTION 2. This Act takes effect September 1, 1987.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 5, 1987, by a non-record vote. Passed by the Senate on May 21, 1987, by the following vote: Yeas 30, Nays 0.

Approved May 28, 1987.

Effective Sept. 1, 1987.