

SUBJECT: Including windshields in motor vehicle inspections

COMMITTEE: Transportation — committee substitute recommended

VOTE: 6 ayes — Alexander, Bosse, Alonzo, Edwards, Price, Siebert
0 nays
3 absent — Clemons, Moreno, Uher

WITNESSES: None

DIGEST: VACS art. 6701d, sec. 140, requires an annual inspection of every motor vehicle registered in Texas and operated on state highways and of certain trailers, semitrailers, pole trailers and mobile homes. The section lists items that must pass inspection, including lights, windshield wipers, tires and brake system. The owner of a vehicle cannot be required to have any unlisted equipment inspected as a prerequisite for the issuance of an inspection certificate. The Texas Department of Public Safety (DPS), by rule, sets inspection standards for each vehicle part. Windshields are not included in the listing of vehicle components.

DIGEST: CSHB 24 would amend VACS art. 6701d, sec. 140, to add windshields, if part of the manufacturer's original equipment on a vehicle, to the list of items that must be inspected during a state annual vehicle inspection.

The provisions would apply only to the portion of the windshield on the driver's side of the vehicle directly above the top of the steering wheel, and would exclude a two-inch border at the top of the windshield. DPS standards for vehicle windshield condition could not exceed the standards established for commercial motor vehicle windshield conditions under Federal Motor Carrier Safety Regulations.

The windshield-inspection requirements would not apply to certain classic motor vehicles, certain vehicles used principally for farm purposes and a motor vehicle held by a person who sells, repairs, stores, exchanges or services vehicles.

CSHB 24 would take effect September 1, 1995.

**SUPPORTERS
SAY:**

CSHB 24 would help protect the motoring public by ensuring that drivers are not endangered by unsafe windshields that obscure driver vision or threaten structural failure. The condition of equipment is one of several key factors in the safe operation of motor vehicles.

The Uniform Act Regulating Traffic on Highways has been amended many times since it was first drafted in 1953 in order to add vehicle parts that require inspection, to update the act and protect the public. This bill would merely add windshields to a long list of other vehicle parts that must be inspected.

Some motorists drive with their vision seriously impaired because of a damaged or obstructed windshield. Under current law, a vehicle could pass an inspection with a large, jagged hole punched through the middle of the windshield or a decal that covered most of the windshield or even if it is completely lacking a windshield. These motorists are a menace both to themselves and others. CSHB 24 would make sure these vehicles are rendered safe for both their drivers and for other motorists on the road of Texas, by making windshields part of the annual vehicle inspection.

A windshield whose structural integrity has been compromised can be very dangerous if that vehicle is in a serious accident. DPS would make sure that the rules it promulgated regarding windshield inspections would be fair and that only in those cases when the public safety could be endangered would an inspection sticker be denied.

The standards established for commercial motor vehicle windshield conditions under Federal Motor Carrier Safety Regulations are reasonable and quite limited, and this bill would require that Public Safety Commission rules concerning windshields could not exceed those standards.

**OPPONENTS
SAY:**

This bill would mainly benefit those who manufacture windshield glass and repair automobiles. Rather than benefitting the public, it would encourage those who perform state inspections to demand that an expensive and possibly unwarranted repair be made before a state inspection sticker could be issued.

The bill could cost consumers much time and money. It could especially hurt lower income motorists who have less money and older cars. Motorists could be forced to replace a windshield because it was cracked or nicked, even though it posed no risk to public safety. This bill would be a nuisance in rural areas, where many vehicles are used only on ranches and farms, and where a slightly cracked windshield on a work truck is of little concern.

If the Public Safety Commission adopted equally stringent regulations as the federal government, many motorists could be inconvenienced.

**OTHER
OPPONENTS
SAY:**

The bill should specify that the DPS criteria for the condition of the windshield be limited to ensuring that the driver's vision is not impaired nor the structural integrity of the windshield damaged.

NOTES:

The original bill contained a prohibition on insurers writing an insurance policy requiring the insured to bear any cost of repair of a windshield. The committee substitute deleted that provision and added a windshield exemption for vehicles held by a person who resells, repairs, stores, exchange or services a motor vehicle.

During the 1993 regular session HB 911 by Stiles, identical to CSHB 24, was set on the House general state calendar, but was left on the table subject to call.

A similar bill, SB 846 by Moncrief, passed the Senate in 1991 but failed to pass to third reading in the House by a vote of 34-94-3. The bill was reconsidered and amended, but failed again to pass to third reading.