

SUBJECT: Exempting commercial motor vehicles from window obstruction limits

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Harper-Brown, Deshotel, Harless, Hill, Murphy

0 nays

2 absent — Haggerty, Macias

SENATE VOTE: On final passage, March 14 — 30-0, on Local and Uncontested Calendar

WITNESSES: No public hearing

BACKGROUND: Transportation Code, sec. 547.613 prohibits a person from:

- operating a motor vehicle that has an object or material placed on or attached to the windshield or side or rear window that obstructs or reduces the operator's clear view; or
- placing on or attach to the windshield or side or rear window of a vehicle a transparent material that alters the color or reduces the light transmission.

Conflicts of law on commercial motor vehicle safety standards are covered under Transportation Code, sec. 644.002. Federal law on motor carrier safety prevails over a conflicting provision when applicable to a commercial vehicle operated in interstate commerce. A rule adopted by the director of the Texas Department of Public Safety prevails over a conflicting federal provision in regard to commercial motor vehicles operating solely in Texas.

DIGEST: SB 329 would amend Transportation Code, sec. 547.613 to exempt commercial motor vehicles from the state prohibitions against windshield obstruction.

SB 329
House Research Organization
page 2

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2007.

**SUPPORTERS
SAY:**

SB 329 would exempt commercial motor vehicles from the provisions of Transportation Code, sec. 547.613, thus making it clear that those vehicles operating in interstate commerce would have to comply with federal motor carrier safety regulations. State and federal standards conflict regarding windshield obstruction. The state standard allows a windshield to have a sunscreening device that, among other criteria, allows a light transmission of 25 percent or more in combination with the windshield, while the federal standard requires at least 70 percent of light to come through a tinted window. By exempting commercial motor vehicles from the state standard, the bill would eliminate the current contradiction between the state and federal law.

Enactment of the bill would enable the state to obtain full discretionary funding for the Motor Carrier State Assistance Program. The state receives federal funding through this program to conduct compliance reviews of commercial motor vehicles. Funding received usually amounts to \$9 million per year. To receive this funding, certain state transportation laws must mirror federal laws. Currently, full receipt of such funding is in jeopardy due to the fact that the state's regulations on vehicle equipment are not identical to federal law. The state could lose up to \$4.5 million of funding from the Motor Carrier State Assistance Program if SB 329 were not enacted.

**OPPONENTS
SAY:**

No apparent opposition.