

BILL ANALYSIS

Senate Research Center

S.B. 589
By: Carona
Transportation & Homeland Security
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, Section 547.613 (Restrictions on Windows), Transportation Code, requires that at least 25 percent of light pass through a windshield. Law enforcement officers may issue a person a citation if light transmission through a person's vehicle windows is less than 25 percent. This is a Class C misdemeanor offense. However, by rule of the Texas Department of Public Safety, a vehicle can pass a state vehicle inspection with 20 percent light transmission. Therefore there is a discrepancy in the law between what level of tint is an offense subject to law enforcement citation and what level of tint will not pass a state vehicle inspection. Automobile windows that have been tinted are required to be labeled; however, the labels are not required to disclose whether the tint meets current statutory standards for safety.

S.B. 589 amends current law relating to certain requirements for sunscreening devices that are placed on or attached to a motor vehicle and provides a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 547.609, Transportation Code, as follows:

Sec. 547.609. New heading: REQUIRED LABEL FOR SUNSCREENING DEVICES. Requires a sun screening device to have a label that, if the device is placed on or attached to a windshield or a side or rear window, states that the light transmission of the device is consistent with Section 547.613(b)(1) (relating to a person committing a misdemeanor offense by 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 (2) (relating to a wing vent or window that is to the left or right of the vehicle operator), as applicable. Makes a nonsubstantive and conforming change.

SECTION 2. Amends Section 547.613, Transportation Code, by adding Subsection (a-1) and amending Subsections (b) and (e), as follows:

(a-1) Provides that a person in the business of placing or attaching transparent material that alters the color or reduces the light transmission to the windshield, side, or rear window of a motor vehicle commits a misdemeanor punishable by a fine not to exceed \$1,000 if the person places or attaches such transparent material to the windshield or side or rear window of a motor vehicle and does not install a label that complies with Section 547.609 between the transparent material and the windshield, side, or rear window of the vehicle, as applicable.

(b) Provides that Subsection (a), rather than this section, does not apply to certain items, including a wing vent or window that is to the left or right of the vehicle operator, rather than a wing vent or a window other than a windshield, if the vent or window has a sunscreening device that in combination with the vent or window has a light transmission of 25 percent or more and a luminous reflectance of 25 percent or less, or a side window that is to the rear of the vehicle operator.

(e) Provides that it is a defense to prosecution under Subsection (a), rather than this section, that the defendant or a passenger in the vehicle at the time of the violation is required for a medical reason to be shielded from direct rays of the sun.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2009.