

BILL ANALYSIS

C.S.H.B. 4523
By: Phillips
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires at least 25 percent of light to pass through a motor vehicle windshield. The total percentage includes the light transmission of the original window and any changes due to tinting. It is a Class C misdemeanor offense, subject to a citation, if light transmission through a person's vehicle windows is less than 25 percent. 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. Window tint that is too dark is a detriment to public safety if law enforcement officers cannot see into a vehicle. Automobile windows that have been tinted are required to be labeled; however, the labels are not required to disclose whether the tint meets currently existing statutory standards for safety.

C.S.H.B. 4523 requires the required label for a sunscreening device to state that the light transmission of the device is consistent with state law. The bill provides that a person in the business of installing or attaching transparent material to a windshield, side, or rear window commits a misdemeanor punishable by a fine not to exceed \$1,000 if the person fails to install the required label.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4523 amends Transportation Code provisions relating to suncreening devices that are permitted as motor vehicle equipment to require the label, if the device is placed on or attached to a windshield or a side or rear window, to state that the light transmission of the device is consistent with requirements in state law. The bill establishes that a person in the business of placing or attaching transparent material that alters the color or reduces the light transmission to the windshield or 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 the law between the transparent material and the windshield or side or rear window of the vehicle, as applicable.

EFFECTIVE DATE

September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 4523 retains the requirement in current law that a windshield or other window with a sunscreening device have a light transmission of 25 percent, rather than changing the requirement to 35 percent as in the original, in combination with the windshield or other window and meet certain other criteria in order to exempt a person from an offense relating to restrictions on windows.