

By: Phillips

H.B. No. 4523

Substitute the following for H.B. No. 4523:

By: Pickett

C.S.H.B. No. 4523

A BILL TO BE ENTITLED

AN ACT

relating to certain requirements for sunscreening devices that are placed on or attached to a motor vehicle; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 547.609, Transportation Code, is amended to read as follows:

Sec. 547.609. REQUIRED LABEL FOR SUNSCREENING DEVICES [~~PERMITTED~~]. A sunscreening device must have a label that:

(1) is legible;

(2) contains information required by the department on light transmission and luminous reflectance of the device; [~~and~~

(3) 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) or (2), as applicable; and

(4) is permanently installed between the material and the surface to which the material is applied.

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

(a-1) 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 \$1,000 if the person:

2 (1) places or attaches such transparent material to
3 the windshield or side or rear window of a motor vehicle; and

4 (2) does not install a label that complies with
5 Section 547.609 between the transparent material and the windshield
6 or side or rear window of the vehicle, as applicable.

7 (b) Subsection (a) [~~This section~~] does not apply to:

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

9 (A) in combination with the windshield has a
10 light transmission of 25 percent or more;

11 (B) in combination with the windshield has a
12 luminous reflectance of 25 percent or less;

13 (C) is not red, blue, or amber; and

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

17 (2) a wing vent or a window other than a windshield if
18 the vent or window has a sunscreening device that in combination
19 with the vent or window has:

20 (A) a light transmission of 25 percent or more;
21 and

22 (B) a luminous reflectance of 25 percent or less;

23 (3) a rear window, if the motor vehicle is equipped
24 with an outside mirror on each side of the vehicle that reflects to
25 the vehicle operator a view of the highway for a distance of at
26 least 200 feet from the rear;

27 (4) a rearview mirror;

- 1 (5) an adjustable nontransparent sun visor that is
2 mounted in front of a side window and not attached to the glass;
- 3 (6) a direction, destination, or termination sign on a
4 passenger common carrier motor vehicle, if the sign does not
5 interfere with the vehicle operator's view of approaching traffic;
- 6 (7) a rear window wiper motor;
- 7 (8) a rear trunk lid handle or hinge;
- 8 (9) a luggage rack attached to the rear trunk;
- 9 (10) a side window that is to the rear of the vehicle
10 operator on a multipurpose vehicle;
- 11 (11) a window that has a United States, state, or local
12 certificate placed on or attached to it as required by law;
- 13 (12) a motor vehicle that is not registered in this
14 state;
- 15 (13) a window that complies with federal standards for
16 window materials, including a factory-tinted or a pretinted window
17 installed by the vehicle manufacturer, or a replacement window
18 meeting the specifications required by the vehicle manufacturer;
- 19 (14) a vehicle that is:
- 20 (A) used regularly to transport passengers for a
21 fee; and
- 22 (B) authorized to operate under license or permit
23 by a local authority;
- 24 (15) a vehicle that is maintained by a law enforcement
25 agency and used for law enforcement purposes; or
- 26 (16) a commercial motor vehicle as defined by Section
27 644.001.

1 (e) It is a defense to prosecution under Subsection (a)
2 [~~this section~~] that the defendant or a passenger in the vehicle at
3 the time of the violation is required for a medical reason to be
4 shielded from direct rays of the sun.

5 SECTION 3. (a) The change in law made by this Act applies
6 only to an offense committed on or after the effective date of this
7 Act. For purposes of this section, an offense was committed before
8 the effective date of this Act if any element of the offense
9 occurred before that date.

10 (b) An offense committed before the effective date of this
11 Act is covered by the law in effect when the offense was committed,
12 and the former law is continued in effect for that purpose.

13 SECTION 4. This Act takes effect September 1, 2009.