

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 that is to the left or right
18 of the vehicle operator [~~other than a windshield~~] if the vent or
19 window has a sunscreening device that in combination with the vent
20 or window has:

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

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

24 (2-a) a side window that is to the rear of the vehicle
25 operator;

26 (3) a rear window, if the motor vehicle is equipped
27 with an outside mirror on each side of the vehicle that reflects to

1 the vehicle operator a view of the highway for a distance of at
2 least 200 feet from the rear;

3 (4) a rearview mirror;

4 (5) an adjustable nontransparent sun visor that is
5 mounted in front of a side window and not attached to the glass;

6 (6) a direction, destination, or termination sign on a
7 passenger common carrier motor vehicle, if the sign does not
8 interfere with the vehicle operator's view of approaching traffic;

9 (7) a rear window wiper motor;

10 (8) a rear trunk lid handle or hinge;

11 (9) a luggage rack attached to the rear trunk;

12 (10) a side window that is to the rear of the vehicle
13 operator on a multipurpose vehicle;

14 (11) a window that has a United States, state, or local
15 certificate placed on or attached to it as required by law;

16 (12) a motor vehicle that is not registered in this
17 state;

18 (13) a window that complies with federal standards for
19 window materials, including a factory-tinted or a pretinted window
20 installed by the vehicle manufacturer, or a replacement window
21 meeting the specifications required by the vehicle manufacturer;

22 (14) a vehicle that is:

23 (A) used regularly to transport passengers for a
24 fee; and

25 (B) authorized to operate under license or permit
26 by a local authority;

27 (15) a vehicle that is maintained by a law enforcement

1 agency and used for law enforcement purposes; or

2 (16) a commercial motor vehicle as defined by Section
3 644.001.

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

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

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

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 589 passed the Senate on March 19, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 29, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 589 passed the House, with amendment, on May 27, 2009, by the following vote: Yeas 148, Nays 0, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor