

SUBJECT: Requiring use of headlights and windshield wipers in inclement weather

COMMITTEE: Transportation — favorable, without amendment

VOTE: 7 ayes — Krusee, Phillips, Hamric, Edwards, Harper-Brown, Laney, Mercer
0 nays
2 absent — Garza, Hill

SENATE VOTE: On final passage, March 27 — 25-6 (Estes, Fraser, Gallegos, Nelson, Staples, Whitmire)

WITNESSES: No public hearing

BACKGROUND: Transportation Code, Subtitle C (ch. 541-600) outlines the rules of the road that Texas motorists must follow. Secs. 547.302 and 547.603, respectively, state when or under what conditions motorists must use their vehicle lights and windshield wipers. Violations are misdemeanor offenses punishable by fines of up to \$200. Sec. 547.603 specifies that a motor vehicle must have windshield wipers that can clean “moisture” from the windshield.

DIGEST: SB 204 would require motorists to turn on their vehicle lights when using windshield wipers because of moisture, rain, snow, or other obstructions caused by unfavorable atmospheric conditions that reduced visibility substantially. It would specify that windshield wipers must be able to clean rain, snow, and other obstructions from the windshield.

The bill would take effect September 1, 2003.

SUPPORTERS SAY: Texas law requires motorists to use their vehicle lights at night, when it is dark, or when visibility is reduced to less than 1,000 feet. The law does not require lights during bad weather, nor does it specify that windshield wipers be capable of removing, rain, snow, or windshield obstructions. SB 204 would put common-sense provisions in statute that would enhance vehicle visibility during high-risk driving periods, improve safety, reduce accidents, and save lives.

Vehicle manufacturers have recognized the value of heightened visibility. Many trucks and automobiles now come equipped with “running lights” that come on when the ignition switch is engaged. Studies by the federal government, academicians, and others have found that increased vehicle visibility makes it easier for drivers to avoid collisions, especially when vehicles are changing lanes or entering busy intersections. The ability to see other vehicles more readily could help drivers compensate for not being able to stop suddenly or brake quickly, especially on expressways and highways. This is especially true during bad weather or poor road conditions and applies to illumination from the rear as well as the front. Even in daytime, more light from vehicles is better for all concerned.

Making both lack of illumination and improperly functioning wipers offenses would create deterrents and demonstrate that motorists should take these precautions seriously. Several states, including Illinois, have enacted similar laws. New York has had such a law since 1991.

**OPPONENTS
SAY:**

SB 204 is unnecessary. Texas drivers do not need their state government to tell them when to turn on their automobile lights. If the provisions are based on common sense, they do not need to be codified in statute, unless the state intends to use them for revenue enhancement. Like seat-belt laws, this bill is an example of needless, if well-intentioned, government intrusion into personal lives and individual decision-making.

Driver visibility varies, and the ill-defined conditions stated in the bill would make enforcement difficult. Law enforcement officers would be substituting their judgment for motorists’ discretion as to when they should be using their lights and wipers. The bill would not provide for inadvertent noncompliance or for different levels of impaired visibility. Rain and snow do not always require drivers to use their lights. Speed, not visibility, more often is the primary cause of accidents. SB 204 represents government overreaching to protect motorists from themselves, based largely on suppositions and inconclusive data.

Several of the studies on running-light usage were conducted in countries near the Arctic Circle, where light conditions are much different from those in the United States. Other studies compared safety between vehicle fleets 20 to 30 years ago, when roadways were less safe than they are now.

**OTHER
OPPONENTS
SAY:**

The bill should prohibit vehicle operation when weather conditions or window obstructions impede drivers' view of the roadway. Doing so would discourage motorists from driving without fully functional windshield wipers. The bill also expressly should require wiper usage during bad weather or other conditions that hinder visibility or safe vehicle operation.

The bill would be less ambiguous if it defined "other obstructions" and clarified "unfavorable atmospheric conditions." Doing so could make the bill more enforceable and increase compliance.