

Date of Hearing: April 22, 2019

ASSEMBLY COMMITTEE ON TRANSPORTATION  
Jim Frazier, Chair  
AB 808 (Chu) – As Amended April 12, 2019

**SUBJECT:** Vehicles: daytime running lamps

**SUMMARY:** Requires every new motor vehicle, other than a motorcycle, manufactured on or after January 1, 2021, to be equipped with automatic daytime running headlamps and automatic taillamps. **Specifically**, this bill:

- 1) Requires every new motor vehicle, other than a motorcycle, manufactured on or after January 1, 2021, to be equipped with automatic daytime running headlamps and automatic taillamps if:
  - a) The vehicle was first registered in California on or after January 1, 2021, or
  - b) The vehicle is sold in California on or after January 1, 2021.
- 2) Defines “automatic daytime running headlamps” to mean steady burning headlamps that are automatically activated when the vehicle ignition is on and the regular headlamps are not activated, to improve the visibility of the vehicle from the front and front sides when regular headlamps are not required for driving.
- 3) Defines “automatic taillamps” to mean steady burning taillamps that are automatically activated when the vehicle ignition is on to improve the visibility of the vehicle from the rear and rear sides.

**EXISTING LAW:**

- 1) Defines a “motor vehicle” as a vehicle that is self-propelled, excluding wheelchairs, motorized tricycles, or motorized quadricycles, if operated by a person who, by reason of physical disability, is otherwise unable to move about as a pedestrian.
- 2) Requires a motor vehicle, other than a motorcycle, to operate with two lighted headlamps during inclement weather.
- 3) Defines “inclement weather” as a weather condition that prevents a driver of a motor vehicle from clearly discerning a person or another motor vehicle on the highway from a distance of 1,000 feet, or a condition requiring the windshield wipers to be in continuous use due to rain, mist, snow, fog, or other precipitation or atmospheric moisture.

**EXISTING FEDERAL LAW:**

- 1) Imposes certain safety requirements on motor vehicles, including a requirement that they have headlamps and wipers.
- 2) Preempts a State or a political subdivision from prescribing a motor vehicle safety standard that is not identical to existing federal law.

**FISCAL EFFECT:** Unknown.

**COMMENTS:** According to the Author, “Road safety is a shared responsibility and California has a strong record of leading the nation on this issue. While current law requires drivers to turn their headlights on when windshield wipers are in use, this law is rarely enforced. For the safety of all road users, I believe that the activation of headlights and tail lights must be automatic.”

In 1965, Ralph Nader wrote a book entitled *Unsafe at Any Speed*, which focused on alleged defects of the Chevrolet Corvair. His book, coupled with the fact that automobile accidents had become the leading cause of death of Americans under the age of 44, led to a series of congressional oversight hearings on automobile safety. Senator Robert Kennedy brought national spotlight to the issue when he revealed that General Motors was secretly employing detectives in an attempt to find negative information on Ralph Nader.

By 1966, Congress passed and President Johnson signed the National Traffic and Motor Vehicle Safety Act. That law established the National Highway Safety Bureau (later to be succeeded by the National Highway Traffic Safety Administration (NHTSA), which was granted the authority to mandate uniform safety standards on vehicles. As a result of the creation of that agency, vehicle manufacturers began to have various requirements placed on them, including the requirement to have shoulder-lap belts, collapsible steering columns, shatter proof windshields, among other things. Most recently, NHTSA has imposed a requirement that new vehicles have backup cameras.

The National Traffic and Motor Vehicle Safety Act explicitly prohibits states from imposing vehicle safety requirements that are not identical to existing federal law. Specifically, the act states: “When a motor vehicle safety standard is in effect under this chapter, a State or a political subdivision may prescribe or continue in effect a standard applicable to the same aspect or performance of a motor vehicle or motor vehicle equipment only if the standard is identical to the standard prescribed under this chapter.”

According to the Federal Highway Administration, nearly 1 in 5 vehicle crashes every year are weather related. The vast majority of those crashes happen on wet pavement during rainfall. Between 2011 and 2015, data from the Statewide Integrated Traffic Records System sited 6 deaths and 257 injuries in California because someone failed to turn on their headlights. It is unclear if those deaths and injuries occurred during the day or at night.

When it comes to headlight requirements, federal safety standards have generally not changed in years. U.S. cars are not required to have automatic headlights when it gets dark, for example (though many cars already do). U.S. cars are also not required to have daytime running lights (DRLs) designed to make cars more visible to others instead of illuminating the road ahead.

Some automakers, like General Motors, have petitioned NHTSA to require DRLs to no success. NHTSA conducted a safety evaluation on DRLs in 2008 and found that “DRLs have no statistically significant overall effects on the three target crashes...Although not statically significant, DRLs might have unintended consequences for pedestrians and motorcyclists. Particularly, the estimated negative effects for light trucks and vans were relatively large and cannot be completely ignored.”

The definition of a motor vehicle is rather broad in the vehicle code. This bill require DRLs for snowmobiles, all-terrain vehicles, agricultural water-well boring rigs, school buses, campers, tow trucks, golf carts, trucks, buses, or essentially any vehicle that is self-propelled.

The Alliance of Automobile Manufacturers, which is made up of several domestic and global automakers, is opposing this bill. They argue “The federal National Highway Traffic Safety Administration (NHTSA) has clear authority over motor vehicle safety standards that already regulate the use of headlamps. AB 808 creates significant uncertainty and confusion for manufacturers due to the potential federal preemption of its requirements....Mandating a California-only version of a car is not only problematic but violates the long-standing principle that the federal government dictates vehicle design issues. Legislating safety issues usurps the authority of NHTSA and creates confusion nationwide. Lastly, vehicles have a design timeframe of 3 to 7 years, which makes it logistically impossible to comply with AB 808 by the January 1, 2021 date specified in the bill. For these reasons, among others, the Alliance respectfully opposes AB 808.”

*Committee concerns:* This bill is likely preempted by federal law and overly broad in its application. Further, NHTSA has concluded that DRLs add no additional safety benefit and may have unintended consequences when applied to light trucks and vans. The Legislature may want to defer to NHTSA on motor vehicle safety standards.

*Previous Legislation:*

AB 1854 (Simitian) Chapter 415, Statutes of 2004, requires a motor vehicle have its headlamps lighted during inclement weather.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

None on file

### **Opposition**

Alliance of Automobile Manufacturers (prior version)  
California Chamber of Commerce  
Global Automakers

**Analysis Prepared by:** David Sforza / TRANS. / (916) 319-2093