

# Cracked Windshield, Safe Driving and the Law

**W**indscreen damage remains a hazard and reality experienced by all South African motorists. Although windshield damage can result from a variety of causes, the most common is flying rocks and debris cast off from the loads of commercial trucks as well as debris projected from road surfaces under construction. We have all experienced the small annoying chip on our windscreens. This might not trouble motorists much and can be easily fixed! It is however when the chip becomes a crack running across the windscreen that we need to consider whether it is indeed time to replace the windscreen. In this section we would like to consider what the National Road Traffic Act stipulates about windscreen safety and why we need to

## The National Road Traffic Act and Windscreen Safety Glass of windscreen, window and partitions

**Reg 202.** (1) No person shall operate on a public road any motor vehicle having a windscreen, window or partition made of transparent material—

- (a) unless such material affords the driver sufficient visibility for safe driving of such vehicle;
- (b) unless in the case of a windscreen, other than a windscreen fitted to a motor cycle or motor tricycle, such transparent material—
  - (i) is glass; and
  - (ii) in respect of a motor vehicle which, according to the registration certificate thereof was registered for the first time after the year 1958, complies with the provisions of paragraph (a) even when shattered; and
  - (c) unless, in respect of a motor vehicle which, according to the registration certificate thereof, was registered for the first time after the year 1958, such transparent material is safety glass and every pane thereof is permanently marked with the name or trade mark of the manufacturer thereof or the trade name of the glass and is clearly identifiable as safety glass by a permanent mark indicating it as such.

(2) Notwithstanding the provisions of paragraphs (b) and (c) of subregulation (1), the transparent material—

- (a) with which—
  - (i) a window in the roof of a motor vehicle;
  - (ii) a window or partition of a bus or a minibus; or
  - (iii) a window or partition of a semi-trailer designed or adapted for the conveyance of passengers, is made, may consist of ultrahigh impact acrylic or polycarbonate plastic material where each pane thereof is permanently marked with the name or trademark of the manufacturer thereof or the trade name of the material and such material is clearly identifiable as ultrahigh impact acrylic or polycarbonate

plastic material by a permanent mark describing it as such;

- (b) with which a window or partition or a removable or collapsible hood or canopy of a motor vehicle is made, may consist of a flexible plastic material; and

- (c) with which a window or partition of a trailer, not designed or adapted for the conveyance of passengers, is made, may in the case where such trailer, according to the registration certificate thereof—

- (i) was registered for the first time before 1 January 1987, consist of acrylic or polycarbonate plastic material or of glass; or

- (ii) was registered for the first time on or after 1 January 1987, consist of acrylic or polycarbonate plastic material.

(3) No person shall operate on a public road any motor vehicle—

- (a) unless the visible light transmittance through—

- (i) the windscreen is at least 70 percent; and

- (ii) any other window is at least 35 percent, when measured in accordance with paragraph 6.3 of the standard specification SABS 1191 "Safety glass for windows";

- (b) unless any film or tinting material applied to any windscreen, window or partition is free from bubbles, tears or scratches; and

- (c) if, from 1 January 2000, any material or film, with a textured surface, displaying a picture or graphics is applied to the rear window that covers more than one-eighth of such rear window, or windscreen or a side window.

(4) The provisions of subregulation (3) (a) (ii) shall not apply to an ambulance or a hearse or to windows complying with SABS ECE R43.

## Driving view to be unobstructed

**Reg 204.** (1) No person shall operate on a public road a motor vehicle—

(a) which is not so constructed and maintained as to afford the driver thereof a

full and clear view of the roadway ahead and to his or her right and left when the vehicle is in use;

(b) which is not fitted with a rear-view mirror or mirrors enabling the driver of such vehicle, when he or she is in the driving position, to see in clear weather a clear reflection of traffic to the rear: Provided that the provisions of this paragraph shall not apply in respect of a tractor;

(c) which is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rear-view mirror on the driving side and an interior rear-view mirror: Provided that where the interior rear-view mirror does not enable the driver, when he or she is in the driving position, to see in clear weather, a clear reflection of traffic to the rear, an additional exterior rear-view mirror shall be fitted on the side opposite to the driving seat and in such a case it shall not be necessary to fit an interior rear-view mirror;

(d) which is a mini-bus, bus or goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1987, unless it is fitted with an exterior rear-view mirror on the driving side and an exterior rear-view mirror on the side opposite to the driving seat; or

(e) which is a motor cycle, a motor tricycle or motor quadricycle unless it is fitted with a rear-view mirror on the right side of the handlebars thereof, and such cycle shall also be fitted with a rear-view mirror on the left side of its handlebars.

(2) Every rear-view mirror of a motor vehicle—

(a) which—

(i) is a motor car, minibus, bus or goods vehicle, the gross vehicle mass of which does not exceed 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time on or after 1 January 1976; or  
(ii) is a minibus, bus or a goods vehicle, the gross vehicle mass of which exceeds 3 500 kilograms and which, according to the registration certificate thereof, was registered for the first time during the period 1 January 1976 to 31 December 1986,

shall be either flat or spherically convex and have an average radius of curvature of not less than one comma two metres; or

(b) contemplated in subregulation (1)(d) shall be either flat or spherically convex and have an average radius or curvature of not less than one comma eight metres.

## What is Legal is not necessarily what is Safe!

It is important to recognize that the National Road Traffic Act only stipulates what is required in terms of the quality of windscreen used and the need to ensure visibility for the driver. It does not make it illegal to drive where the crack is not in the view of the driver and does not obstruct his vision. Even though driving with a cracked windscreen might not be a ticketable offence it should not be construed that

doing so is safe as well!

We have discussed windscreen safety in detail on the website in detail in a section titled [Road Safety and Your Windscreen](#). We would like to refer to the importance of windscreen safety and why a cracked windscreen might be a significant danger to your safety inside the vehicle.

### The Windscreen and Structural Integrity of the Vehicle

The Windshield/ Windscreen is an integral role in a car's support structure. While during the course of normal driving an imbalance or imperfection in this structure might not be apparent, it can become deadly during a crash or collision. In most vehicles the windshield is designed to transfer the impact of a front-end collision down through the front of the car into the chassis, helping to minimize the impact's effect within the interior, protecting passengers. A cracked windshield can shatter under the pressure of a collision, allowing the impact of the collision to move horizontally through the car, significantly increasing the danger to passengers.

### The Windscreen and Protection during Rollovers

The windscreen also provides vertical support, preventing the car's roof from crushing. During a rollover accident, a cracked or chipped windshield can allow the roof to cave in, causing potentially serious injury. Statistics overwhelmingly indicate the danger and increased risk to passengers in a rollover accident during which the roof crushes.

### The Windscreen helps Passengers to Remain inside the Vehicle during a Collision

While seatbelts are the primary means for protecting passengers from ejection during a collision, the windshield also plays an important role. For unbelted passengers, or in situations where the seatbelt is faulty, broken, or severed in the course of the accident, the windshield can provide a final measure of protection ensuring that the passengers remain within the interior of the car. Even a minor chip in the windshield can cause the window to shatter on impact, allowing passengers to be ejected from the vehicle.

### The Windscreen as Support to Airbag Deployment

In addition to distributing the impact of a crash, the windshield provides support to the airbags, particularly those on the passenger side. When the airbag deploys during an accident, it expands outward and compresses against the windshield before pillowing out to support the passenger. A faulty windshield cannot properly absorb the force of the inflating airbag, and can shatter, diminishing or negating the effectiveness of the airbag.

### Conclusion

The windscreen needs to be recognized as an important component in vehicle safety. Given the dangers which can result from a damaged windshield, it is important that cracked or chipped windshields be repaired by a qualified technician as soon as possible.