

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 723
Committee Substitute Favorable 4/22/99
Committee Substitute #2 Favorable 6/24/99
Committee Substitute #3 Reported Without Prejudice 7/1/99
Committee Substitute #4 Favorable 7/8/99

Short Title: Dark Window Inspection Fee.

(Public)

Sponsors:

Referred to:

March 30, 1999

A BILL TO BE ENTITLED

AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION THAT CAUSES THE PERSON TO BE PHOTSENSITIVE TO VISIBLE LIGHT TO HAVE A DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE WINDOW TINTING LAWS AND TO ELIMINATE THE AFTER-FACTORY WINDOW TINTING INSPECTION FEE FOR VEHICLES OWNED BY PERSONS ISSUED A MEDICAL EXCEPTION PERMIT BY THE DIVISION OF MOTOR VEHICLES ALLOWING THE WINDOW TINTING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-127 reads as rewritten:

"§ 20-127. Windows and windshield wipers.

(a) Windshield Wipers. – A vehicle that is operated on a highway and has a windshield ~~must~~shall have a windshield wiper to clear rain or other substances from the windshield in front of the driver of the vehicle and the windshield wiper ~~must~~shall be in

1 good working order. If a vehicle has more than one windshield wiper to clear substances
2 from the windshield, all the windshield wipers ~~must~~shall be in good working order.

3 (b) Window Tinting Restrictions. – A window of a vehicle that is operated on a
4 highway or a public vehicular area ~~must~~shall comply with this subsection. The
5 windshield of the vehicle may be tinted only along the top of the windshield and the
6 tinting may not extend more than five inches below the top of the windshield or below
7 the AS1 line of the windshield, whichever measurement is longer. Provided, however, an
8 untinted clear film, which does not obstruct vision but which reduces or eliminates
9 ultraviolet radiation from entering a vehicle may be applied to the windshield. Any other
10 window of the vehicle may be tinted in accordance with the following restrictions:

- 11 (1) The total light transmission of the tinted window ~~must~~shall be at least
12 thirty-five percent (35%). A vehicle window that, by use of a light meter
13 approved by the Commissioner, measures a total light transmission of
14 more than thirty-two percent (32%) is conclusively presumed to meet
15 this restriction.
- 16 (2) The light reflectance of the tinted window ~~must~~shall be twenty percent
17 (20%) or less.
- 18 (3) Tinted film or another material used to tint the window ~~must~~shall be
19 nonreflective and ~~must~~shall not be a color other than red, yellow, or
20 amber.

21 (c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this
22 section apply without exception to the windshield of a vehicle. The window tinting
23 restrictions in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the
24 following vehicle windows:

- 25 (1) A window of an excursion passenger vehicle, as defined in G.S. 20-
26 4.01(27)a.
- 27 (2) A window of a for-hire passenger vehicle, as defined in G.S. 20-
28 4.01(27)b.
- 29 (3) A window of a common carrier of passengers, as defined in G.S. 20-
30 4.01(27)c.
- 31 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 32 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 33 (6) The rear window of a property-hauling vehicle, as defined in G.S. 20-
34 4.01(31).
- 35 (7) A window of a limousine.
- 36 (8) A window of a law enforcement vehicle.
- 37 (9) A window of a multipurpose vehicle that is behind the driver of the
38 vehicle. A multipurpose vehicle is a passenger vehicle that is designed
39 to carry 10 or fewer passengers and either is constructed on a truck
40 chassis or has special features designed for occasional off-road
41 operation. A minivan and a pickup truck are multipurpose vehicles.
- 42 (10) A window of a vehicle that is registered in another state and meets the
43 requirements of the state in which it is registered.

1 (11) A window of a vehicle for which the Division has issued a medical
2 exception permit under subsection (f) of this section.

3 (d) Violations. – A person who does any of the following commits a misdemeanor
4 of the class set in G.S. 20-176:

5 (1) Applies tinting to the window of a vehicle that is subject to a safety
6 inspection in this State and the resulting tinted window does not meet
7 the window tinting restrictions set in this section.

8 (2) Drives on a highway or a public vehicular area a vehicle that has a
9 window that does not meet the window tinting restrictions set in this
10 section.

11 (e) Defense. – It is a defense to a charge of driving a vehicle with an unlawfully
12 tinted window that the tinting was removed within 15 days after the charge and the
13 window now meets the window tinting restrictions. To assert this defense, the person
14 charged ~~must~~ shall produce in court, or submit to the prosecuting attorney before trial, a
15 certificate from the Division of Motor Vehicles or the Highway Patrol showing that the
16 window complies with the restrictions.

17 (f) Medical Exception. – A person who suffers from a medical condition that
18 causes the person to be photosensitive to visible light may obtain a medical exception
19 permit. To obtain a permit, an applicant shall apply in writing to the Drivers Medical
20 Evaluation Program, have his or her doctor complete the required medical evaluation
21 form provided by the Division, and pay the application fee. The application fee is five
22 dollars (\$5.00). The permit shall be valid for five years from the date of issue, unless a
23 shorter time is directed by the Drivers Medical Evaluation Program. The renewal shall
24 require a medical recertification that the person continues to suffer from a medical
25 condition requiring tinting.

26 A person may receive no more than two medical exception permits that are valid at
27 any one time. A permit issued under this subsection shall specify the vehicle to which it
28 applies, the windows that may be tinted, and the permitted levels of tinting. The permit
29 shall be carried in the vehicle to which it applies when the vehicle is driven on a
30 highway."

31 Section 2. The Medical Review Branch of the Division of Motor Vehicles
32 shall issue rules and create forms and permits necessary for this program. Until funds for
33 this program are appropriated by the General Assembly, the Medical Review Branch
34 shall manually issue all medical exception permits and shall manually maintain the
35 records related specifically to these permits.

36 The Division of Motor Vehicles shall add the medical exception described in
37 Section 1 of this act to the STARS program, to allow the computerized issuance of
38 medical exception permits and to allow computerized maintenance of the records related
39 specifically to these permits when it is modifying that computer program for some other
40 purpose.

41 The Division of Motor Vehicles shall report to the Joint Legislative
42 Transportation Oversight Committee six months after the first medical exception permit

1 is issued on the number of permits issued and the projected additional costs, if any, of
2 operating the program.

3 Section 3. G.S. 20-183.7(a) reads as rewritten:

4 "(a) Fee Amount. – When a fee applies to an inspection of a vehicle or the issuance
5 of an inspection sticker, the fee must be collected. The following fees apply to an
6 inspection of a vehicle and the issuance of an inspection sticker:

7 Type Inspection Sticker

8 ~~Safety Only, Without After-~~

9 ~~Factory Tinted Window Only~~ \$ 8.25 \$ 1.00

10 ~~Safety Only, With After Factory Tinted~~

11 ~~Window 18.25 1.00~~

12 ~~Emissions and Safety Without After Factory~~

13 ~~Tinted Window 17.00 2.40~~

14 ~~Emissions and Safety With After Factory~~

15 ~~Tinted Window 27.00 2.40.~~

16 The fee for performing an inspection of a vehicle applies when an inspection is
17 performed, regardless of whether the vehicle passes the inspection. The fee for an
18 inspection sticker applies when an inspection sticker is put on a vehicle. The fee for
19 ~~performing an inspection of a vehicle with a inspecting after-factory tinted window windows~~
20 ~~shall be ten dollars (\$10.00), and the fee applies only to an inspection performed with a~~
21 ~~light meter after a safety inspection mechanic determined that the window had after-~~
22 ~~factory tint. A safety inspection mechanic shall not inspect an after-factory tinted~~
23 ~~window of a vehicle for which the Division has issued a medical exception permit~~
24 ~~pursuant to G.S. 20-127(f).~~

25 A vehicle that is inspected at an inspection station and fails the inspection is entitled
26 to be reinspected at the same station at any time within 30 days of the failed inspection
27 without paying another inspection fee."

28 Section 4. This act becomes effective July 1, 2001.