

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 683
HOUSE BILL 1854

AN ACT TO PROVIDE FOR CERTIFICATION OF WINDOW GLAZING INSPECTORS, TO APPLY THE WINDOW GLAZING REQUIREMENTS UNIFORMLY, AND TO OTHERWISE MODIFY THE WINDOW GLAZING LAWS.

The General Assembly of North Carolina enacts:

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

"§ 20-127. Windshields must be unobstructed.

(a) It shall be unlawful for any person to drive any vehicle upon a highway with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear window of such motor vehicle other than a certificate or other paper required to be so displayed by law, or approved by the Commissioner of Motor Vehicles.

(b) No motor vehicle which is equipped with a permanent windshield shall be operated upon the highways unless said windshield is equipped with a device for cleaning snow, rain, moisture, or other matters from the windshield directly in front of the operator, which device shall be in good working order and so constructed as to be controlled or operated by the operator of the vehicle. Provided, on any vehicle equipped by its manufacturer with such devices on both the right and left sides of windshield, both such devices shall be in working order. The device required by this subsection shall be of a type approved by the Commissioner.

(c) ~~The windshield, rear and side glasses of a motor vehicle must be free from discoloration which impair the driver's vision or create a hazard. It is unlawful to operate on a highway a motor vehicle that is registered or required to be registered in this State if it has a sunscreen device or tinted film on its windshield, its front side wings, its front side windows adjacent to the right and left of the driver, or its windows to the rear of the driver that was installed after factory delivery and does not meet the requirements of this section.~~

(d) ~~On or after January 1, 1989, it shall be unlawful to operate a motor vehicle registered or which is required to be registered in this State under this Chapter, upon any highway or public vehicular area with a windshield or a front side window to the immediate right or left of the operator, or a rear window used for visibility, which has been darkened, smoked, or tinted after factory delivery. Provided, however, after first sale of the vehicle, a single application of tinted film which has been registered with and approved by the Commissioner of Motor Vehicles shall be lawful if the manufacturer's label is implanted between the film and glass in the lower left section of each darkened~~

~~windshield and is legible from outside the vehicle. The label shall indicate the film registration number, the name and address of the manufacturer and a certification of compliance with North Carolina law. No film or darkening material may be applied on the windshield except to replace the sunshield in the uppermost area as installed by the manufacturer of the vehicle, in which case the label shall be implanted between the film and glass in the upper left section of the windshield and be legible from outside the vehicle. A rear window shall be required for visibility on every vehicle unless the vehicle is equipped with an outside mirror of a type approved by the Commissioner which eliminates the requirement for an inside rearview mirror under the provisions of G.S. 20-126(a) and (b). A sunscreen device or tinted film must be a nonreflective type and may not be red, yellow, or amber in color. A sunscreen device or tinted film may be used only along the top of a windshield and may not extend downward beyond the ASI line or more than five inches, whichever is closer to the top of the windshield. A sunscreen device or tinted film may not be applied to a window other than the windshield if it reduces the total light transmission of the window to less than thirty-five percent (35%) or it has a reflectance of light exceeding twenty percent (20%).~~

~~(e) A vehicle that has a window with an after-factory installed sunscreen device or tinting film must display the installer's sticker. No motor vehicle inspection certificate shall be issued on or after January 1, 1988, for a vehicle on which the windshield or front window to the immediate right and left of the operator or the rear window if required for visibility, has been darkened by the installation of tinted film or by other means, except as permitted under subsection (d) of this section.~~

~~(f) Before shipping or making any tinted film available for installation on a motor vehicle in this State, the manufacturer shall apply to the Commissioner for approval and registration of its tinted film and for a label to be used in the identification and certification of compliance with light transmittance and reflectance standards. The Commissioner shall approve tinted film to be used in the front windows or a rear window if required for visibility if the manufacturer demonstrates that it has at least fifty percent (50%) light transmittance if it is to be used on front, side, or rear windows and a luminous reflectance of not more than twenty percent (20%). A fee shall be paid by the manufacturer with each application for film approval and registration in the approximate amount of the cost to the Division in the review of the applications.~~

~~(g) With any delivery of tinted film for installation in vehicles, where approved film is required, the manufacturer shall provide the required labels with written instructions and materials for permanent installation. The use of any label that is not registered, or the misuse of any registered label to mislead motor vehicle safety inspectors, law enforcement officers, or other officials shall constitute a misdemeanor.~~

~~(h) Subsections (d) through (g) of this section shall apply only to darkened, smoked, or tinted film installed on motor vehicle windows after factory delivery and after July 1, 1988, and shall not apply to vehicles that are registered in another state, are not required to be registered in this State, and were in compliance with the standards required in the state of registration at the time of registration.~~

~~(i) Subsections (d) through (g) of this section do not apply to law enforcement K-9 vehicles and films used to darken windows on those units.~~

(f) A person may not apply a sunscreen device or tinting film to a window that does not meet the requirements of this section. A person who applies a sunscreen device or tinting film to a window must place a sticker between the film and the glass in the lower back corner of each glass that is visible from the outside of the vehicle. The sticker must be no larger than one inch by two inches and must identify the installer by name and street address.

(g) The Commissioner shall certify window tinting inspectors. To obtain a certification as a window tinting inspector, a person must meet the qualifications set by the Commissioner and have the testing equipment required by the Commissioner. Certification as a window tinting inspector is valid for four years. The Commissioner may revoke a certification for violations of this section.

(h) Testimony that a window of a vehicle failed to meet the light transmittance or reflectance requirements of this section using equipment, methods, or procedures approved by the Commissioner is **prima facie** evidence of a violation of this section. It is a defense to a window tinting violation under this section if the driver charged produces a certification issued by a certified window tinting inspector showing that the sunscreen device or tinting film meets the requirements of this section. It is a further defense to show that any sign, poster, or other nontransparent material, sunscreen device, or tinting film has been removed or modified so that the vehicle is in compliance with this section.

(i) This section does not apply to windows behind the driver of excursion passenger vehicles as defined in G.S. 20-4.01(27)a., for-hire passenger vehicles as defined in G.S. 20-4.01(27)b., common carriers of passengers as defined in G.S. 20-4.01(27)c., ambulances as defined in G.S. 20-4.01(27)f., property hauling vehicles as defined in G.S. 20-4.01(31), limousines, motor homes, law enforcement K-9 vehicles, or vehicles that are registered in another state and are in compliance with the standards required in that state.

(j) A person who registers a vehicle in this State that has had an after-factory sunscreen device or window tinting installed outside the State that does not display a sticker equivalent to the one required by subsection (e) of this section must have the device or window tinting inspected by a certified window tinting inspector. If the sunscreen device or window tinting meets the requirements of this section, the inspector must place a unique sticker on the inside of each window to which the sunscreen device or window tinting is applied. The sticker must be placed on the lower back corner of each glass that is visible from the outside of the vehicle. The sticker must be no larger than one inch by two inches and must identify the person affixing the sticker by name and street address. The Commissioner shall issue stickers for placement under this section. The Commissioner may charge a fee, not to exceed two dollars (\$2.00), for a sticker to recoup the cost of producing the unique sticker authorized by this subsection. The fee charged by a person who inspects a window under this subsection may not exceed ten dollars (\$10.00).

(k) A violation of subsection (c) or (j) of this section shall be a misdemeanor punishable as provided in G.S. 20-176(c). A violation of any other subsection of this section is an infraction."

Sec. 2. This act becomes effective March 1, 1995.
In the General Assembly read three times and ratified this the 5th day of July,
1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives