

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1854

Short Title: MV Window Glazing.

(Public)

Sponsors: Representatives Ellis; Bowman, J. Preston, and Hall.

Referred to: Judiciary III.

May 30, 1994

A BILL TO BE ENTITLED

AN ACT TO BRING THE NORTH CAROLINA STATUTES ON MOTOR VEHICLE WINDOW GLAZING INTO COMPLIANCE WITH FEDERAL LAW AND REGULATIONS AND TO APPROPRIATE FUNDS FOR THAT PURPOSE.

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.~~

~~(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~~

1 highway or public vehicular area with a windshield or a front side window to the
2 immediate right or left of the operator, or a rear window used for visibility, which has
3 been darkened, smoked, or tinted after factory delivery. Provided, however, after first
4 sale of the vehicle, a single application of tinted film which has been registered with and
5 approved by the Commissioner of Motor Vehicles shall be lawful if the manufacturer's
6 label is implanted between the film and glass in the lower left section of each darkened
7 window and is legible from outside the vehicle. The label shall indicate the film
8 registration number, the name and address of the manufacturer and a certification of
9 compliance with North Carolina law. No film or darkening material may be applied on
10 the windshield except to replace the sunshield in the uppermost area as installed by the
11 manufacturer of the vehicle, in which case the label shall be implanted between the film
12 and glass in the upper left section of the windshield and be legible from outside the
13 vehicle. A rear window shall be required for visibility on every vehicle unless the
14 vehicle is equipped with an outside mirror of a type approved by the Commissioner
15 which eliminates the requirement for an inside rearview mirror under the provisions of
16 G.S. 20-126(a) and (b).

17 (e) No motor vehicle inspection certificate shall be issued on or after January 1,
18 1988, for a vehicle on which the windshield or front window to the immediate right and
19 left of the operator or the rear window if required for visibility, has been darkened by
20 the installation of tinted film or by other means, except as permitted under subsection
21 (d) of this section.

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

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

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

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

1 (c) On or after July 1, 1995, no person may operate a motor vehicle that is
2 registered or required to be registered in this State on any public highway, road, or street
3 that has a sunscreen device or tinted film applied or affixed on the windshield, the front
4 side wings, the front side windows adjacent to the right and left of the driver, and
5 windows to the rear of the operator, that do not meet the requirements of this section. If
6 no after-factory installed sunscreen device or tinting film has been added to the
7 windows as herein described, the provisions of this section regarding light transmittance
8 and reflectivity do not apply.

9 (d) A sunscreen device or tinting film may be used only along the top of the
10 windshield and may not extend downward beyond the ASI line or more than five
11 inches, whichever is closer to the top of the windshield.

12 (e) Notwithstanding subsection (d) of this section, a sunscreen device or tinting
13 film must be a nonreflective type and may not be red, yellow, or amber in color.

14 (f) No sunscreen device or tinting film may be applied or affixed to any window
15 other than the windshield that reduces the total light transmission of such windows to
16 less than thirty-five percent (35%).

17 (g) No sunscreen device or tinting film may be applied or affixed to any window
18 of a motor vehicle that has a reflectance of light exceeding twenty percent (20%).

19 (h) No motor vehicle inspection certificate shall be issued on or after July 1,
20 1995, for a motor vehicle that is not in compliance with the requirements of this section.
21 No inspection sticker shall be issued for a motor vehicle with any after-factory installed
22 sunscreen device or tinting film unless the window bears the installer's sticker as
23 required by subsection (i) or (l) of this section.

24 (i) No person or firm may apply or affix to the windows of any motor vehicle,
25 registered or required to be registered in this State, a sunscreen device or tinting film
26 that is not in compliance with the requirements of this section. The installer shall affix a
27 sticker between the film and the glass in the lower back corner of each glass that is
28 visible from the outside of the vehicle, no larger than one inch by two inches which
29 certifies compliance with this section and identifies the installer by name and street
30 address.

31 (j) The Commissioner shall approve equipment, methods, and procedures for
32 measuring light transmission and reflectance of sunscreen devices and tinting films.
33 Testimony that any window of a vehicle failed to meet the light transmittance or
34 reflectance requirements of this section using equipment, methods, or procedures
35 approved by the Commissioner shall be **prima facie** evidence of a violation of this
36 section. It shall be a defense under subsection (f) or (g) of this section if the operator
37 charged produces a certification issued by a licensed safety equipment inspection station
38 showing that the sunscreen device or tinting film met the requirements of this section
39 when measured using equipment, methods, or procedures approved by the
40 Commissioner. It shall be a further defense to show that any sign, poster, or other
41 nontransparent material, discoloration, sunscreen device, or tinting film has been
42 removed or modified so that the vehicle is in compliance with this section.

43 (k) This section shall not apply to windows behind the driver of excursion
44 passenger vehicles as defined in G.S. 20-4.01(27)a., for-hire passenger vehicles as

1 defined in G.S. 20-4.01(27)b., common carriers of passengers as defined in G.S. 20-
2 4.01(27)c., ambulances as defined in G.S. 20-4.01(27)f., property hauling vehicles as
3 defined in G.S. 20-4.01(31), limousines, motor homes, or law enforcement K-9 vehicles
4 or vehicles registered in another state and in compliance with the standards required in
5 that state.

6 (l) The Commissioner shall issue rules to provide for the placement of a unique
7 sticker on the tinted windows of a vehicle that meet the color, light transmittance, and
8 reflectance requirements of this section but were installed in another state where there is
9 no requirement for an installer's or manufacturer's compliance sticker. The sticker
10 which certifies compliance with this section shall be affixed to the inside of the film in
11 the lower back corner of each glass that is visible from the outside of the vehicle, and
12 shall be no larger than one inch by two inches and shall identify the person affixing the
13 sticker by name and street address. The Commissioner may issue a rule providing for
14 the payment to the Division of a fee, not to exceed two dollars (\$2.00), for the
15 recoupment of the cost of producing the unique sticker authorized by this subsection.

16 (m) A violation of subsection (c), (h), (i), or (l) of this section shall be a
17 misdemeanor punishable as provided in G.S. 20-176(c). A violation of any other
18 subsection of this section is an infraction. Any person violating subsection (f) or (g) of
19 this section during the period of October 1, 1994, through December 31, 1994, shall be
20 given a warning of the violation only."

21 Sec. 2. G.S. 20-183.3 is amended by adding a new subsection to read:

22 "(c) No inspection certificate shall be issued by a safety equipment inspection
23 station on or after July 1, 1995, for a motor vehicle that is not in compliance with G.S.
24 20-127. In addition to the items listed in subsection (a) of this section, safety inspection
25 equipment stations shall inspect the windshields, side wings, side or rear windows of all
26 vehicles in accordance with methods and procedures approved by the Commissioner."

27 Sec. 3. Sections 1 and 2 of this act become effective October 1, 1994, and
28 shall apply to all vehicles newly registered on or after that date. Nothing in this act shall
29 affect prosecutions or violations of this section committed on or before October 1, 1994.

30 Sec. 4. There is appropriated from the Highway Fund to the Division of
31 Motor Vehicles the sum of twenty-five thousand dollars (\$25,000) for the 1994-95
32 fiscal year to fund the production and acquisition of the unique stickers required by
33 Section 1 of this act.

34 Sec. 5. This act becomes effective July 1, 1994.