

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

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

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

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

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

- 23 (1) A window of an excursion passenger vehicle, as defined in G.S. 20-
24 4.01(27)a.
- 25 (2) A window of a for-hire passenger vehicle, as defined in G.S. 20-
26 4.01(27)b.
- 27 (3) A window of a common carrier of passengers, as defined in G.S. 20-
28 4.01(27)c.
- 29 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 30 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 31 (6) The rear window of a property-hauling vehicle, as defined in G.S. 20-
32 4.01(31).
- 33 (7) A window of a limousine.
- 34 (8) A window of a law enforcement vehicle.
- 35 (9) A window of a multipurpose vehicle that is behind the driver of the
36 vehicle. A multipurpose vehicle is a passenger vehicle that is designed
37 to carry 10 or fewer passengers and either is constructed on a truck
38 chassis or has special features designed for occasional off-road
39 operation. A minivan and a pickup truck are multipurpose vehicles.
- 40 (10) A window of a vehicle that is registered in another state and meets the
41 requirements of the state in which it is registered.
- 42 (11) A window of a vehicle for which the Division has issued a medical
43 exception permit under subsection (f) of this section.

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

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

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

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

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

24 A person may receive no more than two medical exception permits that are valid at
25 any one time. A permit issued under this subsection shall specify the vehicle to which it
26 applies, the windows that may be tinted, and the permitted levels of tinting. The permit
27 shall be carried in the vehicle to which it applies when the vehicle is driven on a highway.
28 The Division shall give a person who receives a medical exception permit a sticker to
29 place on the lower left-hand corner of the rear window of the vehicle to which it applies."

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

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

40 The Division of Motor Vehicles shall report to the Joint Legislative
41 Transportation Oversight Committee six months after the first medical exception permit
42 is issued on the number of permits issued and the projected additional costs, if any, of
43 operating the program.

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

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

5	Type	Inspection	Sticker
6	Safety Only,	Without After-	
7		Factory Tinted Window	<u>Only</u> \$ 8.25 \$ 1.00
8	Safety Only,	With After-Factory Tinted	
9		Window	18.25 1.00
10	Emissions and Safety	Without After-Factory	
11		Tinted Window	17.00 2.40
12	Emissions and Safety	With After-Factory	
13		Tinted Window	27.00 2.40.

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

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

26 Section 4. This act becomes effective October 1, 1999.