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Short Title: Window Tinting Revisions.

(Public)

Sponsors:

Referred to:

February 7, 1995

A BILL TO BE ENTITLED
AN ACT TO REVISE THE WINDOW TINTING LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-127, as amended by Chapter 683 of the 1993 Session Laws (Reg. Sess. 1994), reads as rewritten:

"§ 20-127. ~~Windshields must be unobstructed.~~ Windows and windshield wipers.

(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~~

1 such devices shall be in working order. The device required by this subsection shall be of
2 a type approved by the Commissioner.

3 (e) ~~It is unlawful to operate on a highway a motor vehicle that is registered or~~
4 ~~required to be registered in this State if it has a sunscreen device or tinted film on its~~
5 ~~windshield, its front side wings, its front side windows adjacent to the right and left of the~~
6 ~~driver, or its windows to the rear of the driver that was installed after factory delivery and~~
7 ~~does not meet the requirements of this section.~~

8 (d) ~~A sunscreen device or tinted film must be a nonreflective type and may not be~~
9 ~~red, yellow, or amber in color. A sunscreen device or tinted film may be used only along~~
10 ~~the top of a windshield and may not extend downward beyond the ASI line or more than~~
11 ~~five inches, whichever is closer to the top of the windshield. A sunscreen device or tinted~~
12 ~~film may not be applied to a window other than the windshield if it reduces the total light~~
13 ~~transmission of the window to less than thirty five percent (35%) or it has a reflectance of~~
14 ~~light exceeding twenty percent (20%).~~

15 (e) ~~A vehicle that has a window with an after factory installed sunscreen device or~~
16 ~~tinting film must display the installer's sticker.~~

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

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

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

36 (i) ~~This section does not apply to windows behind the driver of excursion~~
37 ~~passenger vehicles as defined in G.S. 20-4.01(27)a., for hire passenger vehicles as~~
38 ~~defined in G.S. 20-4.01(27)b., common carriers of passengers as defined in G.S. 20-~~
39 ~~4.01(27)c., ambulances as defined in G.S. 20-4.01(27)f., property hauling vehicles as~~
40 ~~defined in G.S. 20-4.01(31), limousines, motor homes, law enforcement K-9 vehicles, or~~
41 ~~vehicles that are registered in another state and are in compliance with the standards~~
42 ~~required in that state.~~

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

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

18 (a) Windshield Wipers. – A vehicle that is operated on a highway and has a
19 windshield must have a windshield wiper to clear rain or other substances from the
20 windshield in front of the driver of the vehicle and the windshield wiper must be in good
21 working order. If a vehicle has more than one windshield wiper to clear substances from
22 the windshield, all the windshield wipers must be in good working order.

23 (b) Window Tinting Restrictions. – A window of a vehicle that is operated on a
24 highway or a public vehicular area must comply with this subsection. The windshield of
25 the vehicle may be tinted only along the top of the windshield and the tinting may not
26 extend more than five inches below the top of the windshield or below the AS1 line of
27 the windshield, whichever measurement is longer. Any other window of the vehicle may
28 be tinted in accordance with the following restrictions:

29 (1) The total light transmission of the tinted window must be at least thirty-
30 five percent (35%). A vehicle window that, by use of a light meter
31 approved by the Commissioner, measures a total light transmission of
32 more than thirty-two percent (32%) is conclusively presumed to meet
33 this restriction.

34 (2) The light reflectance of the tinted window must be twenty percent
35 (20%) or less.

36 (3) Tinted film or another material used to tint the window must be
37 nonreflective and must be a color other than red, yellow, or amber.

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

42 (1) A window of an excursion passenger vehicle, as defined in G.S. 20-
43 4.01(27)a.

- 1 (2) A window of a for-hire passenger vehicle, as defined in G.S. 20-
2 4.01(27)b.
- 3 (3) A window of a common carrier of passengers, as defined in G.S. 20-
4 4.01(27)c.
- 5 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 6 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 7 (6) The rear window of a property-hauling vehicle, as defined in G.S. 20-
8 4.01(31).
- 9 (7) A window of a limousine.
- 10 (8) A window of a law enforcement vehicle.
- 11 (9) A window of a multipurpose vehicle that is behind the driver of the
12 vehicle. A multipurpose vehicle is a passenger vehicle that is designed
13 to carry 10 or fewer passengers and either is constructed on a truck
14 chassis or has special features designed for occasional off-road
15 operation. A minivan and a pickup truck are multipurpose vehicles.
- 16 (10) A window of a vehicle that is registered in another state and meets the
17 requirements of the state in which it is registered.

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

- 20 (1) Applies tinting to the window of a vehicle that is subject to a safety
21 inspection in this State and the resulting tinted window does not meet
22 the window tinting restrictions set in this section.
- 23 (2) Drives on a highway or a public vehicular area a vehicle that has a
24 window that does not meet the window tinting restrictions set in this
25 section.

26 (d) Defense. – It is a defense to a charge of driving a vehicle with an unlawfully
27 tinted window that the tinting was removed within 15 days after the charge and the
28 window now meets the window tinting restrictions. To assert this defense, the person
29 charged must produce in court, or submit to the prosecuting attorney before trial, a
30 certificate from the Division of Motor Vehicles or the Highway Patrol showing that the
31 window complies with the restrictions."

32 Sec. 2. G.S. 20-183.3(a) reads as rewritten:

33 "(a) Safety. – A safety inspection of a motor vehicle consists of an inspection of the
34 following equipment to determine if the vehicle has the equipment required by Part 9 of
35 Article 3 of this Chapter and if the equipment is in a safe operating condition:

- 36 (1) Brakes, as required by G.S. 20-124.
- 37 (2) Lights, as required by G.S. 20-129 or G.S. 20-129.1.
- 38 (3) Horn, as required by G.S. 20-125(a).
- 39 (4) Steering mechanism, as required by G.S. 20-123.1.
- 40 (5) Windows and windshield wipers, as required by G.S. 20-127. To
41 determine if a vehicle window meets the window tinting restrictions, a
42 safety inspection mechanic must first determine, based on use of an
43 automotive film check card or knowledge of window tinting techniques,

if after-factory tint has been applied to the window. If after-factory tint has been applied, the mechanic must use a light meter approved by the Commissioner to determine if the window meets the window tinting restrictions.

- (6) Directional signals, as required by G.S. 20-125.1.
- (7) Tires, as required by G.S. 20-122.1.
- (8) Mirrors, as required by G.S. 20-126.
- (9) Exhaust system, as required by G.S. 20-128. For a vehicle that is subject to an emissions inspection in addition to a safety inspection, a visual inspection of the vehicle's emission-control devices is included in the emissions inspection rather than the safety inspection."

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

"(a) Fee Amount. – The following fees apply to an inspection of a vehicle and the issuance of an inspection sticker:

<u>Type</u>	<u>Inspection</u>
	<u>Sticke</u>
	<u>r</u>
Safety Only <u>Only, Without</u>	
<u>After-Factory Tinted Window</u>	\$ 8.25 \$1.00
Safety Only <u>Only, With After-</u>	
<u>Factory Tinted Window</u>	18.25 1.00
Emissions and Safety <u>Safety,</u>	
<u>Without After-Factory Tinted Window</u>	17.00 2.40
<u>2.40</u>	
Emissions and Safety <u>Safety, With</u>	
<u>After-Factory Tinted Window</u>	<u>27.00 2.40.</u>

The fee for performing an inspection of a vehicle applies when an inspection is performed, regardless of whether the vehicle passes the inspection. The fee for an inspection sticker applies when an inspection sticker is put on a vehicle. The fee for performing an inspection of a vehicle with a tinted window applies only to an inspection performed with a light meter after a safety inspection mechanic determined that the window had after-factory tint.

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

Sec. 4. This act becomes effective November 1, 1995.