

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
Senate Finance Committee Substitute Adopted 6/7/00
Seventh Edition Engrossed 6/27/00

Short Title: Dark Window Inspection Fee.

(Public)

Sponsors:

Referred to:

March 30, 1999

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION
3 THAT CAUSES THE PERSON TO BE PHOTOSENSITIVE TO VISIBLE LIGHT
4 TO HAVE A DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE
5 WINDOW TINTING LAWS AND TO ELIMINATE THE AFTER-FACTORY
6 WINDOW TINTING INSPECTION FEE FOR VEHICLES OWNED BY PERSONS
7 ISSUED A MEDICAL EXCEPTION PERMIT BY THE DIVISION OF MOTOR
8 VEHICLES ALLOWING THE WINDOW TINTING.

9 The General Assembly of North Carolina enacts:

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

11 "§ 20-127. **Windows and windshield wipers.**

12 (a) Windshield Wipers. – A vehicle that is operated on a highway and has a
13 windshield ~~must~~shall have a windshield wiper to clear rain or other substances from the
14 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 and have his or her doctor complete the required medical evaluation
21 form provided by the Division. The permit shall be valid for five years from the date of
22 issue, unless a shorter time is directed by the Drivers Medical Evaluation Program. The
23 renewal shall require a medical recertification that the person continues to suffer from a
24 medical condition requiring tinting.

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

29 The Division shall give a person who receives a medical exception permit a sticker to
30 place on the lower left-hand corner of the rear window of the vehicle to which it applies.
31 The sticker shall be designed to give prospective purchasers of the vehicle notice that the
32 windows of the vehicle do not meet the requirements of G.S. 20-127(b), and shall be
33 placed between the window and the tinting when the tinting is installed. The Division
34 shall adopt rules regarding the specifications of the medical exception sticker. Failure to
35 display the sticker is an infraction punishable by a two hundred dollar (\$200.00) fine."

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

41 The Division of Motor Vehicles shall add the medical exception described in
42 Section 1 of this act to the STARS program, to allow the computerized issuance of
43 medical exception permits and to allow computerized maintenance of the records related

1 specifically to these permits when it is modifying that computer program for some other
2 purpose.

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

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

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

11	Type Inspection	Sticker
12	Safety Only, Without After-	
13	Factory Tinted Window Only	\$ 8.25 \$ 1.00
14	Safety Only, With After Factory Tinted	
15	Window	18.25 1.00
16	Emissions and Safety Without After-Factory	
17	Tinted Window	17.00 2.40
18	Emissions and Safety With After Factory	
19	Tinted Window	27.00 2.40.

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

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

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