

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 5

Judiciary I Committee Substitute Adopted 4/11/89

Third Edition Engrossed 4/17/89

Short Title: No Profane Bumper Stickers.

(Public)

Sponsors:

Referred to:

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE AFFIXING TO A MOTOR VEHICLE OF ANY STICKER, DECAL, EMBLEM, DRAWING, PHOTOGRAPH, PAINTING, OR OTHER DEVICE CONTAINING INDECENT WORDS DESCRIBING SEXUAL ACTS, EXCRETORY FUNCTIONS, OR PARTS OF THE HUMAN BODY, OR A VISUAL DEPICTION WHICH IS HARMFUL TO MINORS.

The General Assembly of North Carolina enacts:

Section 1. Article 26 of Chapter 14 of the General Statutes is amended by adding a new section to read:

§ 14-197.1. Affixing indecent or harmful to minors bumper stickers, decals, or other devices to motor vehicles prohibited.

(a) No person owning, operating, or using a motor vehicle in this State shall knowingly affix or attach to any part of the motor vehicle any sticker, decal, emblem, drawing, photograph, painting, or other device containing:

(1) Indecent words describing sexual acts, excretory functions, or parts of the human body; or

(2) A visual depiction which is harmful to minors and;

(3) Can easily be seen by minors.

(b) A violation of this section is a misdemeanor punishable by a fine not to exceed fifty dollars (\$50.00).

(c) As used in this section:

- 1 (1) 'Harmful to minors' means that quality of any sticker, emblem, or
2 device that depicts sexually explicit nudity or sexual activity and that,
3 taken as a whole, has the following characteristics:
4 a. The average adult person applying contemporary community
5 standards would find that the sticker, emblem, or device has a
6 predominant tendency to appeal to a prurient interest of minors
7 in sex;
8 b. The average adult person applying contemporary community
9 standards would find that the depiction of sexually explicit
10 nudity or sexual activity in the sticker, emblem, or device is
11 patently offensive to prevailing standards in the adult
12 community concerning what is suitable for minors; and
13 c. To a reasonable person, the sticker, emblem, or device taken as
14 a whole lacks serious literary, artistic, political, or scientific
15 value for minors.
16 (2) A sticker, emblem, or device is 'indecent' when:
17 a. Taken as a whole, it describes, in a patently offensive way, as
18 determined by contemporary community standards, sexual acts,
19 excretory functions, or parts of the human body; and
20 b. Taken as a whole, it lacks serious literary, artistic, political, or
21 scientific value."

22 Sec. 2. This act shall become effective October 1, 1989, and shall apply to
23 acts occurring on or after that date.