

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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HOUSE BILL 965*

Short Title: Window Tinting Certification. (Public)

Sponsors: Representatives Alexander, Earle (Primary Sponsors); Carney and McGee.

Referred to: Transportation, if favorable, Judiciary I.

March 22, 2007

A BILL TO BE ENTITLED

1 AN ACT TO CREATE A WINDOW TINT CERTIFICATION PROCESS AND
2 REQUIRE ANY MOTOR VEHICLE THAT HAS AFTER-FACTORY WINDOW
3 TINTING TO HAVE A CERTIFICATE OF COMPLIANCE THAT IS
4 ATTACHED TO THE MOTOR VEHICLE.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-127 reads as rewritten:

8 **"§ 20-127. Windows and windshield wipers.**

9 (a) Windshield Wipers. – A vehicle that is operated on a highway and has a
10 windshield shall have a windshield wiper to clear rain or other substances from the
11 windshield in front of the driver of the vehicle and the windshield wiper shall be in good
12 working order. If a vehicle has more than one windshield wiper to clear substances from
13 the windshield, all the windshield wipers shall be in good working order.

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

22 (1) The total light transmission of the tinted window shall be at least
23 thirty-five percent (35%). A vehicle window that, by use of a light
24 meter approved by the Commissioner, measures a total light
25 transmission of more than thirty-two percent (32%) is conclusively
26 presumed to meet this restriction.

27 (2) The light reflectance of the tinted window shall be twenty percent
28 (20%) or less.

1 (3) Tinted film or another material used to tint the window shall be
2 nonreflective and shall not be red, yellow, or amber.

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

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

9 (2) A window of a for-hire passenger vehicle, as defined in
10 G.S. 20-4.01(27)b.

11 (3) A window of a common carrier of passengers, as defined in
12 G.S. 20-4.01(27)c.

13 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.

14 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.

15 (6) The rear window of a property-hauling vehicle, as defined in
16 G.S. 20-4.01(31). For the purposes of this section, a property hauling
17 vehicle does not include a pickup truck, minivan, sports utility vehicle,
18 or any other multipurpose vehicle that is designed to carry 10 or fewer
19 passengers constructed on a truck chassis or has special features
20 designed for occasional off-road operation.

21 (7) A window of a limousine.

22 (8) A window of a law enforcement vehicle.

23 ~~(9) A window of a multipurpose vehicle that is behind the driver of the~~
24 ~~vehicle. A multipurpose vehicle is a passenger vehicle that is designed~~
25 ~~to carry 10 or fewer passengers and either is constructed on a truck~~
26 ~~chassis or has special features designed for occasional off road~~
27 ~~operation. A minivan and a pickup truck are multipurpose vehicles.~~

28 (10) A window of a vehicle that is registered in another state and meets the
29 requirements of the state in which it is registered.

30 (11) A window of a vehicle for which the Division has issued a medical
31 exception permit under subsection (f) of this section.

32 (c1) Window Tint Certificate of Compliance. – Any vehicle that has after-factory
33 window tinting applied to any window that is required to comply with subsection (b) of
34 this section shall have affixed to the windshield a certification sticker on the windshield
35 of the vehicle at the place designated by the Division. The sticker shall contain the
36 following information:

37 (1) The name, address, and telephone number of the installer.

38 (2) The date of the installation of the after-factory window tinting.

39 (3) The percentage of light transmission of the tinted window, as tested by
40 a light meter approved by the Commissioner.

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

- 1 (1) Applies tinting to the window of a vehicle that is subject to a safety
2 inspection in this State and the resulting tinted window does not meet
3 the window tinting restrictions set in this section.
- 4 (2) Drives on a highway or a public vehicular area a vehicle that has a
5 window that does not meet the window tinting restrictions set in this
6 section.
- 7 (3) Offers for sale or use in this State any tinting product or material, for
8 use on the window of a vehicle, that would not be in compliance with
9 this section if placed on the vehicle.
- 10 (4) Installs any tinting product, for remuneration, on the window of a
11 vehicle that is subject to a safety inspection in this State and the
12 resulting tinted window does not meet the window tinting restrictions
13 set in this section.
- 14 (5) Installs any tinting product, for remuneration, on the window of a
15 vehicle that is subject to a safety inspection in this State and the
16 resulting tinted window does not meet the window tinting restrictions
17 set in this section and fails to affix a certification sticker required by
18 subsection (c1) of this section.

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

25 (f) Medical Exception. – A person who suffers from a medical condition that
26 causes the person to be photosensitive to visible light may obtain a medical exception
27 permit. To obtain a permit, an applicant shall apply in writing to the Drivers Medical
28 Evaluation Program and have his or her doctor complete the required medical
29 evaluation form provided by the Division. The permit shall be valid for five years from
30 the date of issue, unless a shorter time is directed by the Drivers Medical Evaluation
31 Program. The renewal shall require a medical recertification that the person continues to
32 suffer from a medical condition requiring tinting.

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

38 The Division shall give a person who receives a medical exception permit a sticker
39 to place on the lower left-hand corner of the rear window of the vehicle to which it
40 applies. The sticker shall be designed to give prospective purchasers of the vehicle
41 notice that the windows of the vehicle do not meet the requirements of G.S. 20-127(b),
42 and shall be placed between the window and the tinting when the tinting is installed.
43 The Division shall adopt rules regarding the specifications of the medical exception

1 sticker. Failure to display the sticker is an infraction punishable by a two hundred dollar
2 (\$200.00) fine."

3 **SECTION 2.** This act becomes effective December 1, 2007, and applies to
4 offenses committed on or after that date.