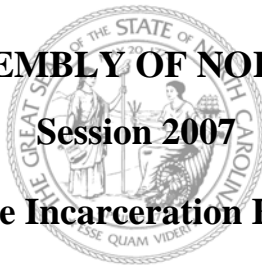


GENERAL ASSEMBLY OF NORTH CAROLINA



Session 2007

Legislative Incarceration Fiscal Note

(G.S. 120-36.7)

BILL NUMBER: House Bill 965 (First Edition)

SHORT TITLE: Window Tinting Certification.

SPONSOR(S): Representatives Alexander and Earle

FISCAL IMPACT					
	Yes (xx)	No ( )	No Estimate Available ( )		
	<u>FY 2007-08</u>	<u>FY 2008-09</u>	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
<b>GENERAL FUND</b>					
No significant impact on prison population, but could effect local jails (3 new Class 2 misdemeanors).					
Correction					
Recurring					
Nonrecurring					
Judicial			Limited impact on the Judicial system		
Recurring					
Nonrecurring					
<b>TOTAL EXPENDITURES:</b>					
<b>ADDITIONAL PRISON BEDS:</b>					
(cumulative)*				None	
<b>POSITIONS:</b>					
(cumulative)				None	
<b>PRINCIPAL DEPARTMENT(S) &amp; PROGRAM(S) AFFECTED:</b> Department of Correction; Judicial Branch.					
<b>EFFECTIVE DATE:</b> December 1, 2007					
*This fiscal analysis is independent of the impact of other criminal penalty bills being considered by the General Assembly, which could also increase the projected prison population and thus the availability of prison beds in future years. The Fiscal Research Division is tracking the cumulative effect of all criminal penalty bills on the prison system as well as the Judicial Department.					

**BILL SUMMARY:**

HB 965 amends G.S. 20-127 to create additional offenses related to tinted windows. First, the bill eliminates certain exceptions to the window tinting requirement relating to property-hauling and multi-purpose vehicles, in effect making those vehicles subject to the requirements of the statute, and the criminal penalty for violation. The bill also adds a new subsection (c1), requiring that vehicles with after-factory window tinting have affixed to the window, in a designated place, a certification of compliance sticker issued by Division of Motor Vehicles.

Second, this bill adds three new violations under subsection (d), making it a Class 2 misdemeanor offense to offer for sale or use any window tinting product or material that would not meet restriction requirements, if placed on the vehicle; to install, for remuneration, tinting products on windows of vehicles subject to inspection that do not meet restriction requirements; and to install, for remuneration, tinting products on windows of vehicles subject to inspections without placing the required certification of compliance sticker on the window.

**ASSUMPTIONS AND METHODOLOGY:****General**

The Sentencing and Policy Advisory Commission prepares prison population projections for each bill containing a criminal penalty. The Commission assumes for such bills that expanding existing, or creating new criminal offenses produces no deterrent or incapacitative effect on crime. Therefore, the Fiscal Research Division does not assume deterrent effects for any criminal penalty bill.

**Department of Correction – Division of Prisons**

The proposed changes would make violations of HB 965 a Class 2 misdemeanor. The Sentencing and Policy Advisory Commission does not maintain statistical data on Class 2 misdemeanors, but the penalty expansions in the bill are not expected to have significant impact on the prison population.

In 2005-06, 17% of Class 2 misdemeanor convictions resulted in active sentences. The average sentence was 13 days, and offenders serving active sentences of 90 days or less serve in county jails. The impact on the local jail population is not known.

**Judicial Branch**

The Administrative Office of the Courts (AOC) provides Fiscal Research with a fiscal impact analysis for most criminal penalty bills. For such bills, fiscal impact is typically based on the assumption that court time will increase due to anticipated increases in trials and corresponding increases in workload for judges, clerks, and prosecutors. This increased court time is also expected to result in greater expenditures for jury fees and indigent defense.

In calendar year 2006, there were approximately 12,226 charges for window tinting violations. AOC does not have any data to estimate the number of additional cases that would occur as a result of this proposal. AOC assumes that the number of new offenses was to be half the number of existing charges, or 6,133 new charges, the estimated costs would be some \$186,000 for in-court time plus some \$5,000 for indigent defense. Instead of assuming that half as many of the current charges would result in charges under the proposal, Fiscal Research uses a 5% increase in charges as an estimate, especially considering three additional violations would be added to the existing law. If the number of new offenses were to increase 5% (611), then the estimated cost would be approximately \$18,556 for in-court time plus \$488 for indigent defense.

## **Division of Motor Vehicles**

The addition of 20-127 (c1) does not specify the procurement of stickers. *If the stickers are to be provided by the installer there is no associated cost (see Technical Consideration note below).* If DMV supplies the stickers the cost associated is as follows. Stickers would be approximately 4"X 3" and manufactured at a cost of \$0.04.5 each. There were 4,250,000 inspected in emissions counties in 2005, of these 128,913 had tinted windows (3%). There is no data for vehicles in non-emissions counties. There are 8,900,000 vehicles in North Carolina, 3% is 267,000 vehicles.

Bill does not specify, but it is assumed each of the vehicles would be required to comply, either by the citizen placing the sticker on, or returning to the installer.

An estimated 10,000 vehicles are tinted each year. The initial sticker supply would need to be sufficient enough to cover the existing vehicles plus the new tinted vehicles with 8% added for estimation error (300,000 stickers).

**SOURCES OF DATA:** Department of Correction; Judicial Branch; North Carolina Sentencing and Policy Advisory Commission; Office of State Construction, and Division of Motor Vehicles.

**TECHNICAL CONSIDERATIONS:** DMV believes that the after-factory installers are to place their own sticker with the information that is called for in the bill (i.e., name, address, date, and degree of tint, etc.) at their own expense. Therefore, there will not be an expense to DMV for implementation.

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**DATE:** April 16, 2007



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