

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1229
Committee Substitute Favorable 6/4/97
Committee Substitute #2 Favorable 6/25/97
Committee Substitute #3 Favorable 8/12/98

Short Title: Visible Light–Window Darkening.

(Public)

Sponsors:

Referred to:

May 15, 1997

A BILL TO BE ENTITLED
AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION
THAT CAUSES THE PERSON TO BE PHOTSENSITIVE TO VISIBLE LIGHT
TO HAVE A DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE
WINDOW TINTING LAWS.

The General Assembly of North Carolina enacts:

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

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

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

(b) Window Tinting Restrictions. – A window of a vehicle that is operated on a highway or a public vehicular area ~~must~~shall comply with this subsection. The windshield of the vehicle may be tinted only along the top of the windshield and the tinting may not extend more than five inches below the top of the windshield or below

1 the AS1 line of the windshield, whichever measurement is longer. Provided, however, an
2 untinted clear film, which does not obstruct vision but which reduces or eliminates
3 ultraviolet radiation from entering a vehicle may be applied to the windshield. Any other
4 window of the vehicle may be tinted in accordance with the following restrictions:

- 5 (1) The total light transmission of the tinted window ~~must~~ shall be at least
6 thirty-five percent (35%). A vehicle window that, by use of a light meter
7 approved by the Commissioner, measures a total light transmission of
8 more than thirty-two percent (32%) is conclusively presumed to meet
9 this restriction.
- 10 (2) The light reflectance of the tinted window ~~must~~ shall be twenty percent
11 (20%) or less.
- 12 (3) Tinted film or another material used to tint the window ~~must~~ shall be
13 nonreflective and ~~must~~ shall not be a color other than red, yellow, or
14 amber.

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

- 19 (1) A window of an excursion passenger vehicle, as defined in G.S. 20-
20 4.01(27)a.
- 21 (2) A window of a for-hire passenger vehicle, as defined in G.S. 20-
22 4.01(27)b.
- 23 (3) A window of a common carrier of passengers, as defined in G.S. 20-
24 4.01(27)c.
- 25 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 26 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 27 (6) The rear window of a property-hauling vehicle, as defined in G.S. 20-
28 4.01(31).
- 29 (7) A window of a limousine.
- 30 (8) A window of a law enforcement vehicle.
- 31 (9) A window of a multipurpose vehicle that is behind the driver of the
32 vehicle. A multipurpose vehicle is a passenger vehicle that is designed
33 to carry 10 or fewer passengers and either is constructed on a truck
34 chassis or has special features designed for occasional off-road
35 operation. A minivan and a pickup truck are multipurpose vehicles.
- 36 (10) A window of a vehicle that is registered in another state and meets the
37 requirements of the state in which it is registered.
- 38 (11) A window of a vehicle for which the Division has issued a medical
39 exception permit under subsection (f) of this section.

40 (d) Violations. – A person who does any of the following commits a misdemeanor
41 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 (e) Defense. – It is a defense to a charge of driving a vehicle with an unlawfully
8 tinted window that the tinting was removed within 15 days after the charge and the
9 window now meets the window tinting restrictions. To assert this defense, the person
10 charged ~~must~~ shall produce in court, or submit to the prosecuting attorney before trial, a
11 certificate from the Division of Motor Vehicles or the Highway Patrol showing that the
12 window complies with the restrictions.

13 (f) Medical Exception. – A person who suffers from a medical condition that
14 causes the person to be photosensitive to visible light may obtain a medical exception
15 permit. To obtain a permit, an applicant shall apply in writing to the Drivers Medical
16 Evaluation Program, have his or her doctor complete the required medical evaluation
17 form provided by the Division, and pay the application fee. The application fee is five
18 dollars (\$5.00). The permit shall be valid for five years from the date of issue, unless a
19 shorter time is directed by the Drivers Medical Evaluation Program. The renewal shall
20 require a medical recertification that the person continues to suffer from a medical
21 condition requiring tinting.

22 A person may receive no more than two medical exception permits that are valid at
23 any one time. A permit issued under this subsection shall specify the vehicle to which it
24 applies, the windows that may be tinted and the permitted levels of tinting. The permit
25 shall be carried in the vehicle to which it applies when the vehicle is driven on a highway.
26 The Division shall give a person who receives a medical exception permit a sticker to
27 place on the lower left hand corner of the rear window of the vehicle to which it applies."

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

33 The Division of Motor Vehicles shall add the medical exemption described in
34 Section 1 of this act to the STARS program, to allow the computerized issuance of
35 medical exception permits and to allow computerized maintenance of the records related
36 specifically to these permits when it is modifying that computer program for some other
37 purpose.

38 The Division of Motor Vehicles shall report to the Joint Legislative
39 Transportation Oversight Committee six months after the first medical exemption permit
40 is issued on the number of permits issued and the projected additional costs, if any, of
41 operating the program.

42 Section 3. This act becomes effective October 1, 1998.