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SESSION 1993

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(Public)

Sponsors:

Referred to: Finance.

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR UNIFORM DRIVERS LICENSE AND VEHICLE
REGISTRATION INFORMATION AND TO AMEND THE WINDOW TINTING
LAW.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-7 reads as rewritten:

"§ 20-7. Issuance and renewal of drivers licenses.

(a) License Required. – To drive a motor vehicle on a highway, a person must be licensed by the Division under this Article or Article 2C of this Chapter to drive ~~that~~ vehicle. the vehicle and must carry the license while driving the vehicle. The Division issues regular drivers licenses under this Article and issues commercial drivers licenses under Article 2C.

A license authorizes the holder of the license to drive any vehicle included in the class of the license and any vehicle included in a lesser class of license, except a vehicle for which an endorsement is required. To drive a vehicle for which an endorsement is required, a person must obtain both a license and an endorsement for the vehicle. A regular drivers license is considered a lesser class of license than its commercial counterpart.

The classes of regular drivers licenses and the motor vehicles that can be driven with each class of license are:

(1) Class A. – A Class A license authorizes the holder to drive any of the following:

- 1 a. A Class A motor vehicle that is exempt under G.S. 20-37.16
2 from the commercial drivers license requirements.
- 3 b. A Class A motor vehicle that has a combined GVWR of less
4 than 26,001 pounds and includes as part of the combination a
5 towed unit that has a GVWR of at least 10,001 pounds.
- 6 (2) Class B. – A Class B license authorizes the holder to drive any Class B
7 motor vehicle that is exempt under G.S. 20-37.16 from the commercial
8 drivers license requirements.
- 9 (3) Class C. – A Class C license authorizes the holder to drive any of the
10 following:
- 11 a. A Class C motor vehicle that is not a commercial motor vehicle.
12 b. When operated by a volunteer member of a fire department, a
13 rescue squad, or an emergency medical service (EMS) in the
14 performance of duty, a Class A or Class B fire-fighting, rescue,
15 or EMS motor vehicle or a combination of these vehicles.

16 The Commissioner may assign a unique motor vehicle to a class that is different
17 from the class in which it would otherwise belong.

18 A new resident of North Carolina who has a drivers license issued by another
19 jurisdiction must obtain a license from the Division within 30 days after becoming a
20 resident.

21 (a1) Motorcycles and Mopeds. – To drive a motorcycle, a person must have a
22 drivers license and a motorcycle endorsement. To obtain a motorcycle endorsement, a
23 person must demonstrate competence to drive a motorcycle by passing a road test and a
24 written or oral test concerning a motorcycle and must pay the fee for a motorcycle
25 endorsement. Neither a drivers license nor a motorcycle endorsement is required to
26 drive a moped.

27 (b) Repealed by Session Laws 1993, c. 368, s. 1, c. 533, s. 12, effective January
28 1, 1995.

29 ~~(e) (b1) Application and Tests. Application.~~ – To obtain a drivers license from the
30 Division, a person must complete an application form provided by the Division, present
31 at least two forms of identification approved by the Commissioner, be a resident of this
32 State, and demonstrate his or her physical and mental ability to drive safely a motor
33 vehicle included in the class of license for which the person has applied. The Division
34 may copy the identification presented or hold it for a brief period of time to verify its
35 ~~authenticity. To authenticity.~~ To obtain an endorsement, a person must demonstrate his
36 or her physical and mental ability to drive safely the type of motor vehicle for which the
37 endorsement is required. ~~The Division shall note an endorsement on the face of a drivers~~
38 ~~license.~~

39 The application form must request all of the following information and may request
40 other information the Division considers necessary:

- 41 (1) The applicant's full name.
42 (2) The applicant's mailing address and residence address.
43 (3) A physical description of the applicant, including the applicant's sex,
44 height, eye color, and hair color.

- 1 (4) The applicant's date of birth.
- 2 (5) The applicant's social security number.
- 3 (6) The applicant's signature.
- 4 (7) The applicant's race.

5 The application form must also contain the disclosures concerning the request for an
6 applicant's social security number required by section 7 of the federal Privacy Act of
7 1974, Pub. L. No. 93-579.

8 (c) Tests. – To demonstrate physical and mental ability, a person must pass an
9 examination. The examination may include road tests, vision tests, oral tests, and, in the
10 case of literate applicants, written tests, as the Division may require. The tests must
11 ensure that an applicant recognizes the handicapped international symbol of access, as
12 defined in G.S. 20-37.5. The Division may not require a person who applies to renew a
13 license that has not expired to take a written test or a road test unless one or more of the
14 following applies:

- 15 (1) The person has been convicted of a traffic violation since the person's
16 license was last issued.
- 17 (2) The applicant suffers from a mental or physical condition that impairs
18 the person's ability to drive a motor vehicle.

19 The Division may not require a person who is at least 60 years old to parallel park a
20 motor vehicle as part of a road test.

21 (c1) Insurance. – The Division may not issue a drivers license to a person until the
22 person has furnished proof of financial responsibility. Proof of financial responsibility
23 shall be in one of the following forms:

- 24 (1) A written certificate or electronically-transmitted facsimile thereof
25 from any insurance carrier duly authorized to do business in this State
26 certifying that there is in effect a nonfleet private passenger motor
27 vehicle liability policy for the benefit of the person required to furnish
28 proof of financial responsibility. The certificate or facsimile shall state
29 the effective date and expiration date of the nonfleet private passenger
30 motor vehicle liability policy and shall state the date that the certificate
31 or facsimile is issued. The certificate or facsimile shall remain
32 effective proof of financial responsibility for a period of 30
33 consecutive days following the date the certificate or facsimile is
34 issued but shall not in and of itself constitute a binder or policy of
35 insurance.
- 36 (2) A binder for or policy of nonfleet private passenger motor vehicle
37 liability insurance under which the applicant is insured, provided that
38 the binder or policy states the effective date and expiration date of the
39 nonfleet private passenger motor vehicle liability policy.

40 The preceding provisions of this subsection do not apply to applicants who do not
41 own currently registered motor vehicles and who do not operate nonfleet private
42 passenger motor vehicles that are owned by other persons and that are not insured under
43 commercial motor vehicle liability insurance policies. In such cases, the applicant shall
44 sign a written certificate to that effect. Such certificate shall be furnished by the

1 Division and may be incorporated into the license application form. Any material
2 misrepresentation made by such person on such certificate shall be grounds for
3 suspension of that person's license for a period of 90 days.

4 For the purpose of this subsection, the term 'nonfleet private passenger motor
5 vehicle' has the definition ascribed to it in Article 40 of General Statute Chapter 58.

6 The Commissioner may require that certificates required by this subsection be on a
7 form approved by the Commissioner.

8 The requirement of furnishing proof of financial responsibility does not apply to a
9 person who applies for a renewal of his drivers license and who is not required to take
10 the written examination.

11 Nothing in this subsection precludes any person from showing proof of financial
12 responsibility in any other manner authorized by Articles 9A and 13 of this Chapter.

13 (d) Repealed by Session Laws 1993, c. 368, s. 1, effective January 1, 1995.

14 (e) Restrictions. – The Division may impose any restriction it finds advisable on
15 a drivers license. ~~A restriction shall be noted on the face of the license.~~ It is unlawful for
16 the holder of a restricted license to operate a motor vehicle without complying with the
17 restriction and is the equivalent of operating a motor vehicle without a license. If any
18 applicant shall suffer from any physical defect or disease which affects his or her
19 operation of a motor vehicle, the Division may require to be filed with it a certificate of
20 such applicant's condition signed by some medical authority of the applicant's
21 community designated by the Division. This certificate shall in all cases be treated as
22 confidential. Nothing in this subsection shall be construed to prevent the Division from
23 refusing to issue a license, either restricted or unrestricted, to any person deemed to be
24 incapable of safely operating a motor vehicle. This subsection does not prohibit deaf
25 persons from operating motor vehicles who in every other way meet the requirements of
26 this section.

27 (f) Expiration and Temporary License. – The first drivers license the Division
28 issues to a person expires on the person's fourth or subsequent birthday that occurs after
29 the license is issued and on which the individual's age is evenly divisible by five, unless
30 this subsection sets a different expiration date. The first drivers license the Division
31 issues to a person who is at least 17 years old but is less than 18 years old expires on the
32 person's twentieth birthday. The first drivers license the Division issues to a person who
33 is at least 62 years old expires on the person's birthday in the fifth year after the license
34 is issued, whether or not the person's age on that birthday is evenly divisible by five.

35 A drivers license that was issued by the Division and is renewed by the Division
36 expires five years after the expiration date of the license that is renewed. A person may
37 apply to the Division to renew a license during the 60-day period before the license
38 expires. The Division may not accept an application for renewal made before the 60-
39 day period begins.

40 Any person serving in the armed forces of the United States on active duty and
41 holding a valid drivers license properly issued under this section and stationed outside
42 the State of North Carolina may renew the license by making application to the Division
43 by mail. Any other person, except a nonresident, who holds a valid drivers license
44 issued under this section and who is temporarily residing outside North Carolina, may

1 also renew by making application to the Division by mail. For purposes of this section
 2 'temporarily' shall mean not less than 30 days continuous absence from North Carolina.
 3 In either case, the Division may waive the examination and color photograph otherwise
 4 required for the renewal of a drivers license, and may impose in lieu thereof any
 5 conditions it considers appropriate to each particular application. A license renewed by
 6 mail is a temporary license that expires 30 days after the person to whom it is issued
 7 returns to this State.

8 (g) Repealed by Session Laws 1979, c. 667, s. 6.

9 (h) Repealed by Session Laws 1979, c. 113, s. 1.

10 (i) Fees. – The fee for a regular drivers license is the amount set in the following
 11 table multiplied by the number of years in the period for which the license is issued:

<u>Class of Regular License</u>	<u>Fee For Each Year</u>
Class A \$ 3.75	
Class B 3.75	
Class C 2.50	

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 18 The fee for a motorcycle endorsement is one dollar and twenty-five cents (\$1.25) for
 19 each year of the period for which the endorsement is issued. The appropriate fee must
 20 be paid before a person receives a regular drivers license or an endorsement.

21 (i1) Restoration Fee. – Any person whose drivers license has been revoked
 22 pursuant to the provisions of this Chapter, other than G.S. 20-17(2), shall pay a
 23 restoration fee of twenty-five dollars (\$25.00). A person whose drivers license has been
 24 revoked under G.S. 20-17(2) shall pay a restoration fee of fifty dollars (\$50.00) until the
 25 end of the fiscal year in which the cumulative total amount of fees deposited under this
 26 subsection in the General Fund exceeds five million dollars (\$5,000,000), and shall pay
 27 a restoration fee of twenty-five dollars (\$25.00) thereafter. The fee shall be paid to the
 28 Division prior to the issuance to such person of a new drivers license or the restoration
 29 of the drivers license. The restoration fee shall be paid to the Division in addition to any
 30 and all fees which may be provided by law. This restoration fee shall not be required
 31 from any licensee whose license was revoked or voluntarily surrendered for medical or
 32 health reasons whether or not a medical evaluation was conducted pursuant to this
 33 Chapter. The twenty-five dollar (\$25.00) fee, and the first twenty-five dollars (\$25.00)
 34 of the fifty-dollar (\$50.00) fee, shall be deposited in the Highway Fund. The remaining
 35 twenty-five dollars (\$25.00) of the fifty-dollar (\$50.00) fee shall be deposited in the
 36 General Fund of the State. The Office of State Budget and Management shall certify to
 37 the Department of Transportation and the General Assembly when the cumulative total
 38 amount of fees deposited in the General Fund under this subsection exceeds five million
 39 dollars (\$5,000,000), and shall annually report to the General Assembly the amount of
 40 fees deposited in the General Fund under this subsection.

41 It is the intent of the General Assembly to annually appropriate the funds deposited
 42 in the General Fund under this subsection to the Board of Governors of The University
 43 of North Carolina to be used for the Center for Alcohol Studies Endowment at The

1 University of North Carolina at Chapel Hill, but not to exceed this cumulative total of
2 five million dollars (\$5,000,000).

3 (j) Highway Fund. – The fees collected under this section and G.S. 20-14 shall
4 be placed in the Highway Fund.

5 (k) Repealed by Session Laws 1991, c. 726, s. 5, effective October 1, 1991.

6 (l) Learner's Permit. – Any person who except for lack of instruction in
7 operating a motor vehicle would be qualified to obtain a drivers license under this
8 Article may obtain a learner's permit. A learner's permit authorizes the permit holder to
9 drive a specified type or class of motor vehicle while in possession of the permit. A
10 learner's permit is valid for a period of 18 months after it is issued. The fee for a
11 learner's permit is ten dollars (\$10.00). A learner's permit may be renewed, or a second
12 learner's permit may be issued, for an additional period of 18 months. The permit
13 holder must, while operating a motor vehicle over the highways, be accompanied by a
14 person who is licensed to operate the motor vehicle being driven and is seated beside
15 the permit holder.

16 (l-1) Repealed by Session Laws 1991, c. 726, s. 5, effective October 1, 1991.

17 (m) Instruction Permit. – The Division upon receiving proper application may in
18 its discretion issue a restricted instruction permit effective for a school year or a lesser
19 period to any of the following applicants:

20 (1) An applicant who is less than 18 years old and is enrolled in a drivers
21 education program that is approved by the State Superintendent of
22 Public Instruction and is offered at a public high school, a nonpublic
23 secondary school, or a licensed drivers training school.

24 (2) An applicant for certification under G.S. 20-218 as a school bus driver.
25 A restricted instruction permit authorizes the holder of the permit to drive a specified
26 type or class of motor vehicle when in possession of the permit, subject to any
27 restrictions imposed by the Division. The restrictions the Division may impose on a
28 permit include restrictions to designated areas and highways and restrictions prohibiting
29 operation except when an approved instructor is occupying a seat beside the permittee.
30 A restricted instruction permit is not required to have a distinguishing number or a
31 picture of the person to whom the permit is issued.

32 (n) Format. —~~Every A~~ drivers license issued by the Division shall bear thereon
33 ~~the distinguishing number assigned to the licensee and color photograph of the licensee~~
34 ~~of a size approved by the Commissioner and shall contain the name, age, residence~~
35 ~~address and a brief description of the licensee, who, for the purpose of identification and~~
36 ~~as a condition precedent to the validity of the license, immediately upon receipt thereof,~~
37 ~~shall endorse his or her regular signature in ink upon the same in the space provided for~~
38 ~~that purpose unless a facsimile of his or her signature appears thereon; provided the~~
39 must be designed to be tamper proof, must contain all of the following information, and
40 may contain other information the Commissioner considers necessary:

41 (1) An identification of this State as the issuer of the license.

42 (2) The license holder's full name.

43 (3) The license holder's residence address.

44 (4) A color photograph of the license holder, taken by the Division.

- 1 (5) A physical description of the license holder, including sex, height, eye
 2 color, hair color, and race.
 3 (6) The license holder's date of birth.
 4 (7) The license holder's social security number or another identifying
 5 number assigned by the Division.
 6 (8) Each class of motor vehicle the license holder is authorized to drive
 7 and any endorsements or restrictions that apply.
 8 (9) The license holder's signature.
 9 (10) The date the license was issued and the date the license expires.

10 ~~The Commissioner may waive the requirement that of a color photograph of the~~
 11 ~~licensee appear on the a license may be waived by the Commissioner upon satisfactory proof~~
 12 ~~if the license holder proves to the satisfaction of the Commissioner that the taking of~~
 13 ~~such the photograph violates would violate the license holder's religious convictions of the~~
 14 ~~licensee. Drivers licenses shall be issued with differing color photographic backgrounds~~
 15 ~~according to the licensee's age at time of issuance for the following age groups:~~

- 16 (1) ~~Persons who have not attained the age of 21 years.~~
 17 (2) ~~Persons who have attained the age of 21 years.~~

18 convictions. In taking photographs of license holders, the Division must distinguish
 19 between license holders who are less than 21 years old and license holders who are at
 20 least 21 years old by using different color backgrounds for each group. The Division
 21 shall determine the different colors to be used. Such license shall be carried by the licensee
 22 at all times while engaged in the operation of a motor vehicle.

- 23 (o) ~~Repealed by Session Laws 1991, c. 726, s. 5, effective October 1, 1991.~~
 24 ~~Sec. 2. G.S. 20-37.7 reads as rewritten:~~

25 **"§ 20-37.7. Special identification card.**

26 (a) Eligibility. –The Division of Motor Vehicles shall upon satisfactory proof of
 27 identification issue a special identification card to any person 11 years or older who is a
 28 resident of the State of North Carolina. A person who is a resident of this State is
 29 eligible for a special identification card.

30 (b) Application. –Every application for a special identification card shall be made
 31 on the approved form furnished by the Division and shall be accompanied by a birth
 32 certificate and other proof of identification which shall be returned when the special
 33 identification card is issued. To obtain a special identification card from the Division, a
 34 person must complete the application form used to obtain a drivers license.

35 (c) Format. –Special A special identification cards shall be issued with differing
 36 color photographic backgrounds according to the holder's age at time of issuance for the
 37 following age groups:

- 38 (1) ~~Persons who have not attained the age of 21 years.~~
 39 (2) ~~Persons who have attained the age of 21 years.~~

40 ~~The card shall be similar in size, shape, and design to a driver's drivers license, but shall~~
 41 ~~clearly state that it does not entitle the person to whom it is issued to operate a motor~~
 42 ~~vehicle. A special identification card issued to an applicant must have the same~~
 43 ~~background color that a drivers license issued to the applicant would have.~~

1 (d) Expiration and Fee. – A special identification card issued to a person for the
2 first time under this section expires when a drivers license issued on the same day to
3 that person would expire. A special identification card renewed under this section
4 expires when a drivers license renewed by the card holder on the same day would
5 expire.

6 The fee for a special identification card is the same as the fee set in G.S. 20-14 for a
7 duplicate license. The fee does not apply to a special identification card issued to a
8 resident of this State who is legally blind, is at least 70 years old, or is homeless. To
9 obtain a special identification card without paying a fee, a homeless person must present
10 a letter to the Division from the director of a facility that provides care or shelter to
11 homeless persons verifying that the person is homeless.

12 (e) Offense. – Any fraud or misrepresentation in the application for or use of a
13 special identification card issued under this section is a Class 2 misdemeanor.

14 (f) Records. – ~~The Division of Motor Vehicles shall maintain a record of all~~
15 ~~recipients of a special identification card. The Division may promulgate any rules and~~
16 ~~regulations it deems necessary for the effective implementation of the provisions of this~~
17 ~~section.~~

18 (g) No State Liability. – The fact of issuance of a special identification card
19 pursuant to this section shall not place upon the State of North Carolina or any agency
20 thereof any liability for the misuse thereof and the acceptance thereof as valid
21 identification is a matter left entirely to the discretion of any person to whom such card
22 is presented.

23 (h) Advertising. – The Division may utilize the various communications media
24 throughout the State to inform North Carolina residents of the provisions of this
25 section."

26 Sec. 3. G.S. 20-37.15(a) reads as rewritten:

27 "(a) ~~The application for a commercial drivers license must include the following:~~

28 (1) ~~The full name, current mailing address, and current residence address~~
29 ~~of the applicant;~~

30 (2) ~~A physical description of the person including sex, height, and eye and~~
31 ~~hair color;~~

32 (3) ~~Date of birth;~~

33 (4) ~~The applicant's social security number;~~

34 (5) ~~The applicant's signature;~~

35 (6) ~~Repealed by Session Laws 1991, c. 726, s. 17.~~

36 (7) ~~Certifications including those required by 49 C.F.R. § 383.71(a);~~

37 (8) ~~A consent to release driving record information; and~~

38 (9) ~~Any other information required by the Division.~~

39 An application for a commercial drivers license must include the information
40 required by G.S. 20-7 for a regular drivers license and a consent to release driving
41 record information."

42 Sec. 4. G.S. 20-37.16(a) reads as rewritten:

1 "(a) A commercial drivers license must be marked 'Commercial Drivers License'
2 or 'CDL' and shall, to the maximum extent practicable, be tamper proof. It must
3 include:

- 4 (1) The person's name and residential address;
- 5 (2) The person's color photograph;
- 6 (3) A physical description of the person including sex, height, eye color,
7 and hair color;
- 8 (4) The person's date of birth;
- 9 (5) The person's social security number or any number or identifier
10 deemed appropriate by the Division;
- 11 (6) The person's signature;
- 12 (7) The class of commercial motor vehicle or vehicles which the person is
13 authorized to drive together with any endorsements or restrictions;
- 14 (8) The name of this State; and
- 15 (9) The dates between which the license is valid.

16 'CDL' and must contain the information required by G.S. 20-7 for a regular drivers
17 license."

18 Sec. 5. G.S. 20-52(a) reads as rewritten:

19 "(a) Every An owner of a vehicle subject to registration hereunder shall make
20 application to the Division for the registration thereof and issuance of must apply to the
21 Division for a certificate of title for such vehicle upon the appropriate form or forms
22 furnished by the Division, and every such application shall bear the signature of the
23 owner written with pen and ink, and said signature shall be acknowledged by the owner
24 before a person authorized to administer oaths, and said application shall contain: title, a
25 registration plate, and a registration card for the vehicle. To apply, an owner must
26 complete an application form provided by the Division. The application form must
27 request all of the following information and may request other information the Division
28 considers necessary:

- 29 (1) The name, bona fide residence and mail address of the owner or
30 business address of the owner if a firm, association or corporation;
31 owner's name.
- 32 (1a) If the owner is an individual, the following information:
 - 33 a. The owner's mailing address and residence address.
 - 34 b. The owner's social security number.
- 35 (1b) If the owner is a firm, a partnership, a corporation, or another entity,
36 the address of the entity.
- 37 (2) A description of the vehicle, including, insofar as the hereinafter
38 specified data may exist with respect to a given vehicle, the including
39 the following:
 - 40 a. The make, model, type of body, the serial number of the
41 vehicle, the engine and other identifying numbers of the vehicle
42 and whether and vehicle identification number of the vehicle.
 - 43 b. Whether the vehicle is new or used, and used and, if a new
44 vehicle, the date of sale and actual date of delivery of vehicle by

1 ~~the manufacturer or dealer to the person intending to operate~~
2 ~~such vehicle; the manufacturer or dealer sold the vehicle to the~~
3 ~~owner and the date the manufacturer or dealer delivered the~~
4 ~~vehicle to the owner.~~

5 (3) A statement of the ~~applicant's~~ owner's title and of all liens upon the
6 vehicle, including the names and addresses of all lienholders in the
7 order of their priority, and the date and nature of each ~~lien;~~ lien.

8 (4) ~~Such further information as may reasonably be required by the~~
9 ~~Division to enable it to determine whether the vehicle is lawfully~~
10 ~~entitled to registration and the owner entitled to a certificate of title.~~

11 The application form must contain the disclosures concerning the request for an
12 applicant's social security number required by section 7 of the federal Privacy Act of
13 1974, Pub. L. No. 93-579."

14 Sec. 6. G.S. 20-127 reads as rewritten:

15 "**§ 20-127. Windshields must be unobstructed.**

16 (a) It shall be unlawful for any person to drive any vehicle upon a highway
17 with any sign, poster or other nontransparent material upon the front windshield, side
18 wings, side or rear window of such motor vehicle other than a certificate or other paper
19 required to be so displayed by law, or approved by the Commissioner of Motor
20 Vehicles.

21 (b) No motor vehicle which is equipped with a permanent windshield shall be
22 operated upon the highways unless said windshield is equipped with a device for
23 cleaning snow, rain, moisture, or other matters from the windshield directly in front of
24 the operator, which device shall be in good working order and so constructed as to be
25 controlled or operated by the operator of the vehicle. Provided, on any vehicle equipped
26 by its manufacturer with such devices on both the right and left sides of windshield,
27 both such devices shall be in working order. The device required by this subsection
28 shall be of a type approved by the Commissioner.

29 ~~(e) The windshield, rear and side glasses of a motor vehicle must be free from~~
30 ~~discoloration which impair the driver's vision or create a hazard.~~

31 ~~(d) On or after January 1, 1989, it shall be unlawful to operate a motor vehicle~~
32 ~~registered or which is required to be registered in this State under this Chapter, upon any~~
33 ~~highway or public vehicular area with a windshield or a front side window to the~~
34 ~~immediate right or left of the operator, or a rear window used for visibility, which has~~
35 ~~been darkened, smoked, or tinted after factory delivery. Provided, however, after first~~
36 ~~sale of the vehicle, a single application of tinted film which has been registered with and~~
37 ~~approved by the Commissioner of Motor Vehicles shall be lawful if the manufacturer's~~
38 ~~label is implanted between the film and glass in the lower left section of each darkened~~
39 ~~window and is legible from outside the vehicle. The label shall indicate the film~~
40 ~~registration number, the name and address of the manufacturer and a certification of~~
41 ~~compliance with North Carolina law. No film or darkening material may be applied on~~
42 ~~the windshield except to replace the sunshield in the uppermost area as installed by the~~
43 ~~manufacturer of the vehicle, in which case the label shall be implanted between the film~~
44 ~~and glass in the upper left section of the windshield and be legible from outside the~~

1 ~~vehicle. A rear window shall be required for visibility on every vehicle unless the~~
2 ~~vehicle is equipped with an outside mirror of a type approved by the Commissioner~~
3 ~~which eliminates the requirement for an inside rearview mirror under the provisions of~~
4 ~~G.S. 20-126(a) and (b).~~

5 ~~(e) No motor vehicle inspection certificate shall be issued on or after January 1,~~
6 ~~1988, for a vehicle on which the windshield or front window to the immediate right and~~
7 ~~left of the operator or the rear window if required for visibility, has been darkened by~~
8 ~~the installation of tinted film or by other means, except as permitted under subsection~~
9 ~~(d) of this section.~~

10 ~~(f) Before shipping or making any tinted film available for installation on a~~
11 ~~motor vehicle in this State, the manufacturer shall apply to the Commissioner for~~
12 ~~approval and registration of its tinted film and for a label to be used in the identification~~
13 ~~and certification of compliance with light transmittance and reflectance standards. The~~
14 ~~Commissioner shall approve tinted film to be used in the front windows or a rear~~
15 ~~window if required for visibility if the manufacturer demonstrates that it has at least~~
16 ~~fifty percent (50%) light transmittance if it is to be used on front, side, or rear windows~~
17 ~~and a luminous reflectance of not more than twenty percent (20%). A fee shall be paid~~
18 ~~by the manufacturer with each application for film approval and registration in the~~
19 ~~approximate amount of the cost to the Division in the review of the applications.~~

20 ~~(g) With any delivery of tinted film for installation in vehicles, where approved~~
21 ~~film is required, the manufacturer shall provide the required labels with written~~
22 ~~instructions and materials for permanent installation. The use of any label that is not~~
23 ~~registered, or the misuse of any registered label to mislead motor vehicle safety~~
24 ~~inspectors, law enforcement officers, or other officials shall constitute a misdemeanor.~~

25 ~~(h) Subsections (d) through (g) of this section shall apply only to darkened,~~
26 ~~smoked, or tinted film installed on motor vehicle windows after factory delivery and~~
27 ~~after July 1, 1988, and shall not apply to vehicles that are registered in another state, are~~
28 ~~not required to be registered in this State, and were in compliance with the standards~~
29 ~~required in the state of registration at the time of registration.~~

30 ~~(i) Subsections (d) through (g) of this section do not apply to law enforcement~~
31 ~~K-9 vehicles and films used to darken windows on those units.~~

32 (c) On or after July 1, 1995, no person may operate a motor vehicle that is
33 registered or required to be registered in this State on any public highway, road, or street
34 that has a sunscreen device or tinted film applied or affixed on the windshield, the front
35 side wings, the front side windows adjacent to the right and left of the driver, and
36 windows to the rear of the operator, that do not meet the requirements of this section. If
37 no after-factory installed sunscreen device or tinting film has been added to the
38 windows as herein described, the provisions of this section regarding light transmittance
39 and reflectivity do not apply.

40 (d) A sunscreen device or tinting film may be used only along the top of the
41 windshield and may not extend downward beyond the ASI line or more than five
42 inches, whichever is closer to the top of the windshield.

43 (e) Notwithstanding subsection (d) of this section, a sunscreen device or tinting
44 film must be a nonreflective type and may not be red, yellow, or amber in color.

1 (f) No sunscreen device or tinting film may be applied or affixed to any window
2 other than the windshield that reduces the total light transmission of such windows to
3 less than thirty-five percent (35%).

4 (g) No sunscreen device or tinting film may be applied or affixed to any window
5 of a motor vehicle that has a reflectance of light exceeding twenty percent (20%).

6 (h) No motor vehicle inspection certificate shall be issued on or after July 1,
7 1995, for a motor vehicle that is not in compliance with the requirements of this section.
8 No inspection sticker shall be issued for a motor vehicle with any after-factory installed
9 sunscreen device or tinting film unless the window bears the installer's sticker as
10 required by subsection (i) or (l) of this section.

11 (i) No person or firm may apply or affix to the windows of any motor vehicle
12 registered or required to be registered in this State, a sunscreen device or tinting film
13 that is not in compliance with the requirements of this section. The installer shall affix a
14 sticker between the film and the glass in the lower back corner of each glass that is
15 visible from the outside of the vehicle, no larger than one inch by two inches which
16 certifies compliance with this section and identifies the installer by name and street
17 address.

18 (j) The Commissioner shall approve equipment, methods, and procedures for
19 measuring light transmission and reflectance of sunscreen devices and tinting films.
20 Testimony that any window of a vehicle failed to meet the light transmittance or
21 reflectance requirements of this section using equipment, methods, or procedures
22 approved by the Commissioner shall be **prima facie** evidence of a violation of this
23 section. It shall be a defense under subsection (f) or (g) of this section if the operator
24 charged produces a certification issued by a licensed safety equipment inspection station
25 showing that the sunscreen device or tinting film met the requirements of this section
26 when measured using equipment, methods, or procedures approved by the
27 Commissioner. It shall be a further defense to show that any sign, poster, or other
28 nontransparent material, discoloration, sunscreen device, or tinting film has been
29 removed or modified so that the vehicle is in compliance with this section.

30 (k) This section shall not apply to windows behind the driver of excursion
31 passenger vehicles as defined in G.S. 20-4.01(27)a., for-hire passenger vehicles as
32 defined in G.S. 20-4.01(27)b., common carriers of passengers as defined in G.S. 20-
33 4.01(27)c., ambulances as defined in G.S. 20-4.01(27)f., property hauling vehicles as
34 defined in G.S. 20-4.01(31), limousines, motor homes, or law enforcement K-9 vehicles
35 or vehicles registered in another state and in compliance with the standards required in
36 that state.

37 (l) The Commissioner shall issue rules to provide for the placement of a unique
38 sticker on the tinted windows of a vehicle that meet the color, light transmittance, and
39 reflectance requirements of this section but were installed in another state where there is
40 no requirement for an installer's or manufacturer's compliance sticker. The sticker
41 which certifies compliance with this section shall be affixed to the inside of the film in
42 the lower back corner of each glass that is visible from the outside of the vehicle, and
43 shall be no larger than one inch by two inches and shall identify the person affixing the
44 sticker by name and street address.

1 (m) A violation of subsection (c), (h), (i), or (l) of this section shall be a
2 misdemeanor punishable as provided in G.S. 20-176(c). A violation of any other
3 subsection of this section is an infraction. Any person violating subsection (f) or (g) of
4 this section during the period of October 1, 1994, through December 31, 1994, shall be
5 given a warning of the violation only."

6 Sec. 7. G.S. 20-183.3 is amended by adding a new subsection to read:

7 "(c) No inspection certificate shall be issued by a safety equipment inspection
8 station on or after July 1, 1995, for a motor vehicle that is not in compliance with G.S.
9 20-127. In addition to the items listed in subsection (a) of this section, safety inspection
10 equipment stations shall inspect the windshields, side wings, side or rear windows of all
11 vehicles in accordance with methods and procedures approved by the Commissioner."

12 Sec. 8. Sections 6, 7, and 8 of this act become effective October 1, 1994.
13 Sections 6 and 7 shall apply to all vehicles newly registered on or after October 1, 1994,
14 and shall not apply to violations occurring before October 1, 1994. The remainder of
15 this act becomes effective January 1, 1995.