

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

Short Title: Darker Vehicle Window for Lupus.

(Public)

Sponsors:

Referred to:

May 15, 1997

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW A PERSON WHO SUFFERS FROM A MEDICAL CONDITION
2 THAT CAUSES THE PERSON TO BE PHOTSENSITIVE TO HAVE A
3 DARKER VEHICLE WINDOW THAN IS ALLOWED UNDER THE WINDOW
4 TINTING LAWS.
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 must 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 must 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 must 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 must 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

1 the windshield, whichever measurement is longer. Any other window of the vehicle may
2 be tinted in accordance with the following restrictions:

- 3 (1) The total light transmission of the tinted window must be at least thirty-
4 five percent (35%). A vehicle window that, by use of a light meter
5 approved by the Commissioner, measures a total light transmission of
6 more than thirty-two percent (32%) is conclusively presumed to meet
7 this restriction.
- 8 (2) The light reflectance of the tinted window must be twenty percent
9 (20%) or less.
- 10 (3) Tinted film or another material used to tint the window must be
11 nonreflective and must be a color other than red, yellow, or amber.

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

- 16 (1) A window of an excursion passenger vehicle, as defined in G.S. 20-
17 4.01(27)a.
- 18 (2) A window of a for-hire passenger vehicle, as defined in G.S. 20-
19 4.01(27)b.
- 20 (3) A window of a common carrier of passengers, as defined in G.S. 20-
21 4.01(27)c.
- 22 (4) A window of a motor home, as defined in G.S. 20-4.01(27)d2.
- 23 (5) A window of an ambulance, as defined in G.S. 20-4.01(27)f.
- 24 (6) The rear window of a property-hauling vehicle, as defined in G.S. 20-
25 4.01(31).
- 26 (7) A window of a limousine.
- 27 (8) A window of a law enforcement vehicle.
- 28 (9) A window of a multipurpose vehicle that is behind the driver of the
29 vehicle. A multipurpose vehicle is a passenger vehicle that is designed
30 to carry 10 or fewer passengers and either is constructed on a truck
31 chassis or has special features designed for occasional off-road
32 operation. A minivan and a pickup truck are multipurpose vehicles.
- 33 (10) A window of a vehicle that is registered in another state and meets the
34 requirements of the state in which it is registered.
- 35 (11) A window of a vehicle for which the Division has issued a medical
36 exception permit under subsection (f) of this section.

37 (d) Violations. – A person who does any of the following commits a misdemeanor
38 of the class set in G.S. 20-176:

- 39 (1) Applies tinting to the window of a vehicle that is subject to a safety
40 inspection in this State and the resulting tinted window does not meet
41 the window tinting restrictions set in this section.

1 (2) Drives on a highway or a public vehicular area a vehicle that has a
2 window that does not meet the window tinting restrictions set in this
3 section.

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

10 (f) Medical Exception. – A person who suffers from a medical condition that
11 causes the person to be photosensitive may obtain a medical exception permit. To obtain
12 a permit, an applicant must complete an application form provided by the Division, pay
13 the application fee, and give the Division a statement of the applicant's medical condition
14 that is signed by a physician. The application fee is five dollars (\$5.00). The permit must
15 be renewed annually at the same time that the registration of the vehicle to which it
16 applies is renewed. The renewal shall require a medical recertification that the person
17 suffers from a medical condition requiring tinting. The renewal fee is five dollars
18 (\$5.00).

19 A person may receive no more than two medical exception permits. A permit issued
20 under this subsection must specify the vehicle to which it applies, and the permit must be
21 carried in the vehicle to which it applies when the vehicle is driven on a highway. The
22 Division must give a person who receives a medical exception permit a sticker to place
23 on the lower left hand corner of the rear window of the vehicle to which it applies
24 between the tinting and the glass."

25 Section 2. This act becomes effective January 1, 1998.