

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1566
Transportation Committee Substitute Adopted 6/16/94

Short Title: Uniform License & Registration Info.

(Public)

Sponsors:

Referred to: Finance.

May 25, 1994

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR UNIFORM DRIVERS LICENSE AND VEHICLE
3 REGISTRATION INFORMATION AND TO AMEND THE WINDOW TINTING
4 LAW.

5 The General Assembly of North Carolina enacts:

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

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

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

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

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

- 21 (1) Class A. – A Class A license authorizes the holder to drive any of the
22 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 The application form must also contain the disclosures concerning the request for an
5 applicant's social security number required by section 7 of the federal Privacy Act of
6 1974, Pub. L. No. 93-579.

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

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

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

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

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

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

1 misrepresentation made by such person on such certificate shall be grounds for
2 suspension of that person's license for a period of 90 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 <u>Class of Regular License</u>	12 <u>Fee For Each Year</u>
13 Class A \$ 3.75	
14 Class B 3.75	
15 Class C 2.50	

16
 17 The fee for a motorcycle endorsement is one dollar and twenty-five cents (\$1.25) for
 18 each year of the period for which the endorsement is issued. The appropriate fee must
 19 be paid before a person receives a regular drivers license or an endorsement.

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

40 It is the intent of the General Assembly to annually appropriate the funds deposited
 41 in the General Fund under this subsection to the Board of Governors of The University
 42 of North Carolina to be used for the Center for Alcohol Studies Endowment at The
 43 University of North Carolina at Chapel Hill, but not to exceed this cumulative total of
 44 five million dollars (\$5,000,000).

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

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

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

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

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

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

22 (2) An applicant for certification under G.S. 20-218 as a school bus driver.

23 A restricted instruction permit authorizes the holder of the permit to drive a specified
24 type or class of motor vehicle when in possession of the permit, subject to any
25 restrictions imposed by the Division. The restrictions the Division may impose on a
26 permit include restrictions to designated areas and highways and restrictions prohibiting
27 operation except when an approved instructor is occupying a seat beside the permittee.
28 A restricted instruction permit is not required to have a distinguishing number or a
29 picture of the person to whom the permit is issued.

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

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

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

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

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

43 (5) A physical description of the license holder, including sex, height, eye
44 color, and hair color.

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

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

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

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

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

22 Sec. 2. G.S. 20-37.7 reads as rewritten:

23 **"§ 20-37.7. Special identification card.**

24 (a) Eligibility. ~~The Division of Motor Vehicles shall upon satisfactory proof of~~
 25 identification issue a special identification card to any person 11 years or older who is a
 26 resident of the State of North Carolina. A person who is a resident of this State, is at
 27 least 11 years old, and does not have a drivers license is eligible for a special
 28 identification card.

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

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

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

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

43 (d) Expiration and Fee. ~~A special identification card issued to a person for the~~
 44 first time under this section expires when a drivers license issued on the same day to

1 that person would expire. A special identification card renewed under this section
2 expires when a drivers license renewed by the card holder on the same day would
3 expire.

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

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

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

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

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

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

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

- 26 (1) ~~The full name, current mailing address, and current residence address~~
27 ~~of the applicant;~~
28 (2) ~~A physical description of the person including sex, height, and eye and~~
29 ~~hair color;~~
30 (3) ~~Date of birth;~~
31 (4) ~~The applicant's social security number;~~
32 (5) ~~The applicant's signature;~~
33 (6) ~~Repealed by Session Laws 1991, c. 726, s. 17.~~
34 (7) ~~Certifications including those required by 49 C.F.R. § 383.71(a);~~
35 (8) ~~A consent to release driving record information; and~~
36 (9) ~~Any other information required by the Division.~~

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

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

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

- 44 (1) ~~The person's name and residential address;~~

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

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

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

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

- 25 (1) The name, bona fide residence and mail address of the owner or
 26 business address of the owner if a firm, association or corporation;
 27 owner's name.
 28 (1a) If the owner is an individual, the following information:
 29 a. The owner's mailing address and residence address.
 30 b. The owner's social security number.
 31 (1b) If the owner is a firm, a partnership, a corporation, or another entity,
 32 the address of the entity.
 33 (2) A description of the vehicle, including, insofar as the hereinafter
 34 specified data may exist with respect to a given vehicle, the including
 35 the following:
 36 a. The make, model, type of body, the serial number of the
 37 vehicle, the engine and other identifying numbers of the vehicle
 38 and whether and vehicle identification number of the vehicle.
 39 b. Whether the vehicle is new or used, and used and, if a new
 40 vehicle, the date of sale and actual date of delivery of vehicle by
 41 the manufacturer or dealer to the person intending to operate
 42 such vehicle; the manufacturer or dealer sold the vehicle to the
 43 owner and the date the manufacturer or dealer delivered the
 44 vehicle to the owner.

- 1 (3) A statement of the ~~applicant's~~ owner's title and of all liens upon the
2 vehicle, including the names and addresses of all lienholders in the
3 order of their priority, and the date and nature of each ~~lien~~; lien.
- 4 (4) ~~Such further information as may reasonably be required by the~~
5 ~~Division to enable it to determine whether the vehicle is lawfully~~
6 ~~entitled to registration and the owner entitled to a certificate of title.~~
- 7 The application form must contain the disclosures concerning the request for an
8 applicant's social security number required by section 7 of the federal Privacy Act of
9 1974, Pub. L. No. 93-579."

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

11 **"§ 20-127. Windshields must be unobstructed.**

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

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

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

27 ~~(d) On or after January 1, 1989, it shall be unlawful to operate a motor vehicle~~
28 ~~registered or which is required to be registered in this State under this Chapter, upon any~~
29 ~~highway or public vehicular area with a windshield or a front side window to the~~
30 ~~immediate right or left of the operator, or a rear window used for visibility, which has~~
31 ~~been darkened, smoked, or tinted after factory delivery. Provided, however, after first~~
32 ~~sale of the vehicle, a single application of tinted film which has been registered with and~~
33 ~~approved by the Commissioner of Motor Vehicles shall be lawful if the manufacturer's~~
34 ~~label is implanted between the film and glass in the lower left section of each darkened~~
35 ~~window and is legible from outside the vehicle. The label shall indicate the film~~
36 ~~registration number, the name and address of the manufacturer and a certification of~~
37 ~~compliance with North Carolina law. No film or darkening material may be applied on~~
38 ~~the windshield except to replace the sunshield in the uppermost area as installed by the~~
39 ~~manufacturer of the vehicle, in which case the label shall be implanted between the film~~
40 ~~and glass in the upper left section of the windshield and be legible from outside the~~
41 ~~vehicle. A rear window shall be required for visibility on every vehicle unless the~~
42 ~~vehicle is equipped with an outside mirror of a type approved by the Commissioner~~
43 ~~which eliminates the requirement for an inside rearview mirror under the provisions of~~
44 ~~G.S. 20-126(a) and (b).~~

1 (e) ~~No motor vehicle inspection certificate shall be issued on or after January 1,~~
2 ~~1988, for a vehicle on which the windshield or front window to the immediate right and~~
3 ~~left of the operator or the rear window if required for visibility, has been darkened by~~
4 ~~the installation of tinted film or by other means, except as permitted under subsection~~
5 ~~(d) of this section.~~

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

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

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

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

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

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

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

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

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

3 (h) No motor vehicle inspection certificate shall be issued on or after July 1,
4 1995, for a motor vehicle that is not in compliance with the requirements of this section.
5 No inspection sticker shall be issued for a motor vehicle with any after-factory installed
6 sunscreen device or tinting film unless the window bears the installer's sticker as
7 required by subsection (i) or (l) of this section.

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

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

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

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

42 (m) A violation of subsection (c), (h), (i), or (l) of this section shall be a
43 misdemeanor punishable as provided in G.S. 20-176(c). A violation of any other
44 subsection of this section is an infraction. Any person violating subsection (f) or (g) of

1 this section during the period of October 1, 1994, through December 31, 1994, shall be
2 given a warning of the violation only."

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

4 "(c) No inspection certificate shall be issued by a safety equipment inspection
5 station on or after July 1, 1995, for a motor vehicle that is not in compliance with G.S.
6 20-127. In addition to the items listed in subsection (a) of this section, safety inspection
7 equipment stations shall inspect the windshields, side wings, side or rear windows of all
8 vehicles in accordance with methods and procedures approved by the Commissioner."

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