

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 271
Transportation Committee Substitute Adopted 5/4/11

Short Title: Commercial and Other M/V Law Changes.-AB

(Public)

Sponsors:

Referred to:

March 9, 2011

1 A BILL TO BE ENTITLED
2 AN ACT TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS
3 SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO
4 CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE
5 FEDERAL CODE, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH
6 REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO
7 MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE
8 HIGHWAY PATROL.

9 The General Assembly of North Carolina enacts:

10 SECTION 1. G.S. 20-127 reads as rewritten:
11 "§ 20-127. Windows and windshield wipers.

12 ...
13 (b) Window Tinting Restrictions. – A window of a vehicle that is operated on a
14 highway or a public vehicular area shall comply with this subsection. The windshield of the
15 vehicle may be tinted only along the top of the windshield and the tinting may not extend more
16 than five inches below the top of the windshield or below the AS1 line of the windshield,
17 whichever measurement is longer. Provided, however, an untinted clear film which does not
18 obstruct vision but which reduces or eliminates ultraviolet radiation from entering a vehicle
19 may be applied to the windshield. Any other window of the vehicle may be tinted in
20 accordance with the following restrictions:

- 21 (1) The total light transmission of the tinted window shall be at least thirty-five
22 percent (35%). A vehicle window that, by use of a light meter approved by
23 the Commissioner, measures a total light transmission of more than
24 thirty-two percent (32%) is conclusively presumed to meet this restriction.
25 (2) The light reflectance of the tinted window shall be twenty percent (20%) or
26 less.
27 (3) Tinted film or another material used to tint the window shall be nonreflective
28 and shall not be red, yellow, or amber.

29 (b1) Notwithstanding subsection (b) of this section, a window of a vehicle that is
30 operated on a public street or highway and which is subject to the provisions of Part 393 of
31 Title 49 of the Code of Federal Regulations shall comply with the provisions of that Part.

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

- 36 (1) A window of an excursion passenger vehicle, as defined in
37 G.S. 20-4.01(27)a.



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

19 "

20 **SECTION 2.** G.S. 20-137.4A is amended by adding a new subsection to read:

21 "(a1) Motor Carrier Offense. – It shall be unlawful for any person to operate a
 22 commercial motor vehicle subject to Parts 390 or 392 of Title 49 of the Code of Federal
 23 Regulations on a public street or highway or public vehicular area while using a mobile
 24 telephone or other electronic device in violation of those Parts. Nothing in this subsection shall
 25 be construed to prohibit the use of hands-free technology."

26 **SECTION 3.** G.S. 20-166.1(i) reads as rewritten:

27 "(i) Effect of Report. – A report of an accident made under this section by a person who
 28 is not a law enforcement officer is without prejudice, is for the use of the Division, and shall
 29 not be used in any manner as evidence, or for any other purpose in any trial, civil or criminal,
 30 arising out of the accident. Any other report of an accident made under this section may be used
 31 in any manner as evidence, or for any other purpose, in any trial, civil or criminal, as permitted
 32 under the rules of evidence. At the demand of a court, the Division must give the court a
 33 properly executed certificate stating that a particular accident report has or has not been filed
 34 with the Division solely to prove a compliance with this section.

35 ~~The reports made by persons who are not law enforcement officers or medical examiners~~
 36 ~~are not public records. The reports made by law enforcement officers and medical examiners~~
 37 ~~are public records and are open to inspection by the general public at all reasonable times.~~
 38 pursuant to this section are public records within the meaning of G.S. 132-1. Reports made
 39 pursuant to this section may not be released to any person making a request unless and until
 40 personal identifying information has been redacted from the report in compliance with the
 41 provisions of the federal Drivers Privacy Protection Act, 18 U.S.C. § 2721(b)(11) and (12), and
 42 G.S. 20-43.1. The Division must give a certified copy of one of these reports to a member of
 43 ~~the general public who requests a copy~~ any person entitled to a copy of such report and who
 44 pays the fee set in G.S. 20-42."

45 **SECTION 4.** G.S. 20-383 reads as rewritten:

46 "**§ 20-383. Inspectors and officers given enforcement authority.**

47 ~~Only designated inspectors and officers –~~ inspectors, officers, and personnel of the
 48 Department of Crime Control and Public Safety shall have the authority to enforce the
 49 provisions of this Article and provisions of Chapter 62 applicable to motor transportation, and
 50 they are empowered to make complaint for the issue of appropriate warrants, informations,
 51 presentments or other lawful process for the enforcement and prosecution of violations of the

1 transportation laws against all offenders, whether they be regulated motor carriers or not, and to
2 appear in court or before the North Carolina Utilities Commission and offer evidence at the
3 trial pursuant to such processes."

4 **SECTION 5.** Sections 3 and 4 of this act are effective when this act becomes law.
5 Sections 1 and 2 of this act become effective December 1, 2011, and apply to offenses
6 committed on or after that date.