

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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SENATE BILL 271  
PROPOSED COMMITTEE SUBSTITUTE S271-PCS35239-RV-15

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

(Public)

Sponsors:

Referred to:

March 9, 2011

A BILL TO BE ENTITLED

AN ACT TO MODIFY WINDOW TINTING RESTRICTIONS FOR MOTOR CARRIERS  
SUBJECT TO THE PROVISIONS OF TITLE 49 OF THE FEDERAL CODE, TO  
CLARIFY TEXTING FOR MOTOR CARRIERS SUBJECT TO TITLE 49 OF THE  
FEDERAL CODE, TO REQUIRE REDACTION OF CERTAIN VEHICLES CRASH  
REPORT INFORMATION, AND TO PROVIDE FOR CIVILIAN EMPLOYEES TO  
MANAGE OR OPERATE PERMANENT WEIGH STATIONS FOR THE STATE  
HIGHWAY PATROL.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-127 reads as rewritten:

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

...

(b) Window Tinting Restrictions. – A window of a vehicle that is operated on a highway or a public vehicular area 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 the AS1 line of the windshield, whichever measurement is longer. Provided, however, an untinted clear film which does not obstruct vision but which reduces or eliminates ultraviolet radiation from entering a vehicle may be applied to the windshield. Any other window of the vehicle may be tinted in accordance with the following restrictions:

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

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

(c) Tinting Exceptions. – The window tinting restrictions in subsection (b) of this section apply without exception to the windshield of a vehicle. The window tinting restrictions



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1 in subdivisions (b)(1) and (b)(2) of this section do not apply to any of the following vehicle  
2 windows:

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

23 ...."

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

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

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

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

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

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

50 **"§ 20-383. Inspectors and officers given enforcement authority.**

1        Only designated ~~inspectors and officers~~ inspectors, officers, and personnel of the  
2 Department of Crime Control and Public Safety shall have the authority to enforce the  
3 provisions of this Article and provisions of Chapter 62 applicable to motor transportation, and  
4 they are empowered to make complaint for the issue of appropriate warrants, informations,  
5 presentments or other lawful process for the enforcement and prosecution of violations of the  
6 transportation laws against all offenders, whether they be regulated motor carriers or not, and to  
7 appear in court or before the North Carolina Utilities Commission and offer evidence at the  
8 trial pursuant to such processes."

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