

215.10 REQUIRED LIGHTING EQUIPMENT - ORDINARY MOTOR VEHICLES
- HEADLIGHTS AND TAILLIGHTS.¹

The motor vehicle law provides that every vehicle operated upon a highway [during the period from sunset to sunrise]² [at any time when there is not sufficient light to render clearly discernible a person on the highway at a distance of 400 feet ahead]³ [when the lack of visibility through the windshield requires the windshield wipers to be activated and the vehicle is within a school zone during the regular school hours of the school year]⁴ shall be equipped with lighted [headlights] [taillights].⁵

[*Headlights.* Every motor vehicle must have at least two headlights, with at least one on each side of the front of the vehicle, each in good operating condition and so constructed, arranged and adjusted as, under normal atmospheric conditions on a level road, to produce a driving light sufficient to render clearly discernible a person 200 feet ahead.]⁶

[*Taillights.* All originally equipped taillights, or their equivalent, on a [motor vehicle] [trailer attached to a motor vehicle] [semi-trailer attached to a motor vehicle] must be in good working order and exhibit a red light plainly visible under normal atmospheric conditions from 500 feet to the rear of the vehicle.]⁷

At any of the times specified, operating a vehicle on a highway without such lights is negligence within itself.⁸

1. The statutes governing lighting equipment are complex. This instruction is designed primarily for passenger automobiles. For brakelights see N.C.P.I.-Civil 215.11. As to motorcycles, see N.C.P.I.-Civil 215.15 and N.C.P.I.-Civil 215.16. As to bicycles, see N.C.P.I.-Civil 215.20. As to road machinery, farm tractors, buses, trucks, trailers and semi-trailers, see the provisions of N.C. Gen. Stat. § 20-129 not incorporated in this instruction and also, particularly, N.C. Gen. Stat. § 20-129.1.

2. "During the period from sunset to sunrise" is substituted for "from a half hour after

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sunset to a half hour before sunrise" and became effective October 1, 1985.

3. The 1979 Amendment substituted "400" for "200", effective October 1, 1979.

4. This section added in the 1987 Amendment, effective October 1, 1987.

5. N.C. Gen. Stat. § 20-129(a). The statute uses "lamp," not "light" -a usage which purists may wish to retain.

6. N.C. Gen. Stat. § 20-131(a). If the evidence justifies, there should be inserted here an instruction, based upon N.C. Gen. Stat. § 20-131(c), to the effect that, if the highway is sufficiently lighted to reveal a person at a distance of 200 feet, it is permissible to dim the lights or substitute the light from an auxiliary driving light or lights.

For the oddball case, see N.C. Gen. Stat. § 20-132 regarding acceptability of acetylene lights.

7. N.C. Gen. Stat. § 20-129(d). This sentence will not apply to vehicles manufactured on or before December 31, 1955.

8. See *White v. Mote*, 270 N.C. 544, 155 S.E.2d 75 (1967) (failure to provide vehicles operating at night with the required lights is negligence within itself). Accord, *Scarborough v. Ingram*, 256 N.C. 87, 122 S.E.2d 798 (1961); *Bridges v. Jackson*, 255 N.C. 333, 121 S.E.2d 542 (1961). See also *Faison v. Trucking Co.*, 266 N.C. 383, 146 S.E.2d 450 (1966).