

215.15 REQUIRED LIGHTING EQUIPMENT - MOTORCYCLES - NIGHTTIME.<sup>1</sup>

The motor vehicle law provides that every motorcycle operated upon a highway [during the period from sunset to sunrise]<sup>2</sup> [at any time when there is not sufficient light to render clearly discernible a person on the highway at a distance of 400 feet]<sup>3</sup> shall be equipped with one and not more than two lighted [headlights] [taillights].<sup>4</sup>

[*Headlights.* There must be at least one, but not more than two, headlights, 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 400 feet ahead.]<sup>5</sup>

[*Taillights.* The originally equipped taillight(s), or equivalent, must be in good working order and exhibit a red light plainly visible under normal atmospheric conditions from a distance of 500 feet to the rear of such vehicle.

At any of the times specified, operating a motorcycle on a highway without such light(s) is negligence within itself.<sup>6</sup>

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1. For Brakelights, see N.C.P.I.-Civil 215.11.

2. Amended effective October 1, 1985.

3. The minimum distance was increased from 200 to 400 feet by a 1979 amendment.

4. The statute uses "lamp," not "light" -a usage which purists may wish to retain. *Bigelow v. Johnson*, 303 N.C. 126, 277 S.E.2d 347 (1981), in which it was held that a flashlight did not satisfy the requirements of the statute.

5. 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 headlight or substitute the light from an auxiliary driving light.

N.C.P.I.-Motor Vehicle 215.15  
REQUIRED LIGHTING EQUIPMENT-MOTORCYCLES-NIGHTTIME.  
MOTOR VEHICLE VOLUME  
OCTOBER 1988  
N.C. Gen. Stat. §§ 20-129 and 20-131  
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For the oddball case, see N.C. Gen. Stat. § 20-132 regarding acceptability of acetylene lights. It speaks of two such lights, but probably only one would be required for a motorcycle.

6. See the authorities cited in note 5 of N.C.P.I.-Civil 215.10.