

REQUIRED LIGHTING EQUIPMENT--MOTORCYCLES--NIGHTTIME.<sup>1</sup> G.S. 20-129 and 20-131.

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.

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<sup>1</sup>For Brakelights, see N.C.P.I.--Civil 215.11.

<sup>2</sup>Amended effective October 1, 1985.

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

<sup>4</sup>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.

<sup>5</sup>If the evidence justifies, there should be inserted here an instruction based upon G.S. 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.

For the oddball case, see G.S. 20-132 regarding acceptability of acetylene lights. It speaks of two such lights, but probably only one would be required for a motorcycle.

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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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<sup>6</sup>See the authorities cited in footnote 5 of N.C.P.I.--Civil 215.10.