



## SENATE BILL 90: Required Number of Operating Brake Lights

2013-2014 General Assembly

**Committee:**

**Introduced by:**

**Analysis of:** S.L. 2015-31

**Date:**

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Staff Attorney

**SUMMARY:** *S.L. 2015-31, as amended by Sec. 29.36B of S.L. 2015-241, clarifies State law to require motor vehicles manufactured on or after December 31, 1970, to have two operable stop lamps.*

*This act became effective October 1, 2015, and applies to offenses committed on or after that date.*

**CURRENT LAW:** Current G.S. 20-129(g) prohibits operation of a motor vehicle unless it is equipped with "a stop lamp" on the rear of the vehicle displaying a red or amber light. G.S. 20-129(g) also provides that the "stop lamp may be incorporated into a unit with one or more *other rear lamps*. G.S. 20-129(d) requires "all originally equipped *rear lamps* or the equivalent (to be) in good working order."

Current G.S. 20-139.1 requires one operable red stop lamp on the rear of buses, trucks, tractor trailers, and other specified trailers.

**BILL ANALYSIS:** This act amends State law to require two operable stop lamps, one on each side of the rear of motor vehicles, buses, trucks, tractor trailers, and other specified trailers, manufactured on or after December 31, 1970; and clarifies that amber stop lamps are authorized on any motor vehicle, if they were original equipment.

Section 29.36B of S.L. 2015-241, the 2015 Appropriations Act, further clarified this act to provide that one operable stop lamp is still required for older motor vehicles manufactured after December 31, 1955 and before December 31, 1970, and one operable stop lamp is still required for motorcycles manufactured after December 31, 1955.

**EFFECTIVE DATE:** October 1, 2015, and applies to offenses committed on or after that date.

**BACKGROUND:** The issue of whether one or two stop lamps are required by North Carolina law was the subject of a recent United States Supreme Court case, *State v. Heien*, 135 S. Ct. 530 (2014). In that case, the defendant was stopped in a motor vehicle with only one operating stop lamp, gave consent to a search of his vehicle, and was charged with drug trafficking. The defendant challenged the validity of the traffic stop and search by arguing North Carolina law only required one operable stop lamp. The United States Supreme Court, in an 8-1 decision, upheld the search as lawful, finding that even though North Carolina law only requires one operable stop lamp, the mistake of law by the officer was reasonable, because G.S. 20-129(d) and (g), when read together, could have been reasonably construed by an officer to require *both* stop lamps to be operable.

