



SENATE BILL 90: Required Number of Operating Brake Lights

2013-2014 General Assembly

Committee: Senate Transportation
Introduced by: Sen. Cook
Analysis of: First Edition

Date: March 31, 2015
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SUMMARY: *Senate Bill 90 clarifies State law to require motor vehicles to have two operable stop lamps.*

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: Senate Bill 90 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; and clarifies that amber stop lamps are authorized on any motor vehicle, if they were original equipment.

EFFECTIVE DATE: This act is effective when it becomes law.

BACKGROUND: The issue of whether one or two stop lamps are required by North Carolina law was the subject of a recent 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 be reasonably construed by an officer to require both stop lamps to be operable.

