

1 HB575  
2 200398-1  
3 By Representative Sorrell  
4 RFD: Judiciary  
5 First Read: 07-MAY-19

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8 SYNOPSIS: Under existing law, every vehicle upon a  
9 highway in this state, except a parked vehicle, is  
10 required to display lighted headlights from a half  
11 hour after sunset to a half hour before sunrise; at  
12 any time when the windshield wipers of the vehicle  
13 are in use because of rain, sleet, or snow, except  
14 when the use is intermittent because of misting  
15 rain, sleet, or snow; and at any time when there is  
16 not sufficient light to render clearly discernible  
17 persons and vehicles on the highway at a distance  
18 of 500 feet.

19 Also under existing law, a plaintiff in a  
20 negligence action cannot recover notwithstanding  
21 that he or she may have proven negligence on the  
22 part of the defendant, where the plaintiff's own  
23 negligence is shown by his or her or the  
24 defendant's proof to have proximately contributed  
25 to the plaintiff's damage, provided such  
26 contributory negligence is specially pleaded.

1                   This bill would provide that if a plaintiff  
2                   is contributorily negligent and the defendant is  
3                   more than 50 percent negligent and in violation of  
4                   the lighted headlamp requirements of existing law,  
5                   the plaintiff is not barred from recovery.

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7                                   A BILL  
8                                   TO BE ENTITLED  
9                                   AN ACT

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11                   Relating to motor vehicles; to amend Section  
12                   32-5-240, Code of Alabama 1975, to create the James Hooper  
13                   Headlight Safety Act; and to provide for the recovery of  
14                   damages in a negligence action for a violation.

15                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16                                   Section 1. This act shall be known and may be cited  
17                   as the James Hooper Headlight Safety Act.

18                                   Section 2. Section 32-5-240, Code of Alabama 1975,  
19                   is amended to read as follows:

20                                   "§32-5-240.

21                                   "(a) When lighted headlamps required.

22                                   "(1) Every vehicle upon a highway within this state,  
23                   except a parked vehicle, which shall be subject to Section  
24                   32-5-244, shall display lighted lamps and illuminating devices  
25                   required by this section for different classes of vehicles at  
26                   the following times:

1           "a. From a half hour after sunset to a half hour  
2 before sunrise.

3           "b. At any time when the windshield wipers of the  
4 vehicle are in use because of rain, sleet, or snow, except  
5 when the use is intermittent because of misting rain, sleet,  
6 or snow.

7           "c. At any time when there is not sufficient light  
8 to render clearly discernible persons and vehicles on the  
9 highway at a distance of 500 feet.

10           "(2) Notwithstanding subdivision (1), whenever motor  
11 vehicles or other vehicles are operated in combination during  
12 a time that lamps and illuminating devices are required to be  
13 lighted, any lamp, other than a tail lamp, that, by reason of  
14 its location on a vehicle in the combination would be obscured  
15 by another vehicle of the combination, need not be lighted.  
16 This subdivision shall not affect the requirement that lighted  
17 clearance lamps be displayed on the front of the foremost  
18 vehicle required to have clearance lamps or that all lamps  
19 required on the rear of the rearmost vehicle of any  
20 combination shall be lighted. In a negligence action for a  
21 recovery of damages, if the plaintiff is contributorily  
22 negligent and the defendant is more than 50 percent negligent  
23 and in violation of this subsection, the plaintiff is not  
24 barred from recovery.

25           "(b) Head lamps on motor vehicles.

26           "(1) Every motor vehicle, other than a motorcycle or  
27 motor-driven cycle, shall be equipped with at least two but

1 not more than four head lamps, with at least one but not more  
2 than two on each side of the front of the motor vehicle. The  
3 head lamps shall comply with the requirements and limitations  
4 of Section 32-5-242.

5 "(2) Every motorcycle and every motor-driven cycle  
6 shall be equipped with at least one and not more than two head  
7 lamps which shall comply with the requirements and limitations  
8 of Section 32-5-242.

9 "(3) Every head lamp upon every new motor vehicle  
10 sold after January 1, 1950, including every motorcycle and  
11 motor-driven cycle, shall be located at a height measured from  
12 the center of the head lamp of not more than 54 inches nor  
13 less than 24 inches to be measured as set forth in Section  
14 32-5-242.

15 "(c) Tail lamps.

16 "(1) Every motor vehicle, trailer, semitrailer, and  
17 pole trailer and any other vehicle which is being drawn at the  
18 end of a train of vehicles shall be equipped with at least one  
19 tail lamp mounted on the rear which, when lighted as required,  
20 emits a red light plainly visible from a distance of 500 feet  
21 to the rear. When vehicles are drawn in a train, only the tail  
22 lamp on the rearmost vehicle need actually be seen from the  
23 distance specified.

24 "(2) Every tail lamp upon every vehicle shall be  
25 located at a height of not more than 60 inches nor less than  
26 20 inches to be measured as set forth in Section 32-5-242.

1           "(3) Every motor vehicle shall have a tail lamp or a  
2 separate lamp so constructed and placed as to illuminate with  
3 a white light the rear registration plate and render it  
4 clearly legible from a distance of 50 feet to the rear. Any  
5 tail lamp or tail lamps, together with any separate lamp for  
6 illuminating the rear registration plate, shall be so wired as  
7 to be lighted whenever the head lamps or auxiliary driving  
8 lamps are lighted.

9           "(d) Additional equipment required on certain  
10 vehicles. In addition to other equipment required in this  
11 article, the following vehicles shall be equipped in the  
12 following manner:

13           "(1) On every bus or truck, whatever its size, the  
14 following shall be on the rear: Two red reflectors, one at  
15 each side, and one stop light.

16           "(2) On every bus or truck 80 inches or more in  
17 overall width, in addition to the requirements in subdivision  
18 (1):

19           "a. On the front, two clearance lamps, one at each  
20 side.

21           "b. On the rear, two clearance lamps, one on each  
22 side.

23           "c. On each side, two side marker lamps, one at or  
24 near the front and one at or near the rear.

25           "d. On each side, two reflectors, one at or near the  
26 front and one at or near the rear.

27           "(3) On every truck tractor:

1            "a. On the front, two clearance lamps, one at each  
2 side.

3            "b. On the rear, one stop light.

4            "(4) On every trailer or semitrailer having a gross  
5 weight in excess of 3,000 pounds:

6            "a. On the front, two clearance lamps, one at each  
7 side.

8            "b. On each side, two side marker lamps, one at or  
9 near the front and one at or near the rear.

10           "c. On each side, two reflectors, one at or near the  
11 front and one at or near the rear.

12           "d. On the rear, two clearance lamps, one at each  
13 side, also two reflectors, one at each side, and one stop  
14 light.

15           "(5) On every pole trailer having a gross weight in  
16 excess of 3,000 pounds gross weight:

17           "a. On each side, one side marker lamp and one  
18 clearance lamp which may be in combination, to show to the  
19 front, side, and rear.

20           "b. On the rear of the pole trailer or load, two  
21 reflectors, one at each side.

22           "(6) On every trailer, semitrailer, or pole trailer  
23 having a gross weight of 3,000 pounds or less: On the rear,  
24 two reflectors, one on each side. If the load or dimensions of  
25 any trailer or semitrailer obscures the stop light on the  
26 towing vehicle, the towed vehicle shall also be equipped with  
27 one stop light.

1           "(e) Lamps on other vehicles and equipment. All  
2 vehicles, including animal-drawn vehicles and those for which  
3 special permits have been issued under authority of Section  
4 32-9-29, not otherwise specifically required to be equipped  
5 with lamps, shall at the times specified in subsection (a) of  
6 this section be equipped with at least one lighted lamp or  
7 lantern exhibiting a white light visible from a distance of  
8 500 feet to the front of the vehicle and with a lamp or  
9 lantern exhibiting a red light visible from a distance of 500  
10 feet to the rear.

11           "(f) Stop lamps required on new motor vehicles. It  
12 is unlawful for any person to sell any new motor vehicle,  
13 including any motorcycle or motor-driven cycle, in this state  
14 or for any person to drive the vehicle on the highways unless  
15 it is equipped with a stop lamp meeting the requirements of  
16 Section 32-5-242.

17           "(g) New motor vehicles to be equipped with  
18 reflectors.

19           "(1) No new motor vehicle first sold on or after  
20 January 1, 1950, other than a truck tractor, motorcycle, or  
21 motor-driven cycle shall be operated on a highway unless the  
22 vehicle carries on the rear, either as a part of the tail  
23 lamps or separately, two red reflectors. Every motorcycle and  
24 every motor-driven cycle shall carry at least one reflector,  
25 meeting the requirements of this section. Vehicles  
26 specifically provided for in subsection (d) of this section

1 shall be equipped with reflectors as required by that  
2 subsection.

3 "(2) These reflectors shall be mounted on the  
4 vehicle at a height not less than 20 inches nor more than 60  
5 inches measured as set forth in subsection (a) of Section  
6 32-5-242, shall be of such size and characteristics, and shall  
7 be so mounted as to be visible at night from 300 feet."

8 Section 3. This act shall become effective on the  
9 first day of the third month following its passage and  
10 approval by the Governor, or its otherwise becoming law.