

SENATE BILL 2998

By Gresham

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 8 and Title 55, Chapter 9, relative to requirements for motor vehicles on public highways.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55-9-103, is amended by deleting the following language in its entirety:

Whenever any bus, truck, or truck tractor, except pickup trucks having not more than two (2) rear wheels and equipped with emergency flashing lights at front and rear, is disabled upon the traveled portion of the highway or the shoulder next thereto, except within a business or residential district of a municipality, the following requirements shall be complied with during the period of the disablement:

(1) During the time when lights are required, that is, between one half ( $\frac{1}{2}$ ) hour after sunset and one half ( $\frac{1}{2}$ ) hour before sunrise and at all other times when there is not sufficient light to render clearly discernible a person two hundred feet (200') ahead, a lighted fusee shall be immediately placed on the roadway at the traffic side of the motor vehicle. As soon thereafter as possible, and in any case within the burning period of the fusee, three (3) lighted flares or pot torches shall be placed on the roadway as follows:

and by substituting instead the following language:

Whenever any bus, truck, or truck tractor, except pickup trucks having not more than two (2) rear wheels and equipped with emergency flashing lights at front and rear, is disabled upon the traveled portion of the highway or the shoulder next thereto, except within a business or residential district of a municipality, a lighted fusee shall be

immediately placed on the roadway at the traffic side of the motor vehicle. As soon thereafter as possible, and in any case within the burning period of the fusee, three (3) lighted flares or pot torches shall be placed on the roadway as follows:

SECTION 2. Tennessee Code Annotated, Section 55-9-103, is further amended by deleting subdivision (2) in its entirety and by redesignating all remaining language accordingly.

SECTION 3. Tennessee Code Annotated, Section 55-9-405, is amended by deleting subsection (d) in its entirety and by substituting instead the following language:

(d) From one half ( $\frac{1}{2}$ ) hour before sunset to one half ( $\frac{1}{2}$ ) hour after sunrise, there shall be attached to the rearmost extremity of any load that projects four feet (4') or more beyond the rear of the body of the motor vehicle, or at any tailboard or tailgate so projecting, or to the rearmost extremity of any load carried on a pole trailer, at least one (1) red lamp, securely fastened thereto, which shall be visible from a distance of five hundred feet (500') to the sides and rear under normal atmospheric conditions. At all other times a red flag of cloth, synthetic or man-made material, shall be so displayed.

SECTION 4. Tennessee Code Annotated, Section 55-9-406, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) The headlights of every motor vehicle shall be so constructed, equipped, arranged, focused, aimed, and adjusted that they will at all times mentioned in § 55-9-401 and under normal atmospheric conditions and on a level road produce a driving light sufficient to render clearly discernible a person two hundred feet (200') ahead but shall not project a glaring or dazzling light to persons in front of the headlights. The headlights shall be displayed at all times the motor vehicle is in operation on a public highway.

(b)

(1) A violation of this section is a Class C misdemeanor.

(2) Notwithstanding any law to the contrary, any person who is arrested or receives a traffic citation for violation of this section, upon conviction, shall not be fined more than two dollars (\$2.00) for the violation nor shall any cost be imposed or assessed against the person. The conviction shall not be reported to the department of safety under §§ 55-10-306 and 55-12-115.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.