



Administrative Office of the Courts

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Contact: Barry Massey, public information officer

bmassey@nmcourts.gov

505-827-4805

505-470-3436

Vehicle tail lamps need not be working 'perfectly' to comply with state law, Supreme Court rules

SANTA FE – Each bulb in a tail lamp does not have to be illuminated to comply with a New Mexico law requiring a motor vehicle's equipment to be in "good working order," the state Supreme Court ruled today.

The Court's unanimous decision came in an Albuquerque man's appeal of convictions for drunken driving and operating a vehicle with defective equipment. The defendant, John Farish, contended a sheriff's deputy illegally stopped him because of a burned out tail light bulb. The upper bulb was not working but the lower bulb was emitting light.

"This case reminds us that not all vehicles on New Mexico's roads and highways are in perfect condition," the Court wrote in an opinion by Justice C. Shannon Bacon.

The justices overturned a holding by the state Court of Appeals that all tail light bulbs must be fully functioning to satisfy the requirements of Section 66-3-901 of the Motor Vehicle Code that the equipment on cars, trucks, trailers and other vehicles be in "good working order and adjustment."

The Supreme Court concluded that as long as a vehicle's tail lamp complies with specific equipment requirements in state laws, including that it emits enough light to be visible from at least 500 feet, then it meets the more general requirement to be in "good working order" – even if there is a burned out bulb on a tail lamp with multiple bulbs.

The Legislature established standards for motor vehicle equipment such as lights and brakes for "what it deems necessary to render a vehicle safe, but does not in these sections require that it work 'at 100 percent' or 'perfectly' as the Court of Appeals concluded," the justices wrote.

"Accordingly, 'good working order' does not require equipment to function one hundred percent perfectly if it is suitable or functioning for its intended use," the Court held.

The justices ordered Farish's case back to Second Judicial District Court to resolve in accordance with the Supreme Court's interpretation of state law. Farish was convicted in the Bernalillo County Metropolitan Court. He appealed to the district court and then the Court of Appeals.

Farish contended that his convictions should be reversed because the sheriff's deputy lacked reasonable suspicion of a traffic violation to justify stopping his vehicle, which subsequently led to the DWI charge.

The Court of Appeals, in a split decision, found insufficient evidence for the convictions based on a law governing the visibility of tail lamps or another section that prohibits driving a vehicle with equipment in such an unsafe condition that it endangers other motorists. But in upholding Farish's convictions, the Court of Appeals determined there was a basis for the traffic stop because the faulty tail light bulb violated requirements for a vehicle's equipment to be in good working condition.

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To read the decision in *State v. Farish*, No. S-1-SC-36638, please visit the New Mexico Compilation Commission's website using the following link:

<https://nmonesource.com/nmos/nmsc/en/item/512803/index.do>