Traffic, use of high beams

Number: INFORMAL

Date: November 24, 2009

The Honorable Rhonda R. Storms
Florida Senate, District 10
313 East Robertson Street
Brandon, Florida 33511

Dear Senator Storms:

The Office of Attorney General Bill McCollum has received your letter relaying the concerns of a constituent regarding a traffic ticket he received for flashing his high beam lights to an oncoming car. The constituent is interested in obtaining an opinion of this office.

While this office is precluded from providing legal opinions to private individuals, regardless of whether such requests are submitted directly to this office or through a public official, the following informal comments are offered in an effort to be of assistance. Section 316.237, Florida Statutes, sets forth the requirements for multiple-beam road-lighting equipment, requiring that "[t]here shall be an uppermost distribution of light, or composite beam, so aimed and of such intensity as to reveal persons and vehicles at a distance of at least 450 feet ahead for all conditions of loading."[1] You also refer to section 316.23977; however, no such statute exists in the Florida Statutes. Section 316.238, Florida Statutes, provides for the use of multiple-beam road-lighting equipment, and provides in part:

"(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in s. 316.217, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a) Whenever the driver of a vehicle approaches an oncoming vehicle *within 500 feet*, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in ss. 316.237(1)(b) and 316.430(2)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading." (e.s.)

The Official Florida Driver's Handbook states: "Don't use high-beam headlights within 500 feet of oncoming vehicles."[2] Section 316.238(23), Florida Statutes, provides that a violation of section 316.238, Florida Statutes, is a noncriminal traffic infraction, punishable as a moving violation as provided in Chapter 318, Florida Statutes.

I hope that the above information may be of some assistance to your constituent. Thank you for contacting the Attorney General's Office.

Sincerely,

Joslyn Wilson
Assistant Attorney General

JW/tsh

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[1] Section 316.237(1)(a), Fla. Stat. *Compare* s. 316.237(1)(b), Fla. Stat., providing that "[t]here shall be a lowermost distribution of light, or composite beam, so aimed and of sufficient intensity to reveal persons and vehicles at a distance of at least 150 feet ahead; and on a straight level road under any condition of loading none of the high intensity portion of the beam shall be directed to strike the eyes of an approaching driver." Section 316.237 prescribes certain equipment requirements relating to such headlights and prohibits the placement over a headlight of an object, material, or covering that alters the headlamp's visibility from at least 450 feet for an uppermost distribution of light or at least 150 feet for a lowermost distribution of light. A violation of s. 316.237, Fla. Stat., constitutes a noncriminal traffic infraction, punishable as a nonmoving violation as provided in Ch. 318, Fla. Stat. *See* s. 316.237(3), Fla. Stat.

[2] The Handbook is available online at: http://www.lowestpricetrafficschool.com/handbooks/.