

Mr. Binh Nguyen
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Dear Mr. Nguyen:

This responds to your letter of December 16, 1996. You informed us that AutoZone "does sell auxiliary driving lights that are either SAE/DOT Approved or For Off Road Use Only." You have asked us several questions about such driving lamps, and we are pleased to respond.

"1. Who regulates auxiliary driving lights - the Society of Automotive Engineers (SAE) or the Department of Transportation (DOT)?"

DOT has not established specifications for auxiliary lamps such as driving, fog, etc., and does not directly regulate them. Unlike headlamps, for example, Federal Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices and Associated Equipment does not require auxiliary driving lamps to be original equipment on motor vehicles. However, they must not be installed on a motor vehicle, either as original or aftermarket equipment, in a manner that impairs the effectiveness of required lighting equipment (e.g., mounted so close to a turn signal lamp as to mask its signal), and they should not be used as substitutes for headlamps. In addition, DOT has broad jurisdiction over "motor vehicle equipment"; thus, if auxiliary lamps are determined to have a safety related defect, their manufacturer must notify customers and remedy the defect.

The SAE is not a regulatory body and compliance with its standards and recommended practices is voluntary and of no legal significance, unless those standards have been incorporated by reference into Standard No. 108 and/or a State's motor vehicle laws. As stated above, SAE provisions on auxiliary driving, fog, and other such lamps have not been incorporated as Federal requirements.

"2. If no one currently regulates these automotive parts, are there plans at the Federal level to regulate these lights in the future? Who will regulate them and what will be the requirements?"

We have no plans at this time to regulate auxiliary driving or auxiliary lower beam headlamps in the future, but we have publicly stated our intent to regulate front and rear fog lamps. Whether

this will actually occur we cannot say at this time, but it is likely that any regulations will be based on both SAE and European standards.

"3. Do individual states have different restrictions regarding auxiliary driving lights?"

4. If the answer is yes, would you please provide me with information on these different restrictions and with contact names for the various state agencies?"

In the absence of Federal regulations, each State may regulate any and all auxiliary lamps under State laws. There may be States with restrictions. However, we are not conversant with the laws of the individual States, and I regret that we are unable to provide you with contact names in the office of the Motor Vehicle Administrator of each State.

"5. What does it mean when a light manufacturer says "This light is DOT/SAE approved?" or "This

light is AAMVA approved?"

The phrase "DOT/SAE approved" should never be used. DOT does not have the authority to "approve" or "disapprove" motor vehicle equipment. To the best of our knowledge, SAE does not approve lamps either. Sometimes a manufacturer will use the phrase to imply that the lamp has been manufactured to SAE specifications that have been incorporated into Standard No. 108 as Federal requirements. If this is the case, the manufacturer may simply mark the lamp "DOT" as its certification that the lamp has been manufactured to conform to all applicable requirements of Standard No. 108. Otherwise, the manufacturer must certify compliance by means of a label on the lamp or on the container in which it is equipped. In cases where "DOT/SAE approved" appears on auxiliary lamps and their packages, the marking is meaningless. We shall answer your question on AAMVA under Question 7. below

"6. Who is the AAMVA?"

"AAMVA" is the abbreviation for the American Association of Motor Vehicle Administrators, an organization whose members are the motor vehicle administrators of the individual States. It is located at 4600 Wilson Boulevard, Arlington, VA 22203.

"7. What role does the AAMVA play in regulating auxiliary driving lights or any automotive lighting.?"

Some States require registration of manufacturers doing business within their borders. Because auxiliary lamps are not required lighting equipment under Standard No. 108, a State may set its own standard for these lamps, and require manufacturers to obtain a certificate of conformance with the State standard as a condition for selling the auxiliary lamps in the State. We understand that AAMVA previously performed the service of obtaining these certificates. However, another organization appears to have assumed that role. This new organization is the Automotive Manufacturers Equipment Compliance Agency, Inc. (AMECA), Suite 605, 1101 15th St. N.W.,

Washington, D.C. 20005. I am not familiar with the phrase "This lamp is AAMVA approved" but it may mean that AAMVA had obtained the necessary clearances for sale of the lamp in those States which permit AAMVA-approved lamps.

"8. How does a light manufacturer get his/her lights approved for sale at the federal and state levels?"

As I explained earlier, DOT has no authority to "approve" lighting equipment. All that is required under Federal law for a lamp to be sold is that it comply with all applicable Federal motor vehicle safety standards and bear its manufacturer's certification of compliance in the form indicated in response to Question 5. Since no Federal requirements apply to driving lamps, no permission to sell or certify is required under Federal law. The individual States may require State approval before sale, and we recommend that you consult AMECA as to its recommendations for sale in the individual States.

If you have any questions, you may refer them to Taylor Vinson of this Office (202-366-5263).

Sincerely,
John Womack
Acting Chief Counsel
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