

Mr. Randy Burns  
Rt. 2, Box 267  
Linden, TX 75563

Dear Mr. Burns:

We are replying to your e-mail of April 25, 2000, to Taylor Vinson of this Office. You relate that you have bought a set of "clear tail lamps" for use on your truck, which "state that they are dot approved." The units "have the red reflector." You are "using red bulbs in the lamps to make the lights red." You ask whether the lenses are legal.

In our view, the manufacture and/or sale of clear lenses intended for use on stop lamps or taillamps violates Federal law because they are not identical to the original lenses they are intended to replace, and would not provide a proper lamp color. We further advise that, under certain circumstances, installation of clear lenses on the rear of a motor vehicle could also violate Federal law. And as we have advised before, whether it is legal to drive a vehicle with clear lenses installed is a question to be answered under the laws in effect where the vehicle is driven. We have enclosed materials indicating that lamps with clear lenses and red bulbs are not legal in Texas.

The Federal requirements for motor vehicle lighting equipment are established by Federal Motor Vehicle Safety Standard No. 108, Lamps, Reflective Devices and Associated Equipment, which applies to lighting equipment on new vehicles, and replacement equipment for that original lighting equipment. Paragraph S5.8, *Replacement Equipment*, of Standard No. 108 requires lighting equipment manufactured to replace original lighting equipment to be designed to conform to Standard No. 108.

Under Table I and Table III of Standard No. 108 and appropriate SAE Standards incorporated by reference, the color of the light from taillamps and stop lamps must be red (If a manufacturer chooses red rather than amber for the rear turn signal lamp, the color from that lamp must be red as well. Rear clearance and identification lamps, and rear side marker lamps must also be red). The color red is defined by SAE Standard J578c, Color Specifications for Electric Signaling Devices, February 1977, which S5.1.5 of Standard No. 108 incorporates by reference. Although Standard No. 108 does not expressly state that the lens of a rear signal lamp must be red and the bulb white for the light to achieve the color red, we are unaware of any original equipment lamp required to emit the color red that consists of a clear lens and a red bulb and that is certified to comply with Standard No. 108. This is not simply a design choice; we know of no red bulb in production that conforms to Standard No. 108's color specification. The combination of a clear bulb and a red lens, therefore, is the only way to design a lamp that conforms to Standard No. 108's requirement that its light be red. This means that the manufacture of clear lenses or lamps intended to replace lenses or lamps on lamps whose original color was red is a violation of S5.8 of Standard No. 108, and the manufacture and sale of clear lenses or lamps for these purposes is a violation of 49 U.S.C. 30112(a). This means that the use of the DOT symbol on the lamp's lens or its container will be regarded as a violation of the certification provisions of 49 U.S.C. 30115. We shall maintain this position until we determine that a bulb conforming to the color red is in production, and specifically intended for use in lamps that will be certified as complying with Standard No. 108.

We contrast this with clear replacement lenses and lamps for turn signal and parking lamps (and front side marker lamps, as well as front clearance and identification lamps on wider vehicles). The light from these lamps must be amber (also when amber is chosen over red for the rear turn signals). The amber light from these lamps furnished as original equipment is produced by either a white bulb and amber lens, or by an amber bulb and a white lens. The latter is permissible because amber bulbs

meeting J578's color specification for amber are available. Lamps incorporating white lenses and amber bulbs are being certified as conforming to Standard No. 108. Thus, a clear lens for these specific lamps is permissible as original equipment, provided that the lamp with an amber bulb produces light meeting J578's amber color specification. It follows that replacement lenses or lamps for original equipment lamps with amber bulbs may also be clear, and that it is not a violation of Federal law to manufacture and sell them, provided that they comply in every way with Standard No 108.

We also note that, if any replacement lens or the lens of a replacement headlamp is plastic, S5.1.2 requires it to conform to the specifications of SAE Recommended Practice J576, Plastic Materials for use in Optical Parts, Such as Lenses and Reflectors, of Motor Vehicle Lighting Equipment, JUL91. Since conformance is determined after a three-year outdoor exposure test, we have substantial doubts that any aftermarket clear plastic lens or lamp intended for replacement use on lamps required to produce red or amber light is manufactured from materials that have been tested in accordance with SAE J576 JUL91, as required for compliance with Standard No. 108.

You report that the clear lenses you bought incorporate a red reflector. One of our previous objections to clear replacement taillamp lenses was their lack of a red reflex reflector, present in many original equipment red taillamp lenses and which the vehicle manufacturer may have used to fulfill the requirement of Standard No. 108 that vehicles have red reflex reflectors on the rear, and if included in the original lamp, a red reflector on the side that fulfills the requirement for a red side reflex reflector.

You use the term "dot approved," but we have no authority to "approve" or "disapprove" vehicle lighting equipment, and such language is improper. We believe you must mean that the lenses are marked with a DOT symbol, or that the package in which they were sold stated "DOT approved." The use of the DOT symbol is reserved for representing the manufacturer's own certification that the lens or lamp complies with all applicable Federal motor vehicle safety standards, and not that we have approved the product. As noted above, we doubt whether manufacturers of these lenses have conducted the outdoor exposure test to which they may be certifying compliance by use of the DOT symbol. It is possible, also, that other tests for determining compliance have not been done as well.

At the beginning of my letter, I remarked that the installation of clear stop lamp and taillamp lenses could be a violation of Federal law under certain circumstances. Under 49 U.S.C. 30122, manufacturers, dealers, distributors, and motor vehicle repair businesses are forbidden from making inoperative any equipment installed in compliance with a Federal motor vehicle safety standard. If one of these persons replaces the original red lens by a white lens, we will consider that a violation of 49 U.S.C. 30122 has occurred, even if that person installs a red bulb.

However, this prohibition does not apply to an individual vehicle owner.

We enclose material that was published on June 8, 2000, on its internet website by the Texas Department of Public Safety which states that "clear tail lamp lenses utilizing red bulbs" are "in violation of Texas law."

If you have any questions, you may again contact Taylor Vinson by e-mail.

Sincerely,  
Frank Seales, Jr.  
Chief Counsel  
Enclosure  
ref:108  
d.6/20/00

