

Mr. Mark Boykin
J&M Enterprises
1523 Grand Ave.
Spring Valley, CA 91977

Dear Mr. Boykin:

This is in reply to your letter of March 26, 1997, telling us of your interest in manufacturing side marker lamps. You ask whether these lights are required to be "DOT approved". You also ask for information on state and local laws.

We are pleased to try to help you. First, the applicable laws do not provide authority for "DOT approval" of vehicles or equipment items. Under these laws, a manufacturer must satisfy itself, through testing for example, that its product conforms to all applicable Federal motor vehicle safety standards. The manufacturer then must certify its product. No permission or approval by DOT is needed.

Federal Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices and Associated Equipment contains specifications for original and replacement side marker lamps, which have been required on all new passenger cars since January 1, 1969. These requirements are those of SAE Standard J592e, July 1972. I enclose a copy for your information.

However, it is not immediately clear that these requirements would apply to you. The color photo you enclosed shows a side marker lamp installed on a contemporary Saab car, just behind the front wheelwell. The Saab also has a yellow lens before the front wheelwell that appears to be part of the front lamp assembly. We take this to be the front side marker lamp required by Standard No. 108. The second lamp which you indicate by an arrow, the lamp you are interested in manufacturing, is a side-mounted turn signal, not a side marker lamp in this photo. On this vehicle, the lamp in question flashes in phase with the required front and rear mounted turn signal lamps. Supplemental lamps, regardless of their purpose, need not meet any Federal specifications.

If you intend to sell the lamp for installation as original or replacement equipment on vehicles, trailers for example, then even this lamp would not have to meet any specifications because side-mounted turn signal lamps are not an item regulated by Standard No. 108. However, other requirements would come into play: the necessity to file a one-page manufacturer identification statement with the agency, and the obligation to notify and remedy in the event that a noncompliance or safety-related defect is found to exist in the lamp.

A state may impose its own requirements for aspects of performance not covered by Standard No. 108, in this case, with SAE Standard J914 Side Turn Signal Lamps. We are not able to advise you on state laws and suggest that you contact the Department of Motor Vehicles in states where you intend to market the device.

If you have further questions, you may call Taylor Vinson of this Office at 202-366-5263.

Sincerely,
John Womack
Acting Chief Counsel
Enclosure
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