

Mr. Buddy King
Canada and Eastern Sales Manager
ARB Air Locker
1425 Elliott Avenue, W.
Seattle, WA 98119

Dear Mr. King:

This is in reply to your letter of August 19, 1998, asking for "a copy of the official guidelines on auxiliary lighting." Your company is the sole U.S. distributor for a line of motor vehicle lighting equipment manufactured in Japan, which is shown in a sales folder you enclosed with your letter.

In order to be imported into the United States, original and replacement motor vehicle lighting equipment must comply with Federal Motor Vehicle Safety Standard No. 108 Lamps, Reflective Devices and Associated Equipment, if applicable, and be certified as complying with the standard. We use the term "auxiliary lighting" to refer to any item of lighting equipment that is not covered by the terms of Standard No. 108. After reviewing the sales folder you enclosed, it appears that only #816 Backup Lamp, the Head Lamp Replacements, and the Halogen Bulbs are covered by Standard No. 108. This means that the remainder of the lighting equipment shown in your folder is subject to no Federal requirement pertaining to its importation and sale.

Federal restrictions do exist with respect to the installation of the equipment. With respect to auxiliary lighting equipment installed on a vehicle by its manufacturer or dealer (prior to initial sale as a new vehicle), the equipment must not "impair the effectiveness" of lighting equipment required by Standard No. 108. For example, the driving lamps or fog lamps must not be mounted so close to the turn signal lamps required by Standard No. 108 that they obscure or render less visible the flashing of the turn signal lamp. The criteria for making this determination are in Standard No. 108 and SAE Standard J588 NOV84 Turn Signal Lamps, incorporated by reference. Similarly, if the equipment is installed after a vehicle's initial sale, by a "manufacturer, dealer, distributor, or motor vehicle repair business," the lamps as installed must not "make inoperative" any of the required lighting equipment, such as would occur if the turn signal were obscured or its signal degraded. Standard No. 108 imposes no requirements per se for driving lamps and fog lamps. States regulate auxiliary devices in various ways. We suggest you contact the American Association of Motor Vehicle Administrators (AAMVA) for information on how to obtain State approval for these devices. Its address is 4600 Wilson Boulevard, Arlington, VA. 22203.

Standard No. 108, on the other hand, specifies requirements for backup lamps and headlamps. The sales folder does not indicate whether #816 Backup Lamp complies with Standard No. 108, but the text for the "Head Lamp Replacements and Halogen Bulbs" clearly state that "These lamps are not DOT approved." Because DOT has no authority to approve or disapprove any equipment item, we interpret this phrase as meaning that the lamps lack a DOT symbol representing its manufacturer's certification of compliance with Standard No. 108. We do not know whether the #816 Backup Lamp and the three halogen bulbs bear a certification. Certification is required for all lighting equipment regulated under Standard No. 108 imported and sold in the United States. This certification is usually in the form of the symbol "DOT" placed on the item itself. Alternatively, it may appear on the exterior of the container in which the lighting equipment is sold.

We are particularly concerned about the Head Lamp Replacements because of the desire of many people to import headlamps that comply with ECE regulations. We reiterate, any replacement headlamps imported into the United States must be certified as complying with Standard No. 108.

If you have any further questions, please call Taylor Vinson who spoke with you earlier (202-366-5263).

Sincerely,
Frank Seales, Jr.
Chief Counsel
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