

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-0268/1dn

PEN:kmg:km

September 29, 2000

Federal law preempts the manufacture and sale of motorcycle stop lamps containing the color blue. Current federal motor vehicle safety standards require the use of one red tail lamp and one red stop lamp on a motorcycle [49 CFR 571.108, Table III, rev. October 1, 1999]. When a federal motor vehicle safety standard is in effect, a state may prescribe a standard applicable to the same aspect of performance (e.g., color) of motor vehicle equipment “only if the standard is identical to the standard prescribed” under federal law or imposes a “higher performance requirement than that required by the otherwise applicable [federal] standards” [49 USC 30103 (b)]. Federal law prohibits the manufacturing, selling, and importing of motor vehicle equipment that does not comply with applicable federal standards [49 USC 30112]. Noncomplying equipment may be exempted from the standards upon application by the manufacturer, if the exemption is “necessary for research, investigations, demonstrations, training, competitive racing events, show, or display” [49 USC 30114]. A person who manufactures, sells, or imports noncomplying, nonexempt vehicle equipment may be required to forfeit \$1,000 for each violation, up to a maximum of \$800,000 [49 USC 30165 (a)]. Each item of noncomplying equipment constitutes a separate offense. I found no provision in federal law allowing the use of blue in a stop lamp.

Wisconsin law currently reserves blue lamps for use only on police vehicles as warning lights and on vehicles used by a fire department as a command post at the site of an emergency [s. 347.25 (1s) and (4), stats.]. Current Wisconsin law also prohibits the use of flashing blue lights within 100 feet of a highway if passing motorists would believe the light was a warning light of a police vehicle [s. 346.94 (14), stats.].

Minnesota allows motorcycles, or motor vehicles registered as “collector vehicles”, to display a blue light up to one inch in diameter as part of the rear brake light [Minn. Stat. 169.64 (2000), as affected by 2000 Minn. Chapter Law 293]. No other state bordering Wisconsin appears to allow the use of blue in motorcycle taillights [See, Ill. Rev. Stat., Ch. 95 1/2, para. 12-208 (1995); Ind. Code Ann. 9-19-6-17 (1994); Mich. Stat. Ann. 9.2397 (2) (1993); Minn. Stat. 169.57 (1994).]. A person operating a motorcycle registered in Wisconsin and lawfully equipped with blue stop lamps that was traveling through a bordering state (other than Minnesota) might be ticketed for violating that state’s equipment standards. Illinois requires red or amber taillights and brake lights, but allows ‘antique’ vehicles to be equipped with brake lights of a type originally installed by the manufacturer as original equipment, but only “during times when lighted lamps are not required” [625 ILCS 5/12-208 (2000)]. Michigan exempts

motor vehicles registered as “historic vehicles” (more than 25 years old and not used for general transportation) if the original lighting equipment installed by the manufacturer included a color other than red or amber [MCL 257.697 (d) (1999)].

Washington allows the taillight on any vehicle 40 or more years old to bear a blue or purple insert of not more than one inch in diameter [Wash. Rev. Code 46.37.100 (1994)]. Montana allows blue taillights on any motor vehicle manufactured before 1960 [Mont. Code Anno. 61-9-204 (1999)]; Oregon allows brake lights or turn signals on vehicles manufactured before 1959 to contain a blue or purple insert, not more than one inch in diameter, if the brake light or turn signal is combined with the taillight in a the taillight assembly [Or. Rev. Stats. 816.080, 816.100, 816.120 (1999)]. I found no reported cases involving this Washington law or these type of lights. Every other state appears to restrict lights displayed on the rear of a vehicle to red, amber or yellow.

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