

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

[West's Tennessee Code Annotated](#)

[Title 55. Motor and Other Vehicles \(Refs & Annos\)](#)

[Chapter 9. Equipment--Lighting Regulations \(Refs & Annos\)](#)

[Part 4. Lighting Regulations](#)

T. C. A. § 55-9-402
§ 55-9-402. Motor vehicles
Effective: January 1, 2018
[Currentness](#)

<Text of section effective Jan. 1, 2018. See, also, [section 55-9-402](#) effective until Jan. 1, 2018.>

(a)(1) Every motor vehicle other than a motorcycle, road roller, road machinery or farm tractor shall be equipped with at least two (2) and not more than four (4) headlights, with at least one (1) on each side of the front of the motor vehicle. No nonemergency vehicle shall operate or install emergency flashing light systems, such as strobe, wig-wag, or other flashing lights within the headlight assembly or grill area of the vehicle; provided, however, that a school bus may operate a flashing, wig-wag lighting system within the headlight assembly of the vehicle when the vehicle's visual stop signs are actuated for receiving or discharging school children.

(2) Auxiliary road lighting lamps may be used, but not more than two (2) of the lamps shall be lighted at any one (1) time in addition to the two (2) required headlights.

(3) No spotlight or auxiliary lamp shall be so aimed upon approaching another vehicle that any part of the high intensity portion of the beam therefrom is directed beyond the left side of the motor vehicle upon which the spotlight or auxiliary lamp is mounted, nor more than one hundred feet (100') ahead of the motor vehicle.

(b)(1) Every motor vehicle shall be equipped with two (2) red tail lamps and two (2) red stoplights on the rear of the vehicle, and one (1) tail lamp and one (1) stoplight shall be on each side, except that passenger cars manufactured or assembled prior to January 1, 1939, trucks manufactured or assembled prior to January 1, 1968, and motorcycles and motor-driven cycles shall have at least one (1) red tail lamp and one (1) red stoplight. No nonemergency vehicle shall operate or install emergency flashing light systems such as strobe, wig-wag, or other flashing lights in tail light lamp, stoplight area, or factory installed emergency flasher and backup light area; provided, however, that the foregoing prohibition shall not apply to the utilization of a continuously flashing light system. For the purposes of this part, "continuously flashing light system" means a brake light system in which the brake lamp pulses rapidly for no more than five (5) seconds when the brake is applied, and then converts to a continuous light as a normal brake lamp until the time that the brake is released.

(2) The stoplight shall be so arranged as to be actuated by the application of the service or foot brake and shall be capable of being seen and distinguished from a distance of one hundred feet (100') to the rear of a motor vehicle in normal daylight, but shall not project a glaring or dazzling light.

(3) The stoplight may be incorporated with the tail lamp.

(4) Motor vehicle tail light lamps may operate as following:

(A) A white backup light operates when the motor vehicle is in reverse;

(B) When the driver is in a panic stop condition going forward, the backup lamp pulses or flashes red; and

(C) Upon normal stops of the motor vehicle, there is no action by the backup light.

(c) Each lamp and stoplight required in this section shall be in good condition and operational.

(d)(1) No vehicle operated in this state shall be equipped with any flashing lights in any color or combination of colors that display to the front of the vehicle, other than factory installed emergency flashers, except as provided in this section and for the following vehicles:

(A) Motorcycle escorts of properly identified funeral processions authorized by § 55-8-183 to display green strobe flashing lights;

(B) Vehicles owned by or leased to licensed public or private security services but not personally owned vehicles of security guards may display flashing lights in any color other than red, white, or blue, or in any combination of colors other than red, white, or blue; provided, that the flashing lights authorized by this subdivision (d)(1)(B) for security services vehicles shall not be operated or illuminated while the vehicle is on a public road, in motion or stationary, and shall only be illuminated when patrolling a shopping center or mall parking lot or other private premises or if stopped in a hazardous location for the purposes of warning;

(C) A highway maintenance or utility vehicle or recovery vehicle may display flashing white or amber lights or any combination of flashing white and amber lights pursuant to subsection (e);

(D) A motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g) may display flashing red, white, blue, or amber lights or any combination of flashing red, white, blue, and amber lights; provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;

(E) A passenger motor vehicle operated by an organ procurement organization or a person under an agreement with an organ procurement organization may display flashing white or amber lights or flashing white and amber lights in combination when transporting an organ for human transplantation;

(F) A school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the governing body of any county or municipality, may display flashing red or white lights or flashing red and white lights in combination; and

(G) Authorized law enforcement vehicles and other vehicles authorized by § 55-9-414 to display flashing red, white, and blue lights in combination.

(2) Any emergency rescue vehicle owned, titled and operated by a state chartered rescue squad, a member of the Tennessee Association of Rescue Squads, privately owned vehicles of regular or volunteer firefighters certified in § 55-9-201(c), and marked with lettering at least three inches (3") in size and displayed on the left and right sides of the vehicle designating it an "Emergency Rescue Vehicle," any authorized civil defense emergency vehicle displaying the appropriate civil defense agency markings of at least three inches (3"), any ambulance or vehicle equipped to provide emergency medical services properly licensed as required in the state and displaying the proper markings, and any motor vehicle operated for purposes of an emergency equipment company pursuant to subsection (g); provided, that lights authorized by this subdivision (d)(2) for such emergency equipment company vehicle shall not be operated or illuminated while the vehicle is on a public road, whether in motion or stationary, shall also be authorized to be lighted in one (1) or more of the following manners:

(A) A red or red/white visibar type with public address system;

(B) A red or red/white oscillating type light; and

(C) Blinking red or red/white lights, front and rear.

(3) No vehicle operated in this state shall be equipped with any steady-burning lights that display to the front of the vehicle in any color other than white or amber or in any combination of colors other than white and amber, except for the following vehicles:

(A) A vehicle equipped with headlamps, daytime running lamps, or other similar devices in any color or combination of colors between white and amber authorized by the Federal Motor Vehicle Safety Standard No. 108, as adopted by the national highway traffic safety administration and compiled in 49 CFR 571.108;

(B) A motor vehicle operated for purposes of an emergency equipment company may display steady-burning red, white, blue, or amber lights, or any combination of steady-burning red, white, blue, and amber lights pursuant to subsection (g); provided, that emergency equipment company vehicles shall not display or illuminate the lights authorized by this section while the vehicle is on a public road, whether in motion or stationary;

(C) A school bus, a passenger motor vehicle operated by a rural mail carrier of the United States postal service while performing the duties of a rural mail carrier, or an emergency vehicle used in firefighting, including ambulances, emergency vehicles used in firefighting that are owned or operated by the division of forestry, firefighting vehicles, rescue vehicles, privately owned vehicles of regular or volunteer firefighters certified in § 55-9-201(c), or other emergency vehicles used in firefighting owned, operated, or subsidized by the governing body of any county or municipality, may display steady-burning red lights; and

(D) Authorized law enforcement vehicles and other vehicles listed in § 55-9-414 may display steady-burning red, white, and blue lights in combination.

(e)(1)(A) Notwithstanding any law to the contrary, nothing in this section shall prohibit a highway maintenance or utility

vehicle, or any other type vehicle or equipment participating, in any fashion, with highway or utility construction, maintenance, or inspection, from operating a white, amber, or white and amber light system on any location on the vehicle or equipment while the vehicle or equipment is parked upon, entering or leaving any highway or utility construction, maintenance, repair or inspection site.

(B) Notwithstanding any law to the contrary, a recovery vehicle designed for towing a disabled vehicle, as defined in § 55-8-132, while in the performance of duties involved with towing an abandoned, immobile, disabled or unattended motor vehicle is authorized to display an amber light that is a strobe, flashing, oscillating or revolving system or any combination of white and amber lights. Such authorized light or lights may be displayed on any location on the vehicle or equipment, other than within the headlight assembly or grill area of the vehicle, in the tail light lamp or stoplight area, or factory installed emergency flasher and backup light area.

(C) Notwithstanding any law to the contrary, an implement of husbandry, as defined in § 55-1-108, and a vehicle used to escort an implement of husbandry is authorized to display a white, amber, or white and amber light system on any location on the implement of husbandry or escort vehicle while the implement or vehicle is on a public road, whether in motion or stationary.

(2) As used in this subsection (e), “utility” means any person, municipality, county, metropolitan government, cooperative, board, commission, district, or any entity created or authorized by public act, private act, or general law to provide electricity, natural gas, water, waste water services, telephone service, or any combination thereof, for sale to consumers in any particular service area.

(3) As used in subdivision (e)(2), “cooperative” means any cooperative providing utility services including, but not limited to, electric or telephone services, or both.

(4) Nothing in this subsection (e) imposes any duty or obligation to install or utilize the lighting systems allowed in this section.

(f) Notwithstanding any law to the contrary, nothing in this section shall prohibit a motor vehicle used for the driver education and training course for Class D vehicles as provided by § 55-50-322(f) from operating an amber light-emitting diode (LED) light system on the front and rear of such vehicle other than in the taillight lamp, stoplight area, or factory-installed emergency flasher and backup light area. The amber light-emitting diode light system shall not be placed in the driver’s line of sight. Nothing in this subsection (f) imposes any duty or obligation to install or utilize the lighting system allowed in this subsection (f).

(g)(1) The prohibitions in subdivisions (a)(1) and (b)(1), and subsection (d) do not apply to any privately-owned motor vehicle that is primarily operated for business purposes by any salesperson, service representative, employee, lessee, or duly authorized agent of an emergency equipment company; provided, that the vehicle is marked with the lettering required by subdivision (g)(3).

(2) Any person operating a motor vehicle pursuant to this subsection (g) shall carry a copy of the company’s business license or the person’s or owner of the company’s professional or occupational license, certification or registration issued by this state and appropriate identification issued by the owner of the company.

(3) Lettering shall be displayed on the left and right sides of the vehicle identifying the name of the company for which the

vehicle is operated and on the front and rear of the vehicle designating it a “Demonstration Vehicle.” The lettering shall be painted or affixed on, or attached to, the vehicle in a permanent manner, and shall be at least three inches (3”) in size.

(4) Nothing in this subsection (g) imposes any duty or obligation on a manufacturer of motor vehicles used by or sold to emergency equipment companies to install, maintain or exhibit the lighting system allowed in this subsection (g) at the time of manufacture or sale.

(5) Nothing in this subsection (g) shall be construed to permit the operator of an emergency equipment company vehicle from operating any lighting equipment authorized by this subsection (g) while the vehicle is on a public road, whether in motion or stationary.

(6) As used in this section, “emergency equipment company” or “company” means any entity licensed as required by this state to sell or repair lighting equipment designed for use on motor vehicles that are operated for authorized law enforcement, emergency response, or other public safety activities.

(h) A violation of this section is a Class C misdemeanor.

Credits

1931 Pub.Acts, c. 82, § 15; 1937 Pub.Acts, c. 245, § 5; 1941 Pub.Acts, c. 121, § 1; 1957 Pub.Acts, c. 51, § 1; 1969 Pub.Acts, c. 40, § 1; 1970 Pub.Acts, c. 598, § 1; 1975 Pub.Acts, c. 342, § 1; 1981 Pub.Acts, c. 111, §§ 1, 2; 1982 Pub.Acts, c. 850, § 3; 1989 Pub.Acts, c. 173, §§ 2, 3; 1989 Pub.Acts, c. 591, § 113; 1991 Pub.Acts, c. 221, § 1; 1997 Pub.Acts, c. 299, §§ 1 to 5, eff. July 1, 1997; 2003 Pub.Acts, c. 67, § 1, eff. July 1, 2003; 2004 Pub.Acts, c. 474, § 1, eff. April 5, 2004; 2005 Pub.Acts, c. 154, §§ 1 to 4, eff. May 9, 2005; 2006 Pub.Acts, c. 584, §§ 1, 2, eff. July 1, 2006; 2008 Pub.Acts, c. 967, § 2, eff. May 19, 2008; 2010 Pub.Acts, c. 938, § 1, eff. May 26, 2010; 2011 Pub.Acts, c. 137, §§ 1, 2, eff. July 1, 2011; 2012 Pub.Acts, c. 733, §§ 1 to 3, eff. April 16, 2012; 2014 Pub.Acts, c. 710, §§ 2 to 5, eff. July 1, 2014; 2017 Pub.Acts, c. 378, §§ 1 to 3, eff. Jan. 1, 2018.

Formerly 1950 Code Supp., § 2700.16; Williams’ Code, § 2695; § 59-905.

Notes of Decisions (16)

T. C. A. § 55-9-402, TN ST § 55-9-402

Current through end of the 2017 First Regular Session of the 110th Tennessee General Assembly.
