

**STATE OF TENNESSEE**

OFFICE OF THE  
**ATTORNEY GENERAL**  
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December 15, 2004

Opinion No. 04-170

Lights on Motor Vehicles

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**QUESTIONS**

1. May a vehicle display continuously burning blue lights (either tinted or colored) as fog lights or any sort of additional light on a vehicle?
2. Does a violation occur if such lights are “flashed” as opposed to continuous operation with headlights?
3. Does Tenn. Code Ann. § 55-9-402 prohibit any passenger vehicle from displaying any red or blue color or tinted light?

**OPINIONS**

1. State law permits a vehicle to have auxiliary lamps, but only two such lamps may be lit in addition to two required headlights. The statute does not expressly prohibit the use of continuously burning blue lights. But under Tenn. Code Ann. § 55-9-402(d)(3), only law enforcement vehicles may display red, white, and blue lights in combination. Since rear lights must be red, this statute, therefore, forbids the use of blue lights if the motor vehicle’s required headlights are white. These statutes do not address blue tinted lights. But we think the prohibition would extend to any light that is identifiably blue in color, whether or not characterized as merely “tinted.”
2. With a few narrowly drawn statutory exceptions, flashing lights of any color are generally prohibited on motor vehicles.
3. Tenn. Code Ann. § 55-9-402(b)(1) expressly requires every vehicle to have red tail lamps and red stoplights on the rear of the vehicle. Under Tenn. Code Ann. § 55-9-402(d)(1), only specified vehicles may be equipped with a combination of red or white lights that display to the front of the vehicle. As discussed above, the same statute prohibits the use of red, white, and blue lights in any combination. If, as is usually the case, the headlights are white, then most vehicles are prohibited from displaying a blue light anywhere or a red light on the front. The statute does not address tinted lights. But we think the prohibition would extend to any light that is identifiably red or blue in color, whether or not characterized as merely “tinted.”

## ANALYSIS

### 1. Continuously Burning Blue Lights

This opinion concerns the number and kind of lights that motor vehicles may display under Tennessee law. The first question is whether a vehicle may display continuously burning blue lights (either tinted or colored) as fog lights or any sort of additional light on a vehicle. Tenn Code Ann § 55-9-402 addresses lights required on motor vehicles. Subsection (a) of the statute concerns headlights. Under subdivision (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.” The statute also provides that “[n]o non-emergency 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.” Subdivision (a)(2) provides that “[a]uxiliary road lighting lamps may be used, but not more than two (2) of such lamps shall be lighted at any one (1) time in addition to the two (2) required headlights.”

Subsection (b) of the statute concerns lights on the rear of the car. Under subdivision (b)(1), every motor vehicle must be equipped with “two (2) red tail lamps and two (2) red stoplights on the rear of such vehicle, and one (1) tail lamp and one (1) stoplight shall be on each side.” Passenger cars manufactured or assembled before January 1, 1939, trucks manufactured or assembled before January 1, 1968, and motorcycles and motor-driven cycles must have at least one red tail lamp and one red stoplight. The statute provides that “[n]o non-emergency 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.” Tenn. Code Ann. § 55-9-402(b)(1).

Subsection (d) of the statute addresses lights displayed by emergency or other authorized vehicles. Subdivision (1) provides:

No vehicle operated in this state shall be equipped with any flashing red or white light *or any combination of red or white lights which displays to the front of such vehicle* except school buses, 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, authorized law enforcement vehicles only when used in combination with a flashing blue light, and emergency vehicles used in firefighting, including ambulances, emergency vehicles used in firefighting which 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.

(Emphasis added). Under subdivision (2), certain rescue vehicles may display a red or red/white visibar type lighting with a public address system; a red or red/white oscillating type light; and blinking red or red/white lights, front and rear. Subdivision (3) provides:

Any vehicle, other than 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 authorized by this section to display flashing red or red/white lights, or authorized law enforcement vehicles using *red, white, and blue lights in combination*, which displays any such lights shall be considered in violation of this provision.

(Emphasis added). The statute was recently amended to allow highway maintenance and utility vehicles to display flashing white or amber lights while engaged in repair or maintenance work on or near a public highway. 2004 Tenn. Pub. Acts Ch. 474.

The statute, therefore, does not explicitly prohibit the use of a blue fog light. But, under Tenn. Code Ann. § 55-9-402(d)(3), only authorized law enforcement vehicles may use red, white, and blue lights in combination. Rear lights must be red. Assuming that the required headlights are white, we conclude that the statute would prohibit the use of blue lights anywhere on the vehicle.

Subdivision (d)(3) of the statute was included in 1997 amendments to the statute. 1997 Tenn. Pub. Acts Ch. 299. When he explained the bill to the Senate Transportation Committee, Senator Dixon, who sponsored the bill, stated its purpose as follows:

[The bill will] make sure that any of these private security companies cannot use lights that are basically associated with emergency vehicles; that's blue lights or red lights or any combination thereof. They can use whatever other colors they want to use, but this is to make sure that people who've been sensitized that red is a firetruck, blue is a police car, that's what it does. . . .

Senate Transportation Committee (May 5, 1997) (remarks of Senator Dixon).

The statute does not address blue tinted lights. But we think that the prohibition on blue lights would extend to any light that is identifiably blue in color, whether or not characterized as merely "tinted."

## 2. Flashing Blue Lights

The next question is whether the use of flashing blue lights on a motor vehicle would violate state law. As discussed above, flashing lights on motor vehicles are generally prohibited except for a few narrowly drawn statutory exceptions. Tenn. Code Ann. § 55-9-402(a)(1); 55-9-402(b)(1). In addition, blue flashing emergency lights may only be used by law enforcement officers in accordance with Tenn. Code Ann. § 55-9-414.

### 3. Use of Red or Blue Colored or Tinted Lights

The last question is whether Tenn. Code Ann. § 55-9-402 prohibits any passenger vehicle from displaying any red or blue colored or tinted light. This statute expressly requires every vehicle to have red tail lamps and red stoplights on the rear of the vehicle. Tenn. Code Ann. § 55-9-402(b)(1). Under Tenn. Code Ann. § 55-9-402(d)(1), only specified vehicles may be equipped with a combination of red or white lights that display to the front of the vehicle. As discussed above, the same statute prohibits the use of red, white, and blue lights in any combination. If, as is usually the case, the headlights are white, then most vehicles are prohibited from displaying a blue light anywhere, or a red light on the front. The statute does not address tinted lights. But we think the prohibition would extend to any light that is identifiably red or blue in color, whether or not characterized as merely “tinted.”

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