

540 CMR: REGISTRY OF MOTOR VEHICLES

540 CMR 22.00: MISCELLANEOUS MOTOR VEHICLE AND TRAILER EQUIPMENT AND OPERATIONS REQUIREMENTS

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22.01: Scope and Purpose

540 CMR 22.00 establishes certain miscellaneous equipment and operation standards in accordance with various provisions of M.G.L. c. 90, §§ 7, 7E, 7H, 31, and M.G.L. c. 111, § 142K.

22.02: Display of Reflectorized License Plates

(1) No person shall cover a number plate issued by the Registrar of Motor Vehicles with any glass, plastic or similar material if it reduces the legibility or substantially diminishes the reflective qualities of such plate. A number plate which is so covered shall be deemed not to be maintained in good order, and in violation of the provisions of M.G.L. c. 90, § 6.

(2) Nothing contained in 540 CMR 22.02 shall prohibit the use of any plate frame or border so long as it does not obscure in any manner the register number or any other words, symbols or numbers on the number plate.

22.03: Minimum Standards for Brake Lining for Motor Vehicles

No person shall sell, offer for sale, distribute or install brake linings or brake pads for use on motor vehicles unless they comply with Vehicle Equipment Safety Commission Regulations VESC-3.

22.04: Minimum Standards for Construction and Performance of Headlamps and Other Lighting Equipment

The Federal Regulations, 49 CFR part 571.108, as enacted and from time to time amended, are herein incorporated by reference as the regulations of the Registry of Motor Vehicles governing the standards for the construction and performance of headlamps and other lighting equipment for the purposes of complying with the provisions of M.G.L. c. 90.

22.05: Operation of Headlamps on Motor Vehicles

(1) If there is not sufficient light within the traveled portion of the highway to make clearly visible all substantial objects within a distance of at least 350 feet, no motor vehicle shall be operated unless it is equipped with two lighted headlamps of approximately equal candle power which throw sufficient light ahead to make clearly visible all substantial objects upon the roadway within a distance of 115 feet.

(2) Whenever there is sufficient light within the traveled portion of the highway to make clearly visible all substantial objects for a distance of 350 feet, and whenever the operator of a vehicle approaches an oncoming vehicle within 500 feet, the operator shall regulate the headlamps so that no dangerous or dazzling light shall rise to a height greater than 42 inches above a surface of uniform grade, when measured 75 feet or more ahead of the lamps.

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(3) Whenever reflection from fog, snow or other atmospheric conditions make it impossible for the operator of a motor vehicle to see clearly substantial objects for the prescribed distances, the headlamps may be regulated as to give the driver the maximum visibility under the circumstances and, for this purpose, auxiliary headlamps may be used in conjunction with, or in place of the headlamps otherwise required.

(4) The operator of a motor vehicle shall permit any police officer or motor vehicle investigator and examiner to inspect and test the head lighting equipment of such motor vehicle to determine compliance with the provisions of M.G.L. c. 90, § 7 and 540 CMR 22.05.

(5) No person shall activate any device which would direct headlamps or auxiliary headlamps to flash in an alternating on-off manner. Nothing in 540 CMR 22.05(5) shall prohibit any official vehicle owned, leased or operated for official business by any governmental department, department of the Commonwealth or its political subdivisions, county, city or town, a private ambulance service or a call fire department, permitted pursuant to M.G.L. c. 90, § 7E, from displaying such flashing headlamps for the benefit of public safety.

(6) The Registrar may require the removal of any such device upon written request of the Chief of Police or Fire Departments from any city or town where such equipped vehicle is registered.

22.06: Mounting and Display of Amber and Other Colored Lights

(1) No person shall mount or display a flashing, rotating or oscillating amber light on a motor vehicle operated on the way, except as provided in 540 CMR 22.06.

(2) Flashing, rotating or oscillating amber light(s) may be mounted and displayed on:

- (a) motor vehicles used for emergency or service purposes operated by members or employees of an auxiliary police force, charitable organizations, private burglar alarm companies, private detective and private security agencies, agencies of the Commonwealth or its political subdivisions, persons and garages providing motorists assistance services or towing services, public and private utility companies for emergency or service purposes, persons and companies that are transporting human blood or organs for emergency purposes, oxygen, explosives or other hazardous materials;
- (b) motor vehicles that have the owner's name displayed so as to be plainly visible from each side or from the front and rear of the motor vehicle, and which are actually engaged in the performance of a service, public or private, where the display of such lights would be in the best interest of public safety; and
- (c) such other motor vehicles as authorized by written permit of the Registrar, which shall be carried by the operator upon his or her person or in the vehicle in some easily accessible place.

No person shall mount or display any flashing, rotating or oscillating light of any color other than amber, except blue and red lights as provided in M.G.L. c. 90, § 7E, unless by written permit of the Registrar, which shall be carried by the operator upon his or her person or in the vehicle, in some easily accessible place.

(3) The Registrar may order the removal of any colored light, including amber, at any time he deems necessary, upon written notice to the registrant, with a copy to the chief of police where said motor vehicle is principally garaged. Any registrant so notified, who fails to remove such colored lights, and who operates or permits the operation of such lights on the public way, shall be in violation of the Registrar's rules and regulations as provided in M.G.L. c. 90, §20.

(4) For purposes of 540 CMR 2.06, the following are not considered flashing, rotating or oscillating lights as restricted by M.G.L. c. 90, § 7 and do not require a permit to be issued by the Registrar:

- (a) a flashing strobe light stop signal arm attached to a school bus in compliance with 49 CFR Part 571; or
- (b) a modulating motorcycle headlight mounted and operated on a motorcycle, in compliance with Federal Motor Vehicle Safety Standard # 108, 49 CFR 571.108.

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22.07: Mounting and Display of other Aftermarket Lighting

No person shall mount or display any lighting device which does not comply with Federal Motor Vehicle Safety Regulations, 49 CFR Part 571, unless specifically allowed by M.G.L. c. 90, §7. Such prohibited devices shall include, but not be limited to, neon undercarriage lighting.

22.08: Protective Headgear for Motorcycle Operators and Passengers

Every operator or passenger on a motorcycle or motorized bicycle, including a passenger in a sidecar, shall wear a helmet, with a suitable retaining device in position, designed and manufactured to protect at least the area of the wearer's head above a reference plane 2.36 inches (60mm.) above and parallel to a plane defined by the level of the external ear openings and the lower rim of the eye openings.

Each such helmet shall meet or exceed the standards established in the United States Department of Transportation's Federal Motor Vehicle Safety Standard No. 218, 49 CFR 571.218 for motorcycle helmets as enacted and from time to time amended.

22.09: Use and Installation of Anti-Theft Alarm Devices on Motor Vehicles and Trailers

Anti-theft devices which have sirens as a means of sounding an alarm may be used on motor vehicles or trailers registered or operated within the Commonwealth, provided that no siren may be mounted on the outside of any motor vehicle or trailer or otherwise used except in accordance with the provisions of M.G.L. c. 90, §§ 16 and 7I.

22.10: Use of Safety Chains While Towing a Trailer

Except for motor vehicles and trailers which must comply with the federal requirements referenced in 540 CMR 14.00, when any vehicle is used to tow a trailer on the ways of the Commonwealth, two safety chains shall connect the trailer and the towing vehicle, one on each side of the central trailer hitch. One end of each chain shall be securely attached to the towing vehicle and the other end securely attached to the trailer in such a manner as to control the direction of travel of the trailer and prevent the tow bar dropping to the ground in the event the coupling fails. Each chain with its means of attachment shall be entirely independent of the other chain or of the coupling and shall have an ultimate strength at least equal to the gross weight of the trailer and its load. The chains shall not be permitted to drag on the ground and shall have no more slack than is necessary to allow proper turning of the vehicles.

22.11: Distinctive Slow-Moving Vehicle Emblem

(1) For the purposes of compliance with the provisions of M.G.L. c. 90, § 7 relative to slow moving vehicle emblems, the Society of Automotive Engineers, document SAE-J943A, as written and from time to time amended, is hereby incorporated by reference as the regulations of the Registry of Motor Vehicles.

(2) The emblem shall be securely mounted on the back of the vehicle with broad base down facing squarely to the rear of said vehicle. It shall be located as near to the center of the vehicle as possible, with the bottom of the emblem from three to five feet above the ground, and shall be kept clean.

22.12: Manufacturer Certification of Compliance with Massachusetts Emissions Standards

(1) Every manufacturer who delivers a passenger motor vehicle or a light duty truck to a dealer for either sale or registration in the Commonwealth shall clearly certify that said motor vehicle complies with the requirements of M.G.L. c. 111, § 142K or any regulation of the Department of Environmental Protection pursuant to that chapter.

(2) The certification may be satisfied by the manufacturer's written notice, on the face of the certificate of origin, in reasonably understandable language, that the subject motor vehicle complies with either the California or Massachusetts emissions requirements or is legally exempt. Another certification format or process may be used if approved by the Registrar.

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(3) A "passenger motor vehicle" as used in 540 CMR 22.12, shall not include a motorcycle as defined in M.G.L. c. 90, §1. A "light duty truck," as used in 540 CMR 22.12 shall be defined as any motor vehicle rated at 6,000 pounds gross vehicle weight or less, which is designed primarily for the purpose of the transportation of property or is a derivative of such a vehicle, or is available with special features enabling off-street or off-highway operation and use.

REGULATORY AUTHORITY

540 CMR 22.00: M.G.L. c. 90, §§ 7, 7E, 7H1 31; c. 11, § 142K.