

Mark Baker
1520 E. Covell Blvd. Suite 5-467
Davis, CA 95616
mbaker@moonlightadvocacy.org
April 12, 2026

VIA EMAIL

Office of Vehicle Safety Compliance
National Highway Traffic Safety Administration
ovscpublic@dot.gov

**FORMAL COMPLAINT: VIOLATION OF 49 U.S.C. § 30122 (MAKE INOPERATIVE)
AND NON-COMPLIANCE WITH FMVSS NO. 108**

Dear Office of Vehicle Safety Compliance,

I. Introduction and Legal Basis for This Notice

I am writing to formally notify the Office of Vehicle Safety Compliance (OVSC) of unauthorized installation of auxiliary vehicle flashing lights by third-party vendor Lehr Upfitters Opco, LLC (Lehr) and the City of Woodland, California (the “City”), in violation of 49 C.F.R § 571.108(S6.2.1), 49 U.S.C. § 30122, and 28 C.F.R. § 35.160.

II. NHTSA Steady Burning Requirement

Under 49 C.F.R § 571.108(S6.2.1), the National Highway Traffic Safety Administration (NHTSA) requires that any auxiliary lamp not impair the effectiveness of federally mandated lighting equipment. In multiple Letters of Interpretation, NHTSA has made clear that any auxiliary warning lamp must be “steady burning.” (See December 13, 2024, NCC-241023-001TSEI-TIMA and June 27, 2024, NCC-231121-001). NHTSA writes, “Therefore, because the ‘emergency warning lights’ are not steady burning, they would not comply with FMVSS No. 108 and would impair required lighting.” The reason for this restriction on auxiliary lamps is due to 100 years of research showing that flashing lights impair vision, increase reaction times, and may trigger seizures, migraines, or panic attacks.

III. The Make Inoperative Prohibition for Third Parties

Under 49 U.S.C. § 30122, NHTSA prohibits third party vendors from installing auxiliary warning lamps that are not steady-burning. NHTSA writes, “Further, because ‘emergency warning lights’ would impair the effectiveness of required lamps, NHTSA has also determined that entities listed in § 30122 of the Safety Act that install “emergency warning lights” on new or used vehicles would violate the “make inoperative” provision of the Act.”

IV. Financial Penalty

The maximum penalty under 49 C.F.R § 578.6 is \$27,874 per violation, with a maximum total penalty of \$139,356,994.

V. Americans with Disabilities Act - Communications

28 C.F.R. § 35.160 requires that all communications be just as effective with individuals with disabilities as with others. Documentation submitted to the U.S. Food and Drug Administration shows that auxiliary vehicle flashing warning lamps have triggered epileptic seizures, migraine headaches, and panic attacks in individuals with neurological disabilities. Therefore, the use of auxiliary flashing warning lamps is a violation of 28 C.F.R. § 35.160.

VI. Violation

The City has contracted with Lehr to install auxiliary emergency warning lamps, in violation of 49 C.F.R § 571.108(S6.2.1), 49 U.S.C. § 30122, and 28 C.F.R. § 35.160. Attached as EXHIBIT A is just one example of an invoice submitted by Lehr to the City for a DUAL AVENGER II SOLO which is a product by Whelen Engineering that uses high-intensity flashing Light Emitting Diodes (LED), which are prohibited by NHTSA's steady-burning requirement. (EXHIBIT B.)

VII. Request for Investigation

I request an investigation by the OVSC into the City of Woodland and Lehr related to installation and operation of non-steady burning auxiliary vehicle warning lamps.

Sincerely,

/s/ Mark Baker

EXHIBIT A



REQ# 013012

Sales Quote

Page: 1

4707 Northgate Blvd Sacramento, CA 95834
Phone: 916-646-6626 Fax: 916-646-6656

Quote Number: 21839
Document Date: 1/22/2020
Terms: Net 30
Payment Method:

Sell City of Woodland
To: Carrie
300 First Street
Woodland, CA 95695
Phone: 530-661-5847

Ship Woodland City Public Works
To: 655 North Pioneer Ave.
Woodland, CA 95776
USA
Phone:

Ship Via Ship from Warehouse
Location: Lehr - Sacramento
Blanket PO:

Customer ID 70175
SalesPerson Steve Adair

Vehicle Information:

2020 TOYOTA RAV-4, Unit: 918

Item No.	Description	Category	Quantity	Unit Price	Total Price
AVC21AA	DUAL AVENGER II SOLO AMB/AMB	WHELEN	1	249.20	249.20
TAM83	TRAFFIC ADVISOR 8 LAMP TIR3 SUPER LED	WHELEN	1	627.20	627.20
AVBKT5D	DUAL VISOR MNT	WHELEN	1	17.85	17.85
F	Shipping Charges	OTHER	1	25.00	25.00
C-FP-1	FACE PLATE 1"	HAVIS	2	9.52	19.04
I	INSTALLATION CHARGES	LABOR	1	475.00	475.00
INSTALL	INSTALL MATERIALS	OTHER	1	65.00	65.00

Amount Subject to Sales Tax 1453.29
Amount Exempt from Sales Tax 25.00

Subtotal: \$1,478.29
Total Sales Tax: \$116.26

Total: \$1,594.55

EXHIBIT B



Find A Distributor

All Products > Lightbars > Interior-Mounted Lights > Avenger® II

LIGHTBARS

Avenger® II



LIGHTBARS

Avenger® II

Compact, versatile, and powerful, the Whelen Avenger® II is the perfect lighting solution for a variety of emergency and service vehicles. Featuring Whelen's advanced Super-LED® technology, it delivers superior visibility in a compact housing, making it ideal for use in police, fire, and EMS vehicles as well as utility service trucks. The Avenger II is designed for easy mounting on the windshield or rear deck, providing a sleek yet highly effective warning light that can be deployed in various situations.




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Features

- Universal swivel bracket with three suction cups will fit the contour of any windshield or can be used for permanent mount
- Combination Linear/TIR optics provide high intensity warning and illumination and a smaller profile maximizes space for optimal versatility.
- Compact and inconspicuous design
- Simple to transfer from vehicle to vehicle

[Specs](#)
[Dimensions](#)
[Models](#)
[Documentation](#)

Specifications

Please note: Not all specifications will apply to every model. Consult your sales representative to confirm specs.

Optics	Combination Linear/TIR™ Super-LED®: SOLO™, DUO™, and TRIO™ models available
Technology	SmartLED®: Self-contained electronics power and flash LEDs without the need for external flashers, ballasts, or power supplies. Scan-Lock™: Advanced flash pattern control
Flash Patterns	Single Lamp Models: 26 Scan-Lock™ flash patterns Dual Lamp Models: 55 Scan-Lock™ flash patterns
Control	SmartLED or Steady




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BRACKET, OR VISOR MOUNTING BRACKET

Construction

Black Polycarbonate Housing

Conformal Coated Electronics: Environmental, moisture, and vibration resistance

100% Solid-State Electronics

Mounting

Suction Cup

Included Cables & Hardware

10' (3.05 m) Cigar Cord or 18 AWG 9" (22.86 cm) Pigtail

Cigar Cord includes built-in On/Off and Scan-Lock™ pattern control switches

Certifications
SAE Standards

SAE Class 1

SAE J595

SAE K845

Emergency Vehicle Standards

NFPA 1900 Contributor

Regulatory Compliance

CA Title 13

R10

Warranty

5-year

Please see our warranty statement for more information [here](#).

Voltage

12 VDC

Amps

Single Lamp: 0.4 (avg.)

Size
Single Unit

Width: 6.50" (16.51 cm)

Height: 1.75" (4.45 cm)

Depth: 4.50" (11.43 cm)

Dual Unit

Width: 10.20" (25.91 cm)

Height: 1.75" (4.45 cm)

Depth: 4.50" (11.43 cm)

Adjustable Mounting Bracket (All Models)

Height: 1.60" (4.06 cm) to 2.90" (7.37 cm)


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