



March 09, 2020

Chief Counsel  
National Highway Traffic Safety Administration, W41-326  
U.S. Department of Transportation  
1200 New Jersey Avenue, SE  
Washington, DC 20590

Request for Interpretation of NHTSA Statutes and Regulations

Specific Question:

Is there a regulation in regards to size or reflective coloring for a distress flag to signal for a medical emergency to be used by a motorist in a disabled vehicle?

Purpose of our product, Distress Bandanna:

The Distress Bandanna is a distress flag to be used if a stranded motorist is in immediate distress, needs immediate help or is having a medical emergency. The stranded motorist having a medical emergency just stays in their car to use it. They hang it out their window or snug it to their side mirror while they stay in their car and remove it while they stay in their car. The Distress Bandanna is designed to catch the attention of emergency service providers on the road or a passerby can call 911. The Distress Bandanna is designed for light vehicles and motorcycles that have a gross vehicle weight rating (GVWR) less than 10,000 pounds. It is by no means a warning device.

I received the following response to my question from the NHTSA Compliance Assistance Unit:

Thank you for your email.

Based on your website and your description below, we understand your product to be a square piece of reflective white cloth with an orange triangle in one corner, which is designed to be attached to the side of a disabled vehicle to catch the attention of emergency service providers on the road.

NHTSA has issued Federal Motor Vehicle Safety Standard (FMVSS) No. 125, "Warning devices," but the standard only applies to warning devices "that are designed to be carried in buses and trucks that have a gross vehicle weight rating (GVWR) greater than 10,000 pounds." Here is a link to a copy of the standard. As it appears from your website that your product is designed for light vehicles and motorcycles, FMVSS No. 125 does not apply to it. Please note that, based on the photographs on your website, we do not believe your product would comply with FMVSS No. 125, so you should not offer your product for sale as a warning device for buses and trucks with a GVWR of greater than 10,000 pounds.

Sincerely,

NHTSA Compliance Assistance Program  
Office of Chief Counsel

Additionally, I spoke to Marcus Price, Daniel Koblenz and David Jasinski.

In closing, please let us know if there is a regulation in regards to size or reflective coloring for a distress flag to signal for a medical emergency to be used by a motorist in a disabled vehicle.

Thank you,



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