

# MAINE STATE LEGISLATURE

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STATE OF MAINE

ONE HUNDRED AND EIGHTH LEGISLATURE

COMMITTEE ON TRANSPORTATION

December 6, 1978

Representative John L. Martin, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333

Dear Speaker Martin,

In accordance with the directive of the Legislative Council, directing the Committee on Transportation to study the motor vehicle inspection program in Maine, we enclose herein the final report of the Committee.

Respectfully submitted,

A handwritten signature in cursive script that reads "Edwin H. Greeley".

Edwin H. Greeley  
Senate Chairman, Transportation Committee

A handwritten signature in cursive script that reads "George A. Carroll".

George A. Carroll  
House Chairman, Transportation Committee

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TP/sym

REPORT OF THE COMMITTEE  
ON TRANSPORTATION  
ON ITS STUDY OF  
THE MOTOR VEHICLE INSPECTION PROGRAM IN MAINE

Senate

Edwin H. Greely  
Cecil H. McNally  
Carroll E. Minkowsky

House

George A. Carroll  
Emile Jacques  
John W. Jensen  
Kenneth C. Brown  
James P. Elias  
Richard E. McKean  
Donald A. Strout  
Frederick B. Lunt  
Marjorie C. Hutchings  
Lloyd Littlefield

Ted Potter  
Legislative Assistant

December 6, 1978

JOINT STANDING COMMITTEE ON TRANSPORTATION  
MOTOR VEHICLE INSPECTION

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## INTRODUCTION

On April 27, 1978, the Legislative Council authorized the Joint Standing Committee on Transportation to study the motor vehicle inspection law. The issue arose as a result of recent changes in motor vehicle inspection which has caused much concern for many people.

As a result of the Council's decision, the Committee on Transportation studied the Maine motor vehicle inspection program, researched motor vehicle inspection programs in other states, conducted a motor vehicle inspection survey of the 50 states, and held 3 public hearings in different parts of the State. The Committee attempted to determine the effectiveness of motor vehicle inspection, in general; the effectiveness of motor vehicle inspection in Maine; and the means by which motor vehicle inspection in the State could be made less complicated and more effective and convenient.

FINDINGS OF THE MAJORITY OF THE  
COMMITTEE ON TRANSPORTATION

Senator Edwin Greeley  
Senator Cecil McNally  
Senator Carroll Minkowsky

Representative Majorie Hutchings  
Representative John Jensen  
Representative Lloyd Littlefield  
Representative Frederick Lunt  
Representative Richard McKean  
Representative Donald Strout

1. The effectiveness of Maine's motor vehicle inspection program is seriously jeopardized by the extent of the rules and regulations defining the inspection program, vague and insufficient guidelines in the motor vehicle inspection statute, inadequate penalties for motorists who alter their vehicle in violation of the law, and inadequate vehicle inspection fees.

A. The rules and regulations pertaining to motor vehicle inspection which have been promulgated by the Chief of the State Police create a very extensive vehicle inspection procedure. The inspection requires a minimum of 30 minutes to conduct. The cost of the equipment, the length of time necessary to conduct the inspection, and the low inspection fee are causing inspection station owners to consider terminating inspection services.

B. A number of provisions of the rules and regulations pertaining to motor vehicle inspection are vague or inadequate which reduces the effectiveness of inspection. For example, the regulation pertaining to tire tread is very confusing. The regulation can be interpreted to permit vehicles to operate with defective tires.

Another example of a confusing regulation concerns rust. Motor vehicle inspectors are in a quandry as to whether surface rust and holes in fenders are causes for rejection.

C. The \$2.00 fee for an inspection is inadequate for many inspection station owners because it does not cover the cost of the inspection. During the winter months, the heat loss from opening and closing the station door is nearly as costly as the inspection fee. In addition, inspection work at some stations significantly reduces the amount of time to do vehicle repairs which are much more lucrative than inspections and are necessary to the economic survival of the station.

D. A number of motor vehicle operators, following an inspection, alter their vehicles in violation of the inspection law. Some vehicle owners borrow tires, change equipment, etc., to pass inspection. After the inspection, the old, worn tires are mounted on the vehicle. In addition, some vehicle owners mount over-wide tires, install shackles, etc., following an inspection, and the vehicle is unsafe to operate. At least 3 motor vehicle fatalities in Maine have been the result of defective vehicles.

2. The statute by which the motor vehicle inspection program operates is too vague, and requires the Chief of the State Police to establish standards that should be incorporated within the statute.

A. The motor vehicle inspection law lists the equipment subject to inspection and requires the equipment to be sufficient and in proper adjustment. The Chief of the State Police is directed by statute to issue rules and regulations that define the sufficiency and proper adjustment of all motor vehicle equipment. In addition, the Chief of the State Police is empowered to establish the procedure by which inspection stations and mechanics are selected and certified without any statutory criteria as a basic guide to the creation of the procedure.

3. Many State Police officers who are required to enforce the inspection law as it relates to inspection stations and mechanics lack a general and basic understanding of motor vehicle equipment. As a result, state police officers are unable to detect in some types of vehicle equipment, and the officers cannot enforce the law against inspectors who permit this faulty equipment to pass inspection.

4. Rust is a very serious problem with respect to motor vehicles registered and operated in Maine, particularly during the winter months. As a result of this problem, semi-annual inspection is necessary to detect holes within the trunk, passenger compartment, and frame.

RECOMMENDATIONS OF THE MAJORITY OF THE  
COMMITTEE ON TRANSPORTATION

Senator Edwin Greeley	Representative Majorie Hutchings
Senator Cecil McNally	Representative John Jensen
Senator Carroll Minkowsky	Representative Lloyd Littlefield
	Representative Frederick Lunt
	Representative Richard McKean
	Representative Donald Strout

The majority of the Committee on Transportation recommends that:

1. A committee composed of representatives of the State Police, motor vehicle inspectors (mechanics), and the general public and two legislators revise the motor vehicle inspection law. The revised motor vehicle inspection law should include the following:
  - A. minimum standards that motor vehicle equipment must meet
  - B. definitions of defective vehicles
  - C. criteria by which inspection stations and mechanics are selected and certified
  - D. penalties for altering a vehicle in violation of the inspection law
  - E. a requirement that the State Police Training Academy provide a general and basic course pertaining to motor vehicle equipment for the purpose of identifying defective equipment.
2. The inspection procedure be revised to permit inspectors to conduct a concise inspection in an efficient manner without the use of exorbitantly expensive equipment.
3. Semi-annual motor vehicle inspection continue as a means of preventing vehicles from becoming unsafe as a result of rust.
4. Motor vehicle inspection mechanics be certified every 5 years.



FINDINGS OF THE MINORITY OF THE  
COMMITTEE ON TRANSPORTATION

Representative Kenneth Brown  
Representative James Elias

Representative George Carroll  
Representative Emile Jacques

1. The current motor vehicle inspection program is administered and enforced contrary to the intent of the State Legislature. Not only does the vehicle inspection program create a serious hardship for motor vehicle owners, it also creates an unnecessary and severe burden for inspection station owners.

A. The motor vehicle inspection law establishes a very general and vague standard that requires motor vehicle equipment to be sufficient and in proper adjustment. The Chief of the State Police is empowered to promulgate rules and regulations which establish specific standards for motor vehicle equipment and an inspection procedure. The specific standards and the inspection procedure create an inspection program that no Maine Legislature ever intended.

1) For example, the vehicle inspection program requires motor vehicle inspectors to pass a written test every 5 years to be certified as an inspector regardless of the inspector's experience and past record. In addition, these rules and regulations define vehicle defects that are not directly related to vehicle safety, require inspection station owners to purchase very expensive equipment, and provide enforcement procedures that include entrapment.

2) Enforcement of the rules and regulations is forcing many inspection stations to give up inspection services

2. The rules and regulations promulgated by the Chief of the State Police violate the Constitutional principle of separation of powers. The Chief of the State Police, via rules and regulations, is exercising power that rightfully belongs to the Legislative branch of government.

A. The Chief of State Police determines the criteria by which motor vehicles are approved or disapproved during an inspection. The rules and regulations establishing the standards that affect nearly all Maine people are approved by one person and not by the Legislature which represents the general public.

3. Present law subjects motor vehicles to a semi-annual inspection, but an annual inspection would be adequate.

A. Most people who operate motor vehicles maintain their vehicles in a safe condition. Motor vehicle owners are concerned about public safety and strive to avoid vehicle accidents by maintaining their vehicles in good repair. It is not necessary to subject vehicles to two inspections per year.

RECOMMENDATIONS OF THE MINORITY  
OF THE COMMITTEE ON TRANSPORTATION

Representative Kenneth Brown  
Representative James Elias

Representative George Carroll  
Representative Emile Jacques

1. The Minority of the Committee on Transportation recommends that a Select Legislative Committee, appointed by the President of the Senate and the Speaker of the House of Representatives, revise the motor vehicle inspection law to correct the deficiencies and weaknesses of the motor vehicle inspection law. In particular, the revised motor vehicle inspection law should include:

- A. standards for motor vehicle equipment
- B. definitions of defective vehicles
- C. criteria by which inspection stations and mechanics are selected and certified
- D. penalties for altering a vehicle in violation of the inspection standards.

In addition, the Select Committee should revise the inspection law to define the inspection procedure as clearly and concisely as possible and to enable vehicle inspectors to conduct an inspection with a minimum of equipment.

- 2. Motor vehicle inspection be conducted on an annual basis.
- 3. The motor vehicle inspection law prohibit periodic testing of motor vehicle inspectors for purposes of certification.
- 4. The State Police be prohibited from using a disguised vehicle and undercover agent for enforcement purposes.
- 5. The motor vehicle inspection law, as it relates to enforcement of the inspection procedure, provide a means by which vehicles can be inspected at public convenience in the event that suspension or revocation of an inspection license will create a hardship on the public served by the errant inspector or inspection station.

## SUMMARY

### A. Motor Vehicle Inspection Programs Throughout The Nation

1. At the present time; 27 states, the District of Columbia, and Puerto Rico have compulsory motor vehicle inspection programs. In 21 of these states, motor vehicle inspection is required annually. In 7 states, including Maine, New Hampshire, Vermont, and Massachusetts, motor vehicle inspection is required semi-annually.

A. Five states implement random spot inspection programs, 18 states have no laws pertaining to motor vehicle inspection, and 5 states have very limited inspection programs.

2. Motor vehicle inspection throughout the nation, for the most part, include inspection of brakes, rear reflectors, tires, exhaust system, windshield wipers, horn, headlights, turn signals, and steering. According to the 1977 publication, "Summary of State Motor Vehicle Inspection Laws and Regulations, roughly 20 states or 66 2/3% of the states with an inspection program have devised standards for 25-40 types of motor vehicle equipment.

A. In general, with the exception of 6 states (Georgia, Louisiana, New Hampshire, New Jersey, Rhode Island, and Utah), inspection of motor vehicles in the States is less comprehensive than in Maine.

3. For the most part, in states with compulsory motor vehicle inspection, the process is very similar for establishing inspection standards and rules and regulations. The general procedure is that the state legislature establishes general statutory guidelines for inspection programs and empowers a state agency to promulgate rules, regulations, methods, and tests for implementing the inspection program. The general statutory guidelines usually specify the equipment to be inspected.

A. In Maine, the statute requires that motor vehicle equipment be sufficient and in proper adjustment. The Chief of the State Police is empowered to promulgate rules and regulations pertaining to inspection standards, the testing of equipment and the certification of inspection stations.

B. In 4 of the states, Indiana, Mississippi, Nebraska, and North Carolina, the rules, regulations, and procedures adopted by state agencies with respect to motor vehicle inspection must be approved by the Governor or a commission composed of executive agency officials or appointees.

C. Most of the specific standards, procedures, and tests involved in compulsory motor vehicle inspection programs throughout the nation have been adopted from standards and procedures proposed by organizations such as the Motor Vehicle Manufacturers Association, the Association of Motor Vehicle Administrators, the American National Standards Institute, or the National Highway Traffic Safety Administration.

4. Inspection fees and fee systems vary among the states. In 17 states, for example, the fee ranges between \$2.00 and \$4.00 per inspection. The lowest inspection fee is \$1.00 in Rhode Island and the highest fee is \$8.00 in Iowa. New Hampshire, Pennsylvania, and Vermont law authorizes the inspection station to set the fee, while in Hawaii the County Boards of Supervisors are empowered to set inspection fees.

5. The purpose of motor vehicle inspection is to remove unsafe motor vehicles from the highways and reduce the number and severity of motor vehicle accidents. There is no conclusive evidence to establish the degree of effectiveness of any type of motor vehicle inspection program in the nation. The motor vehicle death rate, however, is higher in states with no inspection program than in states with compulsory or random inspection.

A. In 1976, the average motor vehicle death rate in 11 states without any type of vehicle inspection was 4.3 per 100,000,000 vehicle miles compared to an average rate of 3.0 per 100,000,000 vehicle miles in states with some form of motor vehicle inspection.

B. There are other factors that contribute to lower death rates in states which implement motor vehicle inspection programs, but logic suggests that a strictly enforced inspection program is one of the contributing factors.

6. The effectiveness of motor vehicle inspection, as one of the contributing factors to a lower death rate, is not dependent upon the type of inspection program (random or compulsory) as much as the degree of enforcement and the nature of inspection.

A. In New Jersey, Rhode Island, and New Hampshire which have a compulsory and comprehensive motor vehicle inspection program, the motor vehicle death rate ranges between 2.1 and 2.6 per 100,000,000 vehicle miles. In Minnesota, Ohio, and Connecticut which have strictly enforced random spot inspection programs, the motor vehicle death rate ranges between 2.2 and 2.8 per 100,000,000 vehicle miles.

B. In South Carolina, South Dakota, and North Carolina which have compulsory motor vehicle inspection programs that are poorly enforced and cursory, the motor vehicle death rate ranges between 3.7 and 6.1 per 100,000,000 vehicle miles.

#### B. Motor Vehicle Inspection in Maine

1. In Maine, approximately 665,000 motor vehicles are inspected twice annually at 1600 inspection stations. There are roughly 35,000 vehicles including 28,000 motorcycles and 6,375 school buses that are inspected once annually. Approximately 5,000 mechanics are certified for a five year period to conduct inspections.

2. In Maine, motor vehicles are subject to a more comprehensive inspection than in most states. With the exception of 6 states, Maine requires more motor vehicle equipment to be inspected than other states require. In addition, most states require an annual and not a semi-annual inspection as required by Maine.

3. The motor vehicle inspection program in Maine subjects some vehicle equipment to inspection that is not essential to public safety.

A. For example, the law requires motor vehicle body components to be sufficient and in proper adjustment. As a result, a hole in a fender of a vehicle is required to be repaired, despite the fact that the safety of the occupants is not jeopardized.

B. Holes penetrating the trunk or passenger sections of the vehicle or a rusted frame are critical and require immediate attention.

4. The effectiveness of motor vehicle inspection is jeopardized by a potential reduction in the number of inspection stations and the nature of inspection.

A. The comprehensive inspection mandated by state law for a \$2 fee requires at least 30 minutes to complete. Since repair work is much more lucrative than inspection work, service station owners are either not renewing their inspection certificates or are performing very cursory inspections that fail to comply with the inspection law.

B. In some cases, enforcement officials bring inspection station violators to court, and the court revokes or suspends inspection station certificates as the situation justifies. As a result, existing inspection stations become overburdened with inspection work. In the event that a poor inspection is not detected by enforcement officials, the inspection has failed to fulfill the purpose of the law.

C. The comprehensive inspection required by State law and State Police regulations require very substantial equipment costs that act as a deterrent to many service station owners to offer motor vehicle inspection. In addition, periodic testing of mechanics also is a deterrent for many service station owners to provide inspection services.

5. The present inspection system encourages cursory inspection and the certification of unsafe vehicles. In many cases, service station owners are unwilling to alienate traditional customers by issuing refusal slips for vehicles that fail inspection or by failing a vehicle for inspection. In addition, many inspection station owners and mechanics who have failed a motor vehicle following inspection have found that the vehicle owner will find another inspection station where the vehicle will be certified.

6. Some motor vehicle inspection rules and regulations are very vague and motor vehicle inspectors are uncertain how to conduct some parts of the inspection.

A. For example, the rules and regulations pertaining to vehicle inspection are unclear with respect to surface rust. The regulations also specify that tire tread must be at least 2/32 of an inch. Many inspectors do not know whether this regulation means that as long as there is 2/32 of an inch of tread anywhere on the tire that it is acceptable or whether it means that the entire tire must have at least 2/32 of an inch of tread.

7. The present motor vehicle inspection law unnecessarily lengthens the time to conduct the inspection and increases the cost of inspection.

A. The law requires a certified mechanic to conduct the entire inspection. There are many ways that a mechanic's helper can help the mechanic to inspect a vehicle and thereby reduce inspection time and cost.

8. The effectiveness of motor vehicle inspection in Maine is reduced by the absence of a penalty for owners of a vehicle, who, following an inspection, alter their vehicle in violation of the law.

A. Some motor vehicle owners put on oversized tires, jack up the back end, install glass pak mufflers, etc., in violation of the law following an inspection. If alteration of a vehicle in violation of the law were a punishable crime, vehicle alteration would be reduced.

CHAPTER I  
MOTOR VEHICLE INSPECTION  
IN THE  
UNITED STATES

A. General Background

There is no national law that requires the States to implement a motor vehicle inspection program. In 1966, the federal government attempted to mandate motor vehicle inspection throughout the nation via the National Traffic and Motor Vehicle Safety Act (NTMVSA) and the Highway Safety Act (HSA). These laws included provisions on annual motor vehicle inspection and minimum inspection standards. The NTMVSA created the National Highway Traffic Safety Administration (NHTSA) to administer and enforce the laws.

In order to enforce a motor vehicle inspection system throughout the nation, NHTSA threatened to deny federal highway Safety Funds and 10 percent of a state's federal highway construction funds to any state that failed to implement NHTSA approved standards. The inspection standards, however, were not devised until 1973-1974 following a district court order and a request of the Senate Commerce Committee to issue an inspection standard and an inspection procedure.

The National Highway Traffic Safety Administration had been reluctant to issue motor vehicle inspection standards and procedures because it had not been able to definitely prove that state inspection programs have reduced the motor vehicle accident rate. As a result of the lack of definite proof and state opposition to inspection standards the NHTSA authorized the states to implement experimental vehicle safety inspection programs.

By the end of 1975, 44 states had motor vehicle inspection programs that were approved by NHTSA, of which 13 were experimental programs. Alabama, California, Illinois, Minnesota, Montana, and Oregon did not have NHTSA approved inspection programs.

The National Highway Traffic Safety Administration therefore tested its authority with respect to the 6 states without an approved inspection program and denied federal highway funds to three states. The sanctions imposed by NHTSA raised strong opposition among the States, and Congress temporarily curbed the agency's sanction authority in the 1976 Highway Safety Act.

At the present time, 27 states, the District of Columbia, and Puerto Rico have compulsory motor vehicle inspection programs. In 21 of these states, motor vehicle inspection is required annually. In 7 states, including 5 New England states - Maine, New Hampshire, Vermont, and Massachusetts - motor vehicle inspection is required semi-annually.

In addition to the compulsory inspection system, 5 states implement random spot inspection. Random spot inspection, consists of the random selection of vehicles for inspection, division of the selected vehicles from traffic flow, and a 10 or 15 minute inspection of the vehicles.



Eighteen states have no laws pertaining to motor vehicle inspection. Nevertheless, law enforcement officials in these states are empowered to require an owner of a defective vehicle to correct deficiencies such as non-working lights, bald tires, cracked windshields, etc..

Within the United States there are two basic systems of compulsory motor vehicle inspection. The State-appointed and supervised system relies on privately owned and operated inspection stations which are licensed by the state to conduct the inspection. The state owned and operated inspection system exists in New Jersey, Delaware, and Washington, D.C.. In Florida, the counties have the option of adopting the state appointed and supervised system or a county owned and operated vehicle inspection system.

Motor vehicle inspections throughout the nation, for the most part, include inspection of brakes, rear reflectors, tires, exhaust system, windshield wipers, horn, headlights, turn signals, and steering. According to the 1977 publication, "Summary of State Motor Vehicle Inspection Laws and Regulations", roughly 20 states have devised standards for 25-40 types of motor vehicle equipment.

#### B. Administration of Motor Vehicle Inspection Programs Throughout the Nation.

For the most part, the process of establishing inspections, rules, and regulations is very similar among the states with compulsory motor vehicle inspection programs. According to the procedure in most of these states, state legislation establishes general guidelines for inspection programs and empowers a state agency (Department of Public Safety, Department of Transportation or the State Police) to develop rules, regulations, procedures, and tests for implementing the inspection program. The state legislatures often establish a very general standard that requires motor vehicle equipment to be sufficient and properly adjusted. In addition, the state legislatures, including the Maine Legislature, specify in the law the equipment that is subject to inspection. A state agency is directed to establish rules and regulations (including inspection procedures and tests) to implement the inspection program.

In 4 of the states, Indiana, Mississippi, Nebraska, and North Carolina, the rules, regulations, and procedures adopted by state agencies with respect to motor vehicle inspection must be approved by the Governor or a commission composed of executive agency officials or appointees.

Most of the specific standards, procedures, and tests involved in motor vehicle inspection in these states have been adopted from standards and procedures proposed by organizations such as the Motor Vehicle Manufacturers Association, the Association of Motor Vehicle Administrators, the American National Standards Institute, or the National Highway Traffic Safety Administration.

## CHAPTER II

### PURPOSE OF MOTOR VEHICLE INSPECTION

The purpose of motor vehicle inspection is to reduce the number of motor vehicle accidents and deaths by removing defective vehicles from the highways. Motor vehicle inspection is an attempt to control a potentially uncontrolled cause of motor vehicle accidents which cannot be corrected by improving individual operation of a vehicle.

The major cause of motor vehicle accidents and deaths, however, is driver error. There are several means of reducing the level of driver error including strict enforcement of speed limits, drunk driver detection programs, driver education, license suspension, etc..

It is very difficult to determine the effectiveness of motor vehicle inspection and efforts to reduce the level of driver error. The only uniform and comparable data among the states is motor vehicle death rate statistics. According to these statistics, states without any type of motor vehicle inspection program have significantly higher vehicle death rates than most states which have motor vehicle inspection programs. In 1976, the average motor vehicle death rate in 11 states without any type of vehicle inspection was 4.3 per 100,000,000 vehicle miles. The average motor vehicle death rate in the remaining states with some form of motor vehicle inspection was 3.0 per 100 million vehicle miles.

Despite the higher death rate in states with no inspection program, there is no conclusive evidence to prove that inspection programs, per se, are responsible for reducing the number of motor vehicle accidents and deaths in states which implement inspection programs. Other programs designed to reduce the level of driver error are reflected in motor vehicle accident statistics, and it is not possible to obtain statistics for any one program. Only 4 states, Georgia, Oklahoma, Pennsylvania, and Texas, record accidents caused, in part or in whole, by defective equipment. Enforcement officials in these states are trained to identify defective equipment that cause or contribute to accidents. Accident reports in these states include descriptions of defective equipment.

Although there is no statistical evidence to indicate the effectiveness of motor vehicle inspection, it is logical that vehicle inspection contributes to the lower vehicle death rate in the states that implement an inspection program. The effectiveness of motor vehicle inspection, however, is not dependent upon the type of inspection program that is implemented as much as the degree of enforcement and the nature of the inspection.

The states of New Jersey, Rhode Island, and New Hampshire have compulsory motor vehicle inspection programs that are among the most comprehensive and strictly enforced inspection programs in the nation. These states have motor vehicle death rates ranging between 2.1 and 2.6 per 100,000,000 vehicle miles.

Minnesota, Ohio and Connecticut, on the other hand, have random motor vehicle inspection programs that are carefully implemented and strictly enforced. The motor vehicle death rates in these states range between 2.2 and 2.8 per 100,000,000 vehicle miles.

In South Carolina, South Dakota, and North Carolina which have compulsory inspection programs and in Oregon and Maryland which have random spot inspections, the motor vehicle death rate ranges between 3.7 and 6.1 per 100,000,000 vehicle miles. In these states, motor vehicle inspection is cursory and enforcement is weak.

The effect of a poorly administered or weak motor vehicle inspection program is reflected in the experiences of Kentucky and Arizona.

In Kentucky, motor vehicle inspection was superficial. Only exterior, visible equipment was subject to inspection. Very little inspection however, was actually being done, and the program became notorious. The public's concept of the motor vehicle inspection program was very poor, and there appeared to be very few benefits associated with the program.

Kentucky newspapers continuously exposed the ineffectiveness and cost of the program in first page stories. In 1978 when service station owners backed a bill to increase the inspection fee from \$2.50 to \$5.00, State legislators were inflamed. The bill was resoundly defeated and an amendment to repeal the motor vehicle inspection program was attached to a very popular bill at the end of the session which obtained legislative approval.

In Arizona, the motor vehicle inspection program was poorly administered and enforced, and there was no consumer safeguards. Not only was the inspection program weak in detecting defective equipment, it offered the opportunity for serious abuse. Certified inspection stations (privately owned service stations) often abused the program. The State Police found that a large number of inspection stations required unnecessary, extensive, and costly vehicle repairs prior to certification of other vehicles. As a result, motor vehicle inspection became a controversial issue as well as part of a gubernatorial campaign. The winner of the Gubernatorial race had proposed repeal of the inspection law during the campaign, and the law was repealed following his inauguration.

CHAPTER III  
MOTOR VEHICLE INSPECTION IN MAINE

In Maine, motor vehicle inspection dates back to 1939 when the State's first motor vehicle inspection law was enacted. The 1939 Maine motor vehicle inspection law provided for a semi-annual inspection of brakes, lights, running gear, wheels, tires, horns, windshields, mechanical windshield wipers, rear view mirrors, reflectors and mufflers. Subsequent amendments to the law have added glazing, seat belts, exhaust system, and body components to the types of equipment subject to inspection.

The initial motor vehicle inspection law was administered by the Secretary of State who was vested with very broad powers with respect to implementation of the law. The Secretary of State, alone, was given the authority "...to determine the proper adjustment and sufficiency..." of motor vehicle equipment. In addition, the Secretary of State was empowered to certify and license inspection stations.

In 1961, administration of the motor vehicle inspection law was transferred to the Chief of the Maine State Police. In addition, the wide-ranging authority vested with the administrative official was also transferred to the Chief of the Maine State Police. The Chief of the State Police was also authorized to establish rules and regulations for the enforcement and administration of the law.

Since 1961, subsequent revisions to the motor vehicle inspection law have involved standards, official inspection stations, inspection fees, etc.. In 1965, the law was amended to require exhaust systems to "...be complete and without leakage and shall be securely fastened to the engine block and frame." The 1965 amendment also required a certified mechanic to perform the inspection, and establish standards for signal lights.

In 1977, approximately 700,000 motor vehicles in Maine were inspected including 28,000 motorcycles and 6,375 school buses. Motorcycles and school buses are inspected annually and all other vehicles are inspected semi-annually.

A. The Inspection Standard and Administration of the Inspection Program in Maine.

The State Legislature, by statute, has devised a general standard for motor vehicles registered and operated in Maine and has determined the equipment subject to inspection. According to Law (29 MRSA §2122) motor vehicle equipment is required to be sufficient and in proper adjustment. Equipment subject to inspection consists of a vehicle's brakes, lights, safety seat belts (1966 and subsequent models) running gear, wheels, tires, horn, glazing, mechanical windshield wipers, rear view mirrors, reflectors, exhaust system, and body components.

Administration and enforcement of the law is vested with the Maine State Police. The authority of the Chief of the State Police with respect to motor vehicle inspection is very comprehensive. In addition to determining specific inspection standards and procedures for individual pieces of vehicle equipment, the Chief of the State Police or his designee(s) is empowered to select and certify inspection stations, certify motor vehicle inspectors, stop and inspect vehicles, mandate inspection of presumably deficient vehicles, and promulgate rules and regulations for the implementation of the law.

Enforcement of the motor vehicle inspection program is vested with the Maine State Police and other law enforcement officials including sheriffs, full-time deputy sheriffs, and full-time municipal police officers. In general, all law enforcement officials enforce the law with respect to motorists, but the State

Police enforce the law and the rules and regulations with respect to inspection stations.

Any person who is refused a license by the State Police Chief to operate an official inspection station may appeal the decision to Superior Court. Following the issuance of an official inspection station license or a mechanics certificate, the license holder who violates the inspection law or fails to conduct proper inspections is subject to a hearing and possible revocation or suspension of his license. The power to revoke or suspend the license of an official inspection station or certified mechanic however, is vested with the Administrative Court Judge, unless the licensee waives his right to a court hearing.

CHAPTER IV  
EVALUATION OF THE MOTOR VEHICLE INSPECTION PROGRAM IN  
MAINE

It is very difficult to determine the effectiveness of the motor vehicle inspection program in Maine, for many reasons. Motor vehicle inspection has existed since 1939, and comparable, reliable data pertaining to vehicle death and accident rates during a period of no vehicle inspection and during a period of vehicle inspection is not available. In addition, statistics pertaining exclusively to the effects of vehicle inspection upon the motor vehicle accident and death rates have not been recorded or developed.

Despite the absence of data, it is very feasible that the motor vehicle inspection program has contributed to Maine's comparatively low vehicle death rate. In 1976, Maine ranked 41 and tied with 2 other states with respect to the number of motor vehicle deaths per 100,000,000 vehicle miles. In addition, recent accentuation of State Police efforts to enforce the inspection law with respect to inspection stations has resulted, to a limited degree, in better vehicle inspections.

The effectiveness of the motor vehicle inspection program in Maine is jeopardized by the quality of motor vehicle inspection throughout the State, a potential decline in the number of inspection stations, and enforcement problems.

A. The Quality of Motor Vehicle Inspection

While many inspection stations conduct adequate vehicle inspections, there are a number of stations that fail to comply with the law. For example, very few inspectors perform road tests or issue rejection slips to regular customers as required by law. During the first 5 months of 1978, 300 warnings were issued to inspection stations in Maine for deficient inspection procedures.

According to State Police officials, of all groups used car dealers violate the inspection procedure more than any group. Between January and May, 1978, the State Police received approximately 200 complaints from the public with respect to inspection stations. A large number of the complainants were buyers of seriously defective used cars that bore a current inspection sticker. In some cases, these vehicles had more than 12 serious defects.

One factor that influences the quality of inspection is the customer-inspector relationship. Some inspection station owners are unwilling to fail vehicles of regular customers during an inspection because these customers may no longer patronize the inspection station.

The quality of motor vehicle inspection is hindered in part, by the vagueness of State Police regulations. For example, State Police regulations are vague with respect to surface rust and tire tread. Inspectors do not agree with respect to surface rust as a cause of rejection and with respect to the minimum tire tread of 2/32 of an inch. The regulations could be interpreted to permit tires which have any part of the tread which is 2/32 of an inch. The regulations could also be interpreted to mean that the entire tire must have a minimum 2/32 of an inch of tread.

#### B. A Potential Decline in the Number of Inspection Stations

Many inspection station owners, according to public testimony, are considering voluntarily surrendering their inspection certificates because a vehicle inspection demands at least 30 minutes, and the inspection fee of \$2.00 is too low. Inspection station owners point out that motor vehicle repairs generate much greater income than vehicle inspections. In addition, the \$1.75 that the inspection station receives does not meet the cost of conducting the inspection. As a result, a number of motor vehicle inspection station owners may terminate vehicle inspection in order to earn greater income from more vehicle repair work.

Other factors that may encourage inspection station owners to relinquish inspection duties include the cost of equipment and the inefficient use of mechanics. A certified mechanic is required to conduct the entire inspection despite the fact that a mechanic's helper could assist the mechanic without jeopardizing the quality of inspection. In addition, the cost of equipment and the possibility that emission control equipment may be inspected in the future which will require \$3,000 of inspection equipment discourages many inspection station owners.

In some cases, however, motor vehicle inspection can generate repair work for an inspection station. The income that an inspection station derives from vehicle inspections may be limited because the station may lack the equipment or expertise to undertake some types of repairs. In addition, some inspection station owners are careful not to alienate regular customers by finding extensive or expensive repairs during an inspection.

If the number of vehicle inspection stations does decline significantly, the entire inspection system will be jeopardized. Not only will the remaining stations be overburdened with inspection work and thereby encouraged to discontinue inspection services, the public will be greatly inconvenienced and unable to comply with the law.

At the present time there are roughly 1600 inspection stations distributed throughout 16 counties. There is a high correlation among the number of inspection stations, the size of the population, and the number of registered vehicles in each county. There is also a high correlation between the number of inspection stations and the population of 22 leading cities in Maine which indicates that the distribution of stations is even between rural and populated areas.

Despite the high correlation among the number of inspection stations, the number of registered vehicles, and the population in each county, Maine's larger counties with sparse populations are not served as conveniently by inspection stations as other counties. In the geographically large but sparsely populated counties, vehicle owners are required to travel long distances, and many of the inspection stations are overburdened with both repair work as well as motor vehicle inspection. A significant decline in the number of inspection stations in these counties could have a very adverse effect on motor vehicle inspection. The following table describes the current situation in five of Maine's largest counties:

TABLE I  
MOTOR VEHICLE INSPECTION FACILITIES  
IN MAINE'S GEOGRAPHICALLY LARGEST COUNTIES

County	% of Total number of Inspection Stations	% of Total # of square miles
Aroostook	10.7	21.2
Franklin	2.4	5.9
Piscataquis	1.7	12.4
Somerset	4.6	12.0
Washington	3.1	8.3

According to State Police statistics, approximately 50 inspection stations or 3 percent of the total number of inspection stations in Maine have discontinued inspection service in 1978. A number of these inspections could have reopened under a different name or management. Nevertheless, if inspection stations continue to discontinue inspection services in the future at the same rate as in 1978, motor vehicle inspection in Maine would be very adversely affected.

The number of inspection stations, according to the State Police, has increased each year as the number of vehicles and as the demand for more service stations have increased. In the past three years, however, a number of service stations have gone out-of-business. Gasoline distributors have entered the gasoline retailing sector and thereby increased competition on the retail level. In addition, the gasoline supply has adversely affected some stations. The likelihood of any significant increase in the number of service stations in Maine therefore, seems remote.



## Enforcement Problems

The effectiveness of the motor vehicle inspection program has been hindered by enforcement problems. According to the State Police, there are a number of inspection stations that do not conduct inspections that comply with State Police regulations. Nine State Police Officers are assigned to enforce the law as it pertains to 1600 inspection stations and 5,000 mechanics. As a result of the limited number of enforcement officers, there is significant potential for abuse of motor vehicle inspection regulations.

One of the major problems relating to enforcement of the inspection procedure has been with used car dealers. Between January and May, 1978, the State Police have received approximately 200 complaints from the public with respect to inspection stations. Many of the complainants were buyers or seriously defective used cars that had a current inspection sticker. In some cases, these vehicles had more than 12 serious defects. The State Police have delineated at least 3 cases of defective motor vehicles which resulted in the death of the occupants.

As a result of the enforcement problem, there is little encouragement for inspection stations to refuse stickers for vehicles that fail to meet the standard. A vehicle owner encounters very little difficulty to find an inspector who will issue a sticker for a vehicle that does not meet the inspection standard.

An example of lax enforcement pertains to inspection refusal cards. According to the law, an inspector is required to issue a refusal slip for every vehicle that fails an inspection. The refusal slips are sent to the State Police who currently maintain a file of slips without conducting any further action. This lack of action, in part, has encouraged most inspection station owners not to issue refusal slips. Other reasons for the failure of motor vehicle inspectors to issue refusal slips include the fear of losing regular customers and the cost of mailing refusal slips.

Some inspection station owners testified that State Police Enforcement has been extremely rigorous, and is causing many inspection station owners to terminate inspection services. The facts do not support this theory. For the year 1978, the licenses of 19 stations and 70 mechanics were suspended. These figures represent .59% of the total number of service stations and 1.4 percent of the total number of inspection mechanics in Maine.

TABLE II  
An Evaluation of the Distribution of Motor Vehicle Inspection Stations  
in Maine by County in 1978

County	Population In 1970	% of Total Population	Total Number of Vehicles	% of Total # of Vehicles	1978 Number of Inspection Station	1978 % of Total # Inspec- tion Stations	Number of Sq. Miles	% of Total Sq. Miles
Androscoggin	91,279	9.2	57,285	7.88	110	6.85	459	1.5
Aroostook	92,463	9.32	59,271	8.15	172	10.7	6,453	21.2
Cumberland	192,528	19.4	138,656	19.08	287	17.89	853	2.8
Franklin	22,444	2.26	17,622	2.42	39	2.43	1,789	5.9
Hancock	34,590	3.48	30,756	4.23	69	4.3	1,522	5.0
Kennebec	95,247	9.6	69,505	9.56	162	10.0	879	2.9
Knox	29,013	2.9	23,106	3.18	49	3.05	851	2.8
Lincoln	20,537	2.07	18,952	2.60	35	2.18	457	1.5
Oxford	43,457	4.38	32,787	4.51	82	5.1	1,980	6.5
Penobscot	125,393	12.63	87,362	12.02	203	12.65	3,258	10.7
Piscataquis	16,285	1.64	12,354	1.70	27	1.68	3,770	12.4
Sagadahoc	23,452	2.36	17,103	2.35	29	1.8	250	.8
Somerset	40,597	4.09	29,849	4.10	74	4.6	3,633	11.95
Waldo	23,328	2.35	19,887	2.73	36	2.24	724	2.3
Washington	29,859	3.0	23,577	3.24	50	3.1	2,528	8.3
York	111,576	11.24	<u>88,508</u> <u>726,580</u>	12.18	180	11.22	<u>989</u> <u>30,395</u>	3.2

Others: 9,898

TABLE III  
 A COMPARISON OF THE NUMBER OF  
 MOTOR VEHICLE INSPECTIONS WITH  
 THE POPULATION OF LEADING MAINE  
 CITIES

	<u>Population</u>	<u># of Inspection Stations</u>		<u>Population</u>	<u># of In- spection Stations</u>
Auburn	24,151	36	Portland	65,116	84
Augusta	21,945	36	Presque Isle	11,452	28
Bangor	33,168	70	Rumford	9,363	12
Belfast	5,957	17	Saco	11,678	20
Biddeford	19,983	24	Sanford	15,812	21
Brewer	9,300	18	Scarborough	7,845	23
Brunswick	16,195	27	Skowhegan	7,601	22
Caribou	10,419	29	South Portland	23,267	48
Ellsworth	4,603	18	Waterville	18,192	42
Lewiston	41,779	48	Westbrook	<u>14,444</u>	<u>21</u>
Mexico	4,301	10			
Millinocket	7,742	12			
			Total	384,133	676
				38.7% of total population	42.1% of total # of in- spection station