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Mary Jean Lopardo

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The Revisor's Notes should facilitate the use of the code. They are extensive notes placed throughout the annotation that describe the changes from the old code text, cite the previous area in the code and explain why these changes took place. They also cite case law and give in depth explanations of the sections of the Annotated Code. They are not law, but they have a place similar to legislative history. Since most of the committee meetings of our legislature are not recorded, these notes may tend to be looked to in interpreting the code.

After various input is incorporated into the draft, the committee sends it to the full commission which is composed of lawyers, judges and law professors appointed by the Governor. They refine it as a group and then it is prepared in bill form and introduced into the legislature where a similar screening takes place before passage.

Articles yet to come are Business Regulations, Criminal Law, Elections, Family Law, General Provisions, Local Government, Occupations & Professions, Public Safety, Social Services, State Government and Taxation & Revenue.

The basic organizational format of the new code, which will now be uniform, is to divide the statute Law into: article, title, subtitle, and section—e.g. the Transportation Article, title 7, subtitle 1, Section 1, will read: Transportation 7-101.

Through a loophole in the rule against perpetuities, it has been decided that the Revisor of Statutes will be a permanent position, with responsibility of maintaining the revised code and screening new legislation as it becomes law. The commission itself will disband when the final Article passes muster. Deadline for completion was 1980, but this has been extended at least to 1984.

This article is of course only a minor survey of the enormous undertaking involved in the code's revision. General opinion seems to be that there is a real need for this endeavor and that it will make the law accessible, readable and consistent. The commission appears to be doing an extremely complete and competent job.

So take heart all of you who have contemplated taking a window for a door. At this very moment, there is a group of highly dedicated individuals out there actually making all our lives a little more reasonable!

Thanks to Avery Aisenstark, Geoffrey Cant, Jack Kenner, Senator John Carrol Byrnes, Dean Walter Rafalko, William Wilburn, and Laurie Bortz for their help in the preparation of this article.

New Legislation Needed

by Mary Jean Lopardo

The purpose of this article is to illustrate the necessity for implementing new legislation in the area of Maryland's motor vehicle inspection laws. This article will discuss the inadequacies of Maryland's existing laws by explaining: 1) how they actually contribute toward higher accident rates caused by motor vehicle equipment failures and 2) how they do not comply with the 1966 Federal Highway Safety Act. This article will further propose an alternative mode of legislation, which if enacted, would remedy the evils inherent in Maryland's present motor vehicle inspection laws.

The Transportation Article of the Annotated Code of Maryland, Title 23, "Vehicle Laws—Inspection of Used Vehicles and Warnings for Defective Equipment" requires that when a used vehicle is sold, the owner must present it for inspection at a licensed inspection station. If the vehicle passes inspection, the owner will be issued a certificate. The new owner must then obtain the certificate before the vehicle can be re-registered in his name.

This existing Maryland law was revised in 1977, and is jointly administered by the Motor Vehicle Administration and the Auto Safety Enforcement Division (ASED) of the State Police. The Automotive Safety Enforcement Division is

authorized to approve as official inspection stations: auto dealers, garages and gas stations. All official inspection stations must have a qualified mechanic available during working hours who has attended a school of instruction and meets the following requirements: be at least eighteen years old, have a minimum of twelve months motor vehicle repair experience, have passed the written exam given by the State Police, be able to perform all required inspection procedures, have an operator's license, and be capable of road testing the vehicle.

Licensed facilities must also pass certain requirements. They must be open to the general public during regular business hours, and must meet space requirements, and have the necessary equipment to carry out the inspection. There are presently about 2,000 authorized inspection stations in Maryland.

The average time for inspection is approximately one hour and costs the owner about six dollars.

"The fee for inspections shall be based on the time for inspection at the normal hourly flat rate for similar mechanical work. The inspection time should generally average approximately one hour."

In addition to the actual cost of the inspection, the vehicle owner must pay two dollars at the time the title is transferred. This fee serves to finance the inspection program.

Maryland law also provides for on-the-road inspection of vehicles by any Maryland law officer. When a vehicle is observed that fails to meet minimum safety requirements, a Safety Equipment Repair Order is issued. The defective equipment must be repaired within ten days and returned to the inspection station for reinspection. A notice of suspension of the registration plates is issued if the owner fails to comply with the repair order.

* * *

The basic problem with the existing Maryland law is that it has resulted in the inspection of only 15% of all registered vehicles. Under the existing law, a car is inspected only when sold. Therefore, if a

vehicle is retained by its owner indefinitely, it may never be inspected. Consider the individual who, as long as he feels well, never visits a doctor for a routine examination. Such a person could be seriously ill without realizing it. A similar parallel exists with the motor vehicle, in that a running vehicle is not necessarily a safe vehicle.

In Maryland, in 1973, mechanical defects were considered contributory circumstances by the investigators in 3,014 vehicle accidents. In 1974, defective equipment was determined by the investigating officer to be a contributing factor in 3,606 collisions. Could annual vehicle inspections have detected these defects and prevented these accidents?

Almost half of the more than 100,000 yearly deaths from all accidents result from motor vehicle accidents. The Department of Transportation stated to Congress that an estimated 50% of the 94 million motor vehicles on the road today "are estimated to be deficient in critical aspects of safety performance."

* * *

The Federal Highway Safety Act of 1966 grew out of a concern for the safe condition of motor vehicles operating on public thoroughfares. Its purpose focused on reducing existing or potentially unsafe vehicle conditions which contribute to accidents. Its Highway Safety Program Standard 4.4 states the purpose for motor vehicle inspection:

"To increase through periodic vehicle inspection, the likelihood that every vehicle operated on the public highways is properly equipped and is being maintained in reasonably safe working order."

The present Maryland vehicle inspection laws do not guarantee this objective. A mandatory annual motor vehicle inspection law would guarantee safer vehicles and less accidents from mechanical failure. The difference in accident rates is statistically significant when comparing states with periodic vehicle inspections to states without periodic vehicle inspections. William A. Raftery, Vice-Chairman of the National Motor Vehicle Safety Advisory Council stated in a speech:

"... not withstanding the fact that some safety leaders represent that there is a lack of 'hard data' which establishes a direct association between the safe condition of motor vehicles and accidents and deaths, and though few authors claim to have established an irrefutable case, the findings of virtually every research study nevertheless strongly associate component degradation to accidents and fatalities, and vehicle inspections to substantial reductions in these accidents and deaths."

Highway accidents are caused by failures in the vehicle, the driver, the roadway and the environment. There is no irrefutable evidence that periodic motor vehicle inspection will result in fewer deaths, but analysis shows that motor vehicle death rates are lower in states which have a program of periodic motor vehicle inspection. The federal government in the 1966 Highway Safety Act realized the importance of periodic vehicle inspections. Consequently, it established as one part of the comprehensive safety program the requirement that states provide a systematic and periodic motor vehicle inspection program for all

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vehicles operated on the nation's highways. This vehicle inspection requirement is one of sixteen standards which must be met by the states. Congress provided that any state not meeting the sixteen standards would be subject to a penalty of losing 10% of all Federal-Aid Highway Funds apportioned to the state. Maryland presently does not comply with the periodic motor vehicle inspection standard. Therefore, if such a penalty were imposed, Maryland would lose approximately \$15 million in funds. Legislative action is needed, therefore, not only for Maryland to comply with the Federal Highway Safety Program, but more importantly to insure the safety of our highways.

* * *

Many benefits would result for the motorist and the state if a periodic vehicle inspection law was implemented. First, lower accident rates caused by mechanical failures. Second, motorists would have an early warning if their vehicles were on the borderline of safety. Third, this "preventive maintenance" would lead to lower repair bills, the result of correcting minor mechanical defects before they grow into major repair jobs. Fourth, periodic inspections would increase the motorist's awareness of the need to keep his car in a safe driving condition at all times. Fifth, periodic inspections would benefit the state by providing a verification of credentials for ownership, registration, and licensing. Sixth, accurate data could be collected to aid in accident prevention planning. Finally, the state would be conforming to the Federal Highway Safety Program, and would therefore not be assessed the \$15 million penalty from its Federal-Aid Highway Funds.

Once the need for periodic motor vehicle inspection has been established, there are two major courses of action open to the state to choose from. The two major approaches are known as the "State Licensed Inspection System" and the "State Owned and Operated Inspection System."

The first program consists of using private garages licensed by the state as inspection centers. The state issues permits

to applying garages that meet certain requirements. These privately owned garages perform the mandatory inspection and usually do the required repairs. The fee arrangements under this system differ. Usually, the garage owner will pay a fee for his permit and will be permitted to keep part or all of the inspection fee paid by the motorist. State supervision costs are covered by the sale of inspection stickers and official inspection signs to the garages. Since 1926, twenty-nine states have adopted this "State Licensed Inspection System."

Some advantages of this system are: convenience to motorists due to accessibility of stations—less travel and waiting time, repairs can be made while the vehicle is being inspected, and this system can be quickly and easily organized with little cost to the state. Some disadvantages are: lack of uniformity in the quality of inspections, often inadequate equipment or inexperienced workers, variety of inspection costs, need for close state supervision to prevent graft and corruption, and lack of public confidence in the honesty of some garages.

The second program, known as the "State Owned and Operated Inspection System," appears to be the more viable alternative for the Maryland legislature to pursue. It is far superior to a private system in that better control of the inspection facilities and personnel can be maintained. Under this system, the state government assumes full responsibility for the functioning of the program. All inspections are carried out by trained civil

service personnel who work in stations owned or leased by the state. This program permits the stations to work on an assembly line basis with several inspectors each doing a portion of the inspection as the vehicle passes through the line. This system affords quick, accurate examination by using personnel who perform specific acts repetitively with specialized equipment. Complete inspection usually requires only eight to twelve minutes. These stations only perform inspections. All repairs or adjustments are required to be made elsewhere. The owner of the vehicle is free to choose his own repair station, but must then return his vehicle for re-inspection. Windshield stickers are given to each vehicle that passes inspection.

Advantages to this system are: uniformity of inspection, stricter and more effective control over inspectors, unbiased inspectors who have no monetary interest at stake, fixed charges for inspection, more adequate and accurate collection of data, equitable distribution of motor vehicle repairs since vehicle owners exercise free choice in determining who is to repair and equip their vehicles, the formation of many new jobs, and therefore, the potential for hiring the unemployed. The disadvantages are: inconvenience due to the small number of stations—increased driving and waiting time, repairs must be made elsewhere and vehicles then returned for reinspection, lengthy implementation time, large initial costs for stations and equipment, and a large force of inspectors must be trained.

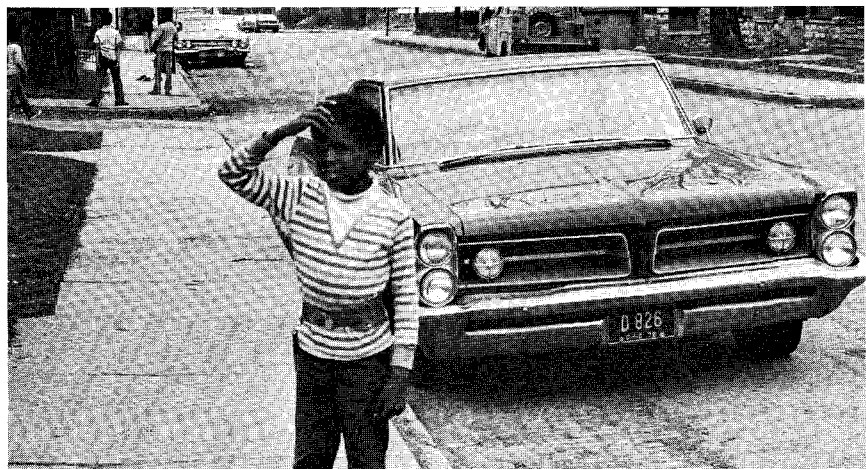


Photo by John Clark Mayden

Established in 1938, New Jersey's inspection program is the largest "State Owned and Operated Inspection System" in the country to date. An examination of the results of its inspection system affords a persuasive argument in favor of periodic vehicle inspections. In New Jersey, in 1937 there were nearly 1300 traffic fatalities. In the first year of its "State Owned and Operated Inspection System," the number of deaths fell to 860 and has not risen above 865 since that time, with the exception of two years.

* * *

Pursuant to the provisions of Senate Joint Resolution 56, called for by the President on March 14, 1970, a Task

Force was created to develop a Periodic Motor Vehicle Inspection System for Maryland. According to the Task Force Report, the implementation of a "State Owned and Operated Inspection System" would cost approximately \$22 million. The capital costs of land and buildings for nineteen inspection facilities would be \$14.5 million, with annual operating costs for the program of \$7.4 million. Annual operating costs would include salaries for six hundred twenty employees, capital recovery costs and equipment amortization costs.

In order to fund this periodic motor vehicle inspection, consolidated transportation bonds could be issued under the authority of the Transportation Article of the Annotated Code of Maryland, Title 3. Financing by Department. Subtitle 2. Consolidated Transportation Bonds.

These bonds would probably be limited to a fifteen year retirement period by Maryland's constitutional requirements. An inspection fee of five dollars could be provided to satisfy these bond obligations. This inspection fee could be incorporated into a single payment with the annual registration and tag fee.

In essence, new legislation for Periodic Motor Vehicle Inspection would implement an efficient, effective and beneficial motor vehicle inspection program which would bring Maryland into conformity with federal requirements. More importantly, it would afford the public a safer environment and needed consumer protection service.

Most of the information for this article was gathered from the 1971 Task Force Report on Periodic Motor Vehicle Inspection.

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