

One Year of Vehicle Inspection

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INTRODUCTION

January 1, 1969 brought the dawn of a new era to the citizens of the State of Indiana—*mandatory vehicle inspection*. Although the months of January through July of that year were strictly for voluntary inspections, many vehicle owners were quick to try this “vehicle inspection thing.”

It depends which side of the “field” you were on during the “game” to determine where the most opposition or objection was coming from. There were several views to the vehicle inspection problem back in January, 1969.

Some people thought the law was too strict, others thought it was too lax as compared to other states. Those people were told, “This is Indiana, we don’t need a vehicle inspection law.” What a ridiculous statement! Laws are made and shall continue to be made in order to counterbalance gross negligence in some particular area, namely, vehicle maintenance.

At the close of the 1969 Legislature changes were made in the vehicle inspection law which weakened the structure somewhat. But this did not discourage the people of the State government who were bound and determined to make the best of the revised inspection law as approved by Governor Whitcomb on March 15, 1969. The then existing rules and regulations were rewritten and are in force today. Legislative proposal changes have been submitted with the intention of strengthening the vehicle inspection law when the 1971 Legislature convenes.

Now that we look back into the year 1969, a statement or two could be made, namely, the complaints were not as severe as was anticipated. There were a few complaints about the program as a whole, but for some unknown reason, those people never signed their names to their complaints. Other persons felt the law was not strict enough. Many others were happy with the law as it now stands.

One thing is certain—the record number of deaths on our streets

and highways in 1969—1976. Could it be that some of these people thought their vehicles were in better condition than they really were? It's possible.

VEHICLE INSPECTION CONCEPTS

It must be remembered that motor vehicle inspection was never intended to find out if a vehicle performed as good as, or nearly as good as the vehicle did when it was originally purchased and newly delivered. Performance standards are based on safe operation within certain limits and not necessarily equal to the manufacturers new vehicle specifications.

Actually, P.M.V.I.'s goal is to look for "obvious defects", those which are readily seen or determined by testing with appropriate methods and equipment. Tests are not conducted to determine 95 to 100 percent efficiency but within safe operational limits to call attention to vehicles which are hazardous and unsafe.

Further considerations must be given to the convenience of the vehicle owners. Inspections must be conducted in such a manner that the public is not inconvenienced by long unreasonable delays, and yet a proper, meaningful vehicle inspection should be conducted. There should be inspection facilities within fifteen minutes driving time for the bulk of the motorists, and a maximum of thirty minutes for all.

In addition, the complete series of tests, manual, visual and using equipment, must be completed efficiently and kept at a reasonable cost. There is danger in being too lenient and lax. There is equal danger in being too complete, inspecting too much and in-depth and thus creating a time and cost beyond the patience and pocket of the public and beyond the intended purpose of P.M.V.I.

RESUME OF VEHICLE INSPECTION

Compulsory motor vehicle inspection has been instituted in several states over the past 40 years with the specific intent of reducing defective vehicles on the highways. The United States is not alone in this venture as foreign countries initiated programs as early as 1922. Since that time, 18 foreign countries and 32 state jurisdictions conduct mandatory inspection of vehicles. The foreign approach to inspection has been to develop state-owned and operated systems with private automobile clubs offering diagnostic services to members. The United States, with a larger geographical area, has been required to authorize and license garages and repair outlets in order to provide convenience

to citizens. Within the last few years over 150 private diagnostic centers in 25 states have enhanced vehicle inspection.

The primary cause or controversy regarding motor vehicle inspection has been in connection with the administration of programs and the extent mechanical defects are a causative factor in accidents. Continual supervisory problems are experienced in maintaining the quality and integrity of inspection made by thousands of privately operated stations. In addition no valid study has really established the effect of compulsory vehicle inspection programs on the traffic accidents. There apparently is no question that defective vehicles contribute to the total number of accidents and that the desirability of having each owner maintain his vehicle in good mechanical condition meets no argument. However, to what extent defects cause accidents and the methods by which vehicle inspection should be enforced is open to discussion.

The majority of states (32) have enacted compulsory vehicle inspection programs by law on the merits that inspection is beneficial and that with effective administration, a noticeable reduction in accidents may take place; eight states have random spot inspections only; eight states have no vehicle inspection laws; one state—trucks only; one state—used cars on transfer. National organizations and inspection states are the strongest proponents of mandatory inspection. Their argument for inspection is based on logic and in some instances accurate statistics reflecting decreased fatalities. The United States government plagued by the rising trend of costly traffic accidents has reacted strongly by requiring all states to initiate safety programs including vehicle inspection or suffer the loss of federal highway funds.

Noninspection states have considered vehicle inspection by law and usually believe that it is essential to a well-balanced traffic safety program. However, the costs of operation and the lack of data indicating that such programs are truly lucrative, not only in saving lives but curbing accidents, departments of motor vehicles in each state have been unable to enlist the necessary political and financial support.

ESTABLISHMENT OF A DEPARTMENT OF VEHICLE INSPECTION

The 1967 General Assembly, under the provisions of Chapter 317, Acts of 1967, established a Department of Vehicle Inspection, effective July 1, 1967.

The department was given the responsibility for developing a periodic vehicle inspection program, establishing standards for the licensing of inspection stations and inspecting mechanics, and determining the inspection requirements for certification of vehicles.

During the 1969 Legislature numerous changes were made affecting the operation of the department and the procedures for vehicle inspection. Amendments necessitated additional changes to the existing rules and regulations and established new inspection procedures for vehicles to be inspected.

Purposes of the Act

A program of periodic vehicle inspection was established to promote the public safety and general welfare of the residents of the State of Indiana through motor vehicle accident prevention and designed to provide an effective and low-cost means to keep Indiana registered vehicles in a safe, operating condition.

Vehicle Inspection Board

The Vehicle Inspection Act provided for the administration, management and control of the Vehicle Inspection Department to be vested in a four-member board. Governor Edgar D. Whitcomb, pursuant to the provisions of the act made the following appointments to the Vehicle Inspection Board—effective July 30, 1969:

Thomas C. Coston (7-30-69—7-1-73)

James A. Briggs (7-1-67—7-1-71)

James E. Kelley (7-30-69—7-1-70)

Kenneth C. Kent (7-30-69—7-1-72)

At the first meeting of the board, Thomas C. Costin was elected to serve as president, and James A. Briggs was elected to serve as secretary.

Effective July 1, 1969, Governor Edgar D. Whitcomb appointed Thomas W. Harlow, Sr., director of the combined Department of Traffic Safety and Vehicle Inspection.

Governor Edgar D. Whitcomb reappointed James A. Briggs to a two year term, effective July 1, 1969.

Since that time, Harlow has resigned as director of the Department of Traffic Safety and Vehicle Inspection, February 20, 1970.

Thomas D. Coleman was appointed by the Governor to replace Harlow as the new director, effective March 16, 1970.

Committees

1. Public Information Advisory Committee.

Plans for the Future

It is our intent to furnish information to Central Data Processing from records made available by this department for the purpose of

supplying information to the federal government under the provisions of the National Highway Safety Program and also to aid in the enforcement of inspection of rejected vehicles which failed to meet the requirements of the vehicle inspection program.

Since the future of vehicle inspection depends largely on the effectiveness of the enforcement (Licensed Official Inspection Stations—4649, Licensed Official Inspecting Mechanics—12,510) and supervision of the licensed stations and inspecting mechanics, it is felt the motor vehicle inspection sergeants assigned to the vehicle inspection program, even though we are still in the early stage of development, have proven to be very effective. At the present time twenty-five sergeants are assigned to this area. They perform routine checks and investigate all complaints registered with the Indiana State Police Department and the Department of Traffic Safety and Vehicle Inspection. Reports are made on said complaints to the director of Department of Traffic Safety and Vehicle Inspection and all recommendations for warnings, suspensions and revocations are based on their reports and investigations.

As of March 1, 1970, 49 administrative hearings have been held based on evidence supplied by the motor vehicle inspection sergeants. As a result, 21 licenses have been revoked and six are suspended at the present time from the program; 19 have served a period of suspension and three hearings are pending. Also, 384 warning letters have been issued as a result of these investigations.

It is hoped the Indiana State Police can be adequately staffed to supervise and enforce the vehicle inspection program in the State of Indiana.

STATE POLICE DATA

The following information was furnished by the Vehicle Inspection Division of the Indiana State Police—motorists arrested for violations of the vehicle inspection law commencing the first day of the mandatory period, August 31, 1969,

September 1969	895 arrests
October	576
November	534
December	640
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1969 Total	2,645
January 1970	1,570
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Total Arrests to Date	4,215

BUREAU OF MOTOR VEHICLES DATA

The following is information furnished by the Bureau of Motor Vehicles in regard to junked-abandoned vehicles throughout the State of Indiana:

March 1, 1967 thru March 1, 1968	13,556
March 1, 1968 thru March 1, 1969	22,544
	<u>36,100</u>

Abandoned vehicles for the period of March, 1969 thru March, 1970 could well exceed 40,000.

NUMBER OF INSPECTION STATIONS AND
INSPECTING MECHANICS—3-18-70

Public stations licensed:	4,065	
Revoked:	8	
Withdrawn:	390	
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Public stations operating:		3,667
Self-inspector stations licensed:	787	
Withdrawn:	17	
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Self-inspector stations operating:		776
Political subdivisions licensed:	207	
Withdrawn:	1	
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Political subdivisions operating:		206
Total inspection stations operating		<u>4,649</u>
Inspecting mechanics licensed:		<u>12,510</u>

1969 VEHICLE INSPECTION SURVEY

	Vehicles Inspected by Month	Vehicles Rejected by Month
<i>Voluntary Inspections</i>		
January	96,082	1,255
February	92,339	1,191
March	88,461	1,075
April	79,530	989
May	84,585	1,130
June	103,828	1,221
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Total	623,721	7,891

Mandatory Inspections

August	415,083	6,101
September	409,447	5,488
October	391,235	3,487
November	401,255	4,721
December	409,251	5,329
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Total	2,026,171	25,126
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<i>Grand Total</i>	2,649,892	33,017

1970 INSPECTION STICKERS ISSUED TO—3-30-70

Public Inspectors

Windshield	750,600	
Motorcycle	38,700	
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Total		789,300

Self-Inspectors

Windshield	33,650	
Motorcycle	17,125	
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Total		50,775

Political Subdivisions

Windshield	17,275	
Motorcycle	2,250	
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Total		19,525
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Grand Total		859,600

RECOMMENDATIONS TO THE LEGISLATIVE
COMMITTEE—1-21-70*Proposed Legislation for Vehicle Inspection
Acts of 1967, Chapter 317, as Amended*

Amend Sec. 7. (e) to read as follows:

- (e) The administrator shall once each year, and at the time of transfer of registration, require that every vehicle subject to inspection be inspected and that an official certificate of inspection and approval be affixed to each such vehicle: Provided, That the administrator shall, upon the recommendation of a police officer investigating a motor vehicle

accident, require that any vehicle subject to inspection that has been involved in an accident subject to the provisions of Chapter 48 of the Acts of 1939, Section 45, as amended, be reinspected and that an official certificate of inspection and approval be affixed to each such vehicle prior to the operation of such vehicle on the highways of the state.

Amend Sec. 3 as follows: In the sixth sentence change to read as follows:

As compensation for his service, each member of the board shall be entitled to receive the sum of twenty-five dollars (\$25) per day for each and every day or fraction thereof during which he is engaged in transacting the business of the board, and, in addition thereto, his actual traveling expenses necessarily incurred in discharging the duties of his office.

Amend Sec. 8. as follows: In the second sentence change to read as follows:

It shall be the responsibility of the Inspection Station owner to have liability insurance or be bonded to compensate for the damage to any vehicle during an inspection or adjustments which bond or insurance will compensate for any damages to any vehicle during an inspection or adjustment due to negligence on the part of such applicant or its employees. Said station owner or operator shall display proof of insurance in place of business along with Official Inspection Station license.

Amend Sec. 9. 3. as follows: In the last sentence change to read as follows:

Brakes shall be inspected manually and one (1) front wheel shall be pulled to check brake lining.

Add the following sentence as a new paragraph to Sec. 9. 3. as follows:

The general condition of vehicle as pertains to body, doors, and floor boards shall be inspected.

Amend Sec. 11. (a) as follows: Change the first and second sentences to read as follows:

Original Official Inspection Station licenses shall be accompanied by a fee of thirty dollars (\$30) and said license shall be valid until voluntarily surrendered by licensee or revoked or suspended by the administrator; ten dollars (\$10) shall be refunded to any applicant who fails to qualify for such license.

Amend Sec. 17. to read as follows:

Any sticker of approval or rejection which is attached to a passenger car shall be placed in the lower lefthand corner of the rear window. In the case of convertibles or pick up trucks with shell campers, the sticker shall be placed in the lower righthand side of the windshield.

Proposed Legislation for Traffic Safety

1. A police or peace officer can make an arrest based upon information gained by his investigation when investigating a vehicle collision.
2. Lower the presumptive level of operating under the influence of alcohol from .15 to .10.
3. "Habitual Traffic Violators Law"
Any person who is convicted of violating three (3) moving traffic laws in this state or in any of the point system compact states, within a period of eighteen (18) months, shall be deemed a habitual traffic violator and shall be fined not more than \$500 and or imprisoned for a period of six (6) months; and their driver's and/or chauffeur's license shall be revoked for one (1) year. Second or subsequent convictions, the penalties shall remain the same; however, ninety (90) days imprisonment shall be mandatory. Whosoever shall drive any vehicle on the streets or highways while their operator or chauffeur's license is revoked shall upon conviction, in addition to the misdemeanor penalties, be imprisoned for a term of not less than ninety (90) days. Any person who ignores or fails to answer a summons to appear in court on a traffic charge shall, in addition to the misdemeanor penalties, be imprisoned for not less than ninety (90) days.
4. Driver involved in chargeable accidents within *time*, license shall be revoked for one (1) year.
5. One man in charge of all traffic courts in state.
6. Examine "Good Samaritan Act" (Police and Firemen).
7. Driver Education.
8. Require special license or endorsement on regular license to operate a motorcycle.
9. Require eye protective device to be worn over eyes when riding a motorcycle.
10. Rearview mirrors, enabling the operator to see to the rear, are required on any motorcycle operated on the streets and highways of this state.

11. Repeal, Chapter 245, Acts of 1967, Dissolve the "City-County Traffic Safety Programs Advisory Board"—twenty-three (23) members by statute.

Improvement of Highway Safety—Immediate Steps

My understanding of the current *point system* administered by the Commissioner of Motor Vehicles is that upon conviction the points are added as of the date of the *conviction*. If this procedure were altered (which I believe it can be, by administrative rule) there would be much less "stalling" of trial. Delaying the trial is a common defense tactic to avoid the accumulation of a sufficient number of points for suspension of license. The point system is already a more feared sanction than a monetary fine and this suggested change should make it even more effective and it would prevent subversion of the purpose of the point system. This would require a change in procedure which would take some time.

The *point system* in some states has a provision whereby a driver who has not been suspended previously and who has not yet reached the point level for suspension can "work off" points against his license by attending and successfully completing a safe driving school. This program warrants study for application in Indiana.

Legislation Needed to Improve Highway Safety

1. *The formula for obtaining optimum enforcement effect involves a correct balance between the severity of penalty and the frequency of arrest and conviction.* The offense of "driving while under the influence" is a leading contributing cause to traffic fatalities in Indiana. The illicit traffic in narcotic and dangerous drugs is fast becoming a major enforcement problem. Driving while license is suspended or revoked is a violation which is difficult to enforce without the use of roadblocks or periodic license checks which are often impractical. In these three problem areas the need for additional penalty, in my opinion, meets the test of the above stated formula. I would propose a statute authorizing the confiscation and forfeiture of motor vehicles used in the furtherance of the following crimes:

- a. Violation of the laws pertaining to the possession and sale of narcotics and dangerous drugs;
- b. Driving while license is suspended or revoked; and
- c. Second or subsequent offense within 5 years of driving while under the influence of intoxicating liquor or narcotic or other habit-forming drugs.

This statute would adopt the existing federal concept of the forfeiture of vehicles to the government which are used in narcotics violations. It should be drafted in such a manner as to authorize the Attorney General to bring an action against the automobile or other vehicle used in any of these offenses upon notice of the criminal conviction for the offense. A preliminary hearing should be held as soon as is practicable under all the circumstances after arrest and if there is a judicial determination of probable cause the vehicle used should be ordered impounded pending the outcome of the criminal trial. The statute should also consider the effect on financial institutions and a means should be provided for such an institution to check for the driving status of an individual who wants to finance the purchase of an automobile, and forfeiture proceedings should be in favor of the lienholder. A person who knowingly lends his car to a suspended driver or to one under the influence or to a known drug peddler should also suffer the consequences of this penalty.

2. *Implied consent should be enacted as should the lowering of the prima facie blood alcohol limit from .15% to .10% in driving under influence cases.* Recently in one of the western states (Washington, if my memory serves me correctly) the subject of implied consent was put to the voters as a referendum. After five successive failures in the legislature, the referendum result showed that over two-thirds of the voters favored the measure and it was subsequently enacted into law. This is an example of the changing public attitude in highway safety. The *Schmerber* case has removed every previously effective argument against implied consent from a constitutional standpoint. I would still not favor such a measure, however, unless it established a minimum standard of training and certification of chemical test operators, provided for the periodic inspection of chemical test equipment, and provided for immunity from liability for physicians who drew blood samples at the request of the police.

3. *The appropriate statute should be amended so that a "judgment withheld" will be considered as a conviction for purposes of the point system.* The Attorney General has indicated that the assessment of points for judgments withheld is not possible under the wording of the present law, although he considers a judgment withheld to be a conviction for other purposes.

4. *A misdemeanor court system is needed comprised of judges who are attorneys to replace the justice of the peace courts for the purposes of traffic enforcement.* While out of the scope of "police" legislation, this very definite need falls within the broad scope of traffic

law enforcement. As stated previously, such a Bill was introduced in the last General Assembly.

5 *The law of arrest should be updated.* In the State of Illinois, since the 1870's, police officers have been empowered to make arrests on probable cause alone without a warrant for any "criminal offense". In Indiana, such arrests are limited to felonies or to misdemeanors committed "in the presence of the arresting officer". Technically, this prevents the giving of a "notice to appear" ticket at the scene of an accident unless the officer witnessed the violation which led to the accident. The law of arrest, with most of its origin rooted in medieval English history, is a roadblock to effective modern traffic law enforcement. I would recommend the adoption of the Illinois concept of the law of arrest, or, as an alternative, a statute authorizing police officers to act "in concert" in the enforcement of the traffic laws so that one officer could be empowered to arrest a violator whose violation had been witnessed by another officer—on the notification by radio or other official communication by the witnessing officer. This would put some teeth into air traffic patrol and it would eliminate the need for dangerous high-speed chases in many instances. Also, a state police officer in plain clothes should be empowered to take enforcement action for hazardous traffic violations so long as he identifies himself to the violator by positive means such as a siren.

6. *Property damage "accidents" should not require a written report by the driver unless the total damage exceeds \$100.* Current law requires driver's written reports for all accidents in which the total damage exceeds \$50. Nearly any dented fender qualifies and the result is needless clerical effort with no real statistics of value obtained. Fatal and personal injury collisions, of course should be reported in writing regardless of the amount of property damage.

7. *The truck weighing effort under present law is not as effective as it could be in that trucks can be released before the civil penalty is paid.* The criminal penalty is only \$5.00 and costs regardless of the amount of overweight, and according to an official interpretation of Attorney General the truck cannot be kept impounded after the fine and costs are paid and the overweight is removed or re-distributed. The statute should be amended allowing the impounding of the truck until all fines, costs and civil penalty are paid. Under present law, an independent action on the judgment must be brought by the prosecuting attorney to collect the civil penalty and this is often not followed through resulting in hundreds of thousands of dollars which are never collected for the highway funds of the state.

8. *The computerization and instantaneous storage and retrieval of traffic related data is needed.* Ideally, such a system should be available to all state police posts, sheriff's offices, and city police departments serving cities over a specified size. This system could be incorporated into legislation creating mandatory crime reporting and computerization of data. This is a prime project for federal funding under to Omnibus Crime Control Act.

9. *A statute should be enacted which provides for the special handling of out-of-state traffic violators.* The out-of-state traffic violator should be allowed to fill out the proper forms, deposit appearance bond money into an envelope in the presence of the arresting officer, and together they should deposit the sealed envelope into the nearest mailbox. If the violator does not appear for trial it is considered as a conviction and the bond money is forfeited for the fine. This procedure would result in less time off patrol for the arresting officer. In many cases under present law the out-of-state violator is either released with a warning (when he should really be arrested) or the officer wastes hours locating a justice of the peace late at night.

10. *A driving license containing a color photograph of the licensee* would be extremely valuable in all aspects of law enforcement, including traffic regulation, under-age drinking, and more positive identity of criminal suspects. The statute authorizing this type of license, however, would need to be very carefully worded so as to not show favoritism to any photographic equipment vendor.

Before any highway safety legislative "package" is finalized, the recommendations of the interim study committees and boards should receive serious consideration. Many times the proposals of these bodies, representing many hours of serious study and research are abandoned because of lack of proper endorsement or direction in the Legislature. In the interest of the inter-state uniformity, the Uniform Vehicle Code should also be considered as a primary source of terminology when amendments are proposed in our traffic laws.