

SURVEY OF PASSENGER

RESTRAINT CODES

Volume II of IV

Final Report on Contract FH-11-6685

Appendix A

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INTRODUCTION

Seat belt legislation is a comparatively new area and therefore subject to rapid and frequent modification. It must be noted that while the material presented here was compiled from up-to-date records maintained by The University of Michigan's Law Library, subsequent developments may have dated this report almost as it was being written. However, this report presents a broad view of current trends in passenger restraint laws, and provides a structure within which future developments may be placed.

Forty states were found to have passed legislation regulating passenger restraint systems (see Appendix A for statute codification). A wide range of areas was covered in the various statutes, running from requirements for a salable belt to mandatory installation of belts on fire trucks. While types of legislation varied widely, the predominant situation (or the most commonly encountered statute) contained two different aspects. First, authority was delegated to a commission (usually the Department of Motor Vehicles) to set up requirements and methods for approving seat belt assemblies. In most statutes it was specifically mentioned that the standards had to be at least as stringent as those of the Society of Automotive Engineers. Second, the sale, transfer, etc., of certain vehicles was made illegal unless seat belts of an approved type were furnished for the driver and at least one other person.

All state statute citations are listed in Appendix B (Seat Belt Citation), and Appendix C (Safety Compact Citations). The following is a good illustration of a typical statute:

It shall be unlawful for any person to buy, sell, lease, trade or transfer from or to Mississippi residents, at retail, an automobile which is manufactured or assembled commencing with the 1963 models, unless such automobile is equipped with safety belts installed for use in the left front and right front seats thereof. The violation of the provisions of the Act shall be a misdemeanor and, upon conviction, the violator shall be fined not less than Twenty-five Dollars (\$25.00) for each offense.

All such safety belts shall be of such type and be installed in a manner approved by the Department of Public Safety of the State of Mississippi. The department shall establish specifications and requirements of approved types of safety belts and attachments. The department will accept, as approved, all seat belt installations and the belt and anchor meeting the specifications of the Society of Automotive Engineers. (Code of Mississippi)

The following paragraphs will examine the variations and additional sections that appeared in the statutes examined.

DISCUSSION OF PASSENGER RESTRAINT CODES

When a small group of states (California, Illinois, Utah, and Iowa) met to define in general terms the function and purpose of seat belt installation and use, it was unanimously agreed that seat belts were installed to control the movement of vehicle occupants in case of an accident. This language was incorporated into their statutes to provide a guideline for the motor vehicle commissions in setting up requirements for seat belt assemblies.

Another group of states was unwilling to give the Motor Vehicle Commission too much leeway in setting up standards. Some states (Illinois, Utah, and Washington) mentioned that the SAE standards were to be used as minimum requirements, while others adopted the SAE standards outright.¹ North Dakota and New Jersey use the SAE standards as a guide.

A smaller group of states went even further and wrote what they considered to be minimum standards into their statutes. While this provides a very clear definition of what is meant by minimum standards, it creates a distinct disadvantage when subsequent technological advances make the existing standards obsolete. For example, it was initially thought that a belt would be effective if it could withstand 4000 pounds force for three seconds, and that a release which would be activated by 45 pounds force would be sufficient. Now new standards have set these limits at 5000 pounds and 30 pounds force, respectively. State legislatures, ordinarily

¹States adopting SAE standards as their own: Arkansas, Indiana, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, New Hampshire, Ohio, Oklahoma, Rhode Island, Tennessee, West Virginia, and Wisconsin.

pressed for time just to resolve new legislation, don't have much time available to update old legislation. Those states that wrote the original standards into their statutes (Connecticut and Ohio) are still using the old standards, and North Carolina straddles the fence with requirements of 5000 and 45 pounds force, respectively. New York, California, and South Dakota have adopted the new standards.

Almost all of the states related their legislation to the sale of cars manufactured after a certain date. However, some states added a section into their statute that makes possible greater control by linking seat belt installation requirements with state automobile registration. Some states do not permit a car to be registered unless it has seat belts installed, while others just state that the law applies to all registered cars of a certain class. In all, twelve states have linked requirements for seat belt installation with registration.²

A major fault in the legislation of some states is that the seat-belt statute, while designed to cover all cars manufactured after a given date, may apply to the sale of new cars only, and thus excludes from control all sales of used cars, including those manufactured after the effective date of the statute but perhaps purchased new in another state not requiring seat belts. The nine states that have statutes but limit them to new cars only are: California, Connecticut, Georgia, Illinois, Kansas, Kentucky, Minnesota, Nebraska, and Oregon. It should be noted that in Georgia the inspection system will catch some used cars. If a used vehicle does not have seat belts at the time of sale, they will be required when the car is presented for the required state automobile inspection. In Illinois, although the statute does not apply to the sale of used cars, it does require the use of them, and a used car purchased without seat belts will probably be caught at the time the vehicle is presented for registration.

In direct contrast to the above states some others have specifically mentioned that their statute applies to used cars. Two states have even gone so far as to make the new statute applicable to cars manufactured before the effective date of the statute. The Illinois statute applies to 1961-model cars, and New York's statute

²The twelve states are: Connecticut, Illinois, Iowa, Kansas, Kentucky, Minnesota, New Jersey, New York, Ohio, Rhode Island, Virginia, and Washington.

includes 1962-model cars. As mentioned previously, seat belt requirements in Illinois and Georgia apply only to the use or inspection of the car and not to the sale. Other states specifically requiring the installation of belts in used cars before sale are: Iowa, Michigan, and West Virginia.

Of course this leaves the majority of states with ambiguous legislation. Should the courts decide that failure to specify used-car sales means that requirements are to be applied only to new cars, or should they be uniformly applied to the sale or use (depending upon the statute) of all cars manufactured after the designated period? I am of the opinion that the courts will follow the latter course in an attempt to serve the intent rather than the letter of the legislature, but at this point no established body of case law exists on the subject.

A few states have specifically extended their law to include special vehicles; for example, California and Massachusetts have adopted laws that require seat belts on all driver education vehicles. Rhode Island demands a seat belt for the driver on all public service vehicles (bus, trolley, etc.). California also requires seat belts on fire trucks.

Now that it is becoming almost universal to require two front seat belts and, by inference, two front anchorages, two states have taken the next step forward and have statutes requiring safety devices for the rear seats. New York leads in this area requiring rear seat belts and anchorages on cars manufactured in 1967. North Carolina is only a step behind, requiring rear anchorages. It would seem that in time the other states will add similar requirements for back seats. It makes little sense to protect only those fortunate enough to be riding in the front seat.

Eleven states³ have provisions regulating safety harnesses. They will probably be included in restraint system regulations in many other states. Michigan and New Hampshire statutes have provisions covering all new safety equipment so that new inventions are subjected to immediate scrutiny and approval.

³California, Illinois, Iowa, Maryland, Michigan, New Hampshire, New York, Oklahoma, Oregon, Vermont and Virginia.

Some states have taken measures to prevent seat belts being removed after installations. The relevant statutes in Iowa and Wisconsin make it illegal to remove seat belts. Other states (such as Georgia) solve the problem by making availability of seat belts one of the requirements in the state's annual inspection program.

Naturally, if presence of a passenger-protective device such as seat belts is required, it must soon be decided whether non-use of the device constitutes negligence. Iowa, Maine, Minnesota, Tennessee, and Virginia have written into their seat belt statutes that non-use does not constitute negligence. This was probably a compromise to get the bill passed in the first instance. Opponents of such bills, feeling that some constitutional rights might be infringed, would want to limit the infringement as much as possible.

If the legislative battle on the negligence issue was difficult, it is nothing compared to the war in the courts on the same topic. In the absence of legislative guidance the courts are repeatedly faced with this issue in suits put before them. There is no discernible agreement in the decisions: some courts feel non-use is negligence, others do not. Some (born compromisers) argue that it might be used to mitigate damages, but not as a complete defense to a suit. One analysis of the situation is that the courts fear that defining non-use as negligence would lead to the undesirable result of no recovery at all. The mitigated-damages decisions, while they have great appeal, have little precedent and most courts will have a difficult time trying to adopt this method. Another reason for the courts' reluctance to accept non-use as negligence is that they are not convinced of the effectiveness of belts in reducing injury.

Naturally, no provision is effective without some sort of penalty for violation. Most of the statutes state that the sale of substandard belts (and any other deviation from the statute) is a misdemeanor. It can probably be said that all states (even those not specifically indicating a misdemeanor) would regard violation of this statute as a misdemeanor. Perhaps a more useful legal tool for enforcement might be to accompany any violation with an injunction.

The most promising action on the part of state legislation is the adoption by at least 40 states of the Uniform Safety Equipment Compact (set out in Appendix D).

This enables member states to pool research resources and adopt uniform laws. It seems to have been promulgated by § 402(a) of the Highway Safety Act of 1966 (23 U.S.C.A. § 402(a) Supp. 1967). If it is used as enthusiastically as it was adopted, it could prove to be a very effective compact.

FEDERAL LAW

Recent developments in federal law necessitate an explanation of their effect and relationship to state law. In 1963 the federal government adopted a law (Public Law 88-201, December 13, 1963) to regulate the sale of seat belts in interstate commerce. It empowered the Secretary of Commerce to set standards and administer the bill, and provided a fine of one thousand dollars or a year in jail for each offense. This bill preempted no state laws, and existed concurrently with them.

Then the National Traffic and Motor Vehicle Safety Act of 1966 repealed the 1963 law. In its place it offered a comprehensive scheme designed to regulate all motor vehicle safety. The scope of the bill went beyond the usual limitation of application to passenger cars and included all motor vehicles within the realm of the United States. It did however, leave the administration of the bill with the Secretary of Commerce.

One of the most important aspects of this bill is that, unlike previous bills, it preempts all state legislation unless that legislation is identical with or more stringent than the federal law. States may, however, establish standards which apply to state-owned vehicles. Also the legislative history of the bill does mention that the common law standards of negligence are not to be affected by the bill.⁴

The bill also calls for a commission to be appointed by the Secretary of Commerce. This group is to be drawn from manufacturers of cars and car equipment; from state and local government officials; and from the general public. It is to be assumed that this group will provide the real guidance for the development of standards.

⁴U. S. Code Cong. & Ad. News 2720.

The control of minimum standards of safety for automobiles is probably best accomplished by the federal government, which can deal directly with the oligopolistic automotive manufacturing industry in order to ensure cooperation and compliance at the manufacturing level, rather than by putting the responsibility for setting and maintaining minimum standards to be imposed locally.

Appendix A

SEAT BELT LEGISLATION

| State | Belt Approval Required | Two Front Belts Required | Effective Model Year | Safety Compact Approved |
|----------------------|---------------------------|-----------------------------|-------------------------|----------------------------|
| Alabama | no | no | ---- | (a) |
| Alaska | no | no | ---- | no |
| Arizona | no | no | ---- | yes |
| Arkansas | yes | no | ---- | yes |
| California | yes | yes | 1964 | yes |
| Colorado | no | no | ---- | yes |
| Connecticut | yes | yes | 1964 | yes |
| Delaware | no | no | ---- | yes |
| District of Columbia | (b) | (b) | (b) | (b) |
| Florida | yes | no | ---- | yes |
| Georgia | no | yes | 1965 | yes |
| Hawaii | no | no | ---- | no |
| Idaho | no | no | ---- | yes |
| Illinois | yes | yes | 1961 (c) | yes |
| Indiana | yes | yes | 1964 | yes |
| Iowa | yes | yes | 1966 | yes |
| Kansas | yes | yes | 1967 | yes |
| Kentucky | no | (d) | (d) | no |
| Louisiana | no | no | ---- | no |
| Maine | no | yes | 1966 | yes |
| Maryland | yes | yes | 1964 | yes |
| Massachusetts | yes | yes | 1965 | yes |
| Michigan | yes | yes | 1964 | yes |
| Minnesota | yes | yes | 1964 | no |
| Mississippi | yes | yes | 1963 | no |
| Missouri | yes | yes | 1965 | yes |
| Montana | yes | yes | 1966 | yes |
| Nebraska | yes | yes | 1964 | yes |
| Nevada | no | no | ---- | yes |
| New Hampshire | yes | no | ---- | yes |
| New Jersey | yes | yes | 1965 | yes |
| New Mexico | yes | yes | 1964 | yes |
| New York | yes | yes (e) | 1962 (f) | yes |
| North Carolina | yes | yes (g) | 1964 | yes |
| North Dakota | yes | yes | 1966 | yes |
| Ohio | yes | yes (h) | 1966 | yes |
| Oklahoma | yes | yes | 1966 | no |
| Oregon | yes | yes | 1963 (i) | yes |
| Pennsylvania | yes | yes | ---- | yes |
| Puerto Rico | no | no | ---- | no |

Appendix A (Continued)

| State | Belt Approval Required | Two Front Belts Required | Effective Model Year | Safety Compact Approved |
|----------------|---------------------------|-----------------------------|-------------------------|----------------------------|
| Rhode Island | yes | yes | 1964 | yes |
| South Carolina | no | no | ---- | no |
| South Dakota | yes | no | ---- | no |
| Tennessee | yes | yes | 1964 | yes |
| Texas | no | no | ---- | yes |
| Utah | yes | no | ---- | yes |
| Vermont | yes | yes | 1964 | yes |
| Virginia | yes | yes | 1963 | yes |
| Washington | yes | yes | 1964 | yes |
| West Virginia | yes | yes | 1965 | no |
| Wisconsin | yes | yes | 1962 | yes |
| Wyoming | <u>no</u> | <u>no</u> | | <u>yes</u> |
| TOTALS: | 36 | 32 | | 39 |

- (a) Has set up commission to study adoption of safety compact
- (b) Law has been mentioned in readings, but I was unable to locate the statute that is referred to as C.O. 62-1743
- (c) 1961 date refers to used cars as applied after March 1, 1966. Model year for new cars started in 1965
- (d) Only seat belt anchors are required for front seat as of 1963 model year
- (e) 1967 models also have to have back anchorages and seat belts
- (f) 1962 date refers to used cars as applied January 1, 1967
- (g) Rear anchorage units are required on 1967 models
- (h) Anchorage units have been required since 1962
- (i) No specific year is mentioned but the date of the statute is 1963

Appendix B. SEAT BELT STATUTES

| | |
|-----------------------------------|--|
| Arkansas | Ark. Stat. §75-733; §75-734 (Supp. 1965) |
| California | Cal. Deering's Codes, Veh.C.A. §27300 to §27309 (Supp. 1966) |
| Connecticut | C.G.S.A. §14-100a (Supp. 1966) |
| District of Columbia ¹ | Board of Commissioners C.O. 62-1793 |
| Florida | F.S.A. § 317.951 (Supp. 1966) |
| Georgia | Ga. Code Ann. §68-1726(10) (Supp. 1966); § 68-1801 (Supp. 1966) |
| Illinois | S.H.A. ch. 95 1/2 § 217.1 (Supp. 1966) |
| Indiana | Burn's Stat. § 47-2241 to §47-2243 (1965) |
| Iowa | I.C.A. §321.445 (1966) |
| Kansas | K.S.A. §8-5-135 (Supp. 1965) |
| Kentucky | Kent. Rev. Stat. §189-125 (1962) |
| Maine | 29 M.R.S.A. §1368-a (Supp. 1966) |
| Maryland | Ann. Code of Mary. Art. 66 1/2 §296a (1967) |
| Massachusetts | Ann. Laws of Mass. Ch. 90:7 (Supp. 1966); Ch. 71:13D; Ch. 94:295Y (Supp. 1966) |
| Michigan | MSA 9.2410(1) (Supp. 1965); 9.2410(2) (Supp. 1965) |
| Minnesota | M.S.A. §169.685 (Supp. 1966) |
| Mississippi | Miss. Code §8254.5 (Supp. 1963) |
| Missouri | V.A.M.S. §304.555 (Supp. 1966) |
| Montana | Rev. Code of Mont. §32-21-150.1 to §32-21-150.3 (Supp. 1967) |
| Nebraska | Rev. Stat. Neb. §39-7 123.05 (Supp. 1966) |
| New Hampshire | N.H.Rev. Stat. §263.12 (1966) |
| New Jersey | N.J.S.A. §39.3-76.2 (Supp. 1966) |
| New Mexico | New Mex. Stat. Ann. 64-20-75; 64-20-76 (Supp. 1965) |
| New York | McKinney's Consol. Laws, Veh. and T. §383 (Supp. 1963) |
| North Carolina | G.S.N.C. §20-135.1 to §20-135.3 (Supp. 1965) |
| North Dakota | N.D. Cent. Code §39-21-41.1 (Supp. 1965) |
| Ohio | Page's Rev. Code §4513.262 (Supp. 1966) |
| Oklahoma | Okla. Stat. Ann. §12-413 to §12-415 (Supp. 1966) |
| Oregon | Oregon Rev. Code §483.482 to §483.488 (1965) |
| Pennsylvania | 75 P.S. §843 (Supp. 1966) |
| Rhode Island | Gen. Laws R.I. §31-23-39 to §31-23-41 (Supp. 1965) |
| South Dakota | South Dakota Laws 1964, Ch. 134 |

¹This law could not be found, but reference was made to it in TRAFFIC LAWS ANNUAL, Vol. I, 1964, p.606, footnote 11.

| | |
|---------------|---|
| Tennessee | Tenn. Code Ann. §59-930 (Supp. 1966) |
| Texas | Vernon's Ann. Civil St., Art. 6701d §140 (Supp. 1966) |
| Utah | Utah Code Ann. §41.6-148.10 (Supp. 1965) |
| Vermont | 23 V.S.A. 4(29) (Supp. 1965) |
| Virginia | Code of Va. 46.1-309.1; 46.1-310 (Supp. 1966) |
| Washington | Rev. Code of Wash. §46.38.010 to §46.38.090 (Supp. 1965) |
| West Virginia | West Va. Code §17C:15-43 (1966) |
| Wisconsin | W.S.A. §347.48 (Supp. 1967) |

Appendix C. SAFETY EQUIPMENT COMPACT STATUTE

| | |
|----------------|---|
| Alabama | Code of Ala. Title 36 §58 (Supp. 1965) ¹ |
| Arizona | Ariz. Rev. Stat. §28-1611 to 28-1618 |
| Arkansas | Ark. Stat. §75-2001 to 2009 (Supp. 1965) |
| California | Cal. Deering's Code, Veh. C.A. §28100 to §28110 (Supp. 1966) |
| Colorado | Col.Rev.Stat. 1963 §74-10-1 to 74-10-12 |
| Connecticut | C.G.S.A. §14-369 to 14-378 (Supp. 1966) |
| Delaware | 21 Del.C. §8001 to 8018 (Supp. 1966) |
| Florida | F.S.A. §325.01 to 325.10 (Supp. 1966) |
| Georgia | Ga. Code Ann. §68-1901 to 68-1922 (Supp. 1966) |
| Idaho | Idaho Code §49-2001 to 49-2009 (Supp. 1965) |
| Illinois | S.H.A. ch. 95 1/2 §551 to 559 (Supp. 1966) |
| Indiana | Burns Stat. §47-3201 to 47-3208 |
| Iowa | I.C.A. §321 D.1 to D.2 (1966) |
| Kansas | K.S.A. §8-1201 to 8-1211 (Supp. 1965) |
| Maine | 29 M.R.S.A. 1511 to 1520 (1965) |
| Maryland | Ann. Code of Mary. Art. 66 1/2 §296(a) (1967) |
| Massachusetts | Ann. Laws of Mass. ch. 90:7 (Supp. 1966) |
| Michigan | MSA §4.148.1 to 4.148.10 (Supp. 1965) |
| Missouri | V.A.M.S. §304.600 (Supp. 1966) |
| Montana | Rev. Code of Mont. §32-21-166 to 32-21-174 (Supp. 1967) |
| Nebraska | Nb. Laws 1963 ch. 344 |
| Nevada | Nev. Rev.Stat. §484.481 to 484.489 (Supp. 1965) |
| New Hampshire | N.H. Rev.Stat. §263 B:4 to 263 B:20 (Supp. 1966) |
| New Jersey | N.J.S.A. §32:26-1 to 32:26-10 (Supp. 1966) |
| New Mexico | New Mex.Stat. Ann. §64-20-77 to 64-20-87 (Supp. 1965) |
| New York | McKinney's Consol. Laws, Veh. and T. §384 (Supp. 1967) |
| North Carolina | G.S.N.C. §20-183.13 to 20-183.21 (Supp. 1965) |
| North Dakota | N.D. Cent. Code §39-23-01 to 39-23-10 (Supp. 1965) |
| Ohio | Page's Rev.Code §4513.51 to 4513.58 (1965) |
| Oregon | Oregon Rev. Code §483.668 to 483.682 (1965) |
| Pennsylvania | 75 P.S. §2301 to 2313 (Supp. 1966) |
| Rhode Island | Gen. Law R.I. §31-23.1 to 31-23.11 (Supp. 1966) |
| Tennessee | Tenn. Code Ann. §59-932 to 59-942 (Supp. 1966) |
| Texas | Vernon's Ann. Civ.Stat.Art. 6701K §1 to 5 (Supp. 1966) |

1/ Alabama has set up a committee to research the adoption of the safety compact. The statute referred to is the statute setting up the research committee.

| | |
|------------|---|
| Utah | Utah Code Ann. §41-15-2 to 41-15-12 (Supp. 1965) |
| Vermont | 23 V.S.A. 1801 to 1828 (Supp. 1965) |
| Virginia | Code of Va. §46.1-308.2 to 46.1-308.8 (Supp. 1965) |
| Washington | Rev. Code of Wash. §46.38.010 to 46.38.090 (Supp. 1965) |
| Wisconsin | W.S.A. §347.75 (Supp. 1967) |
| Wyoming | Wyoming Stat. 31-347 to 31-351 (Supp. 1965) |

Appendix D. MODEL OF VEHICLE EQUIPMENT SAFETY COMPACT

Adoption of vehicle equipment safety compact.--The Vehicle Equipment Safety Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

VEHICLE EQUIPMENT SAFETY COMPACT

ARTICLE I

Findings and Purposes

(a) The party states find that:

(1) Accidents and deaths on their streets and highways present a very serious human and economic problem with a major deleterious effect on the public welfare.

(2) There is a vital need for the development of greater interjurisdictional cooperation to achieve the necessary uniformity in the laws, rules, regulations and codes relating to vehicle equipment, and to accomplish this by such means as will minimize the time between the development of demonstrably and scientifically sound safety features and their incorporation into vehicles

(b) The purposes of this compact are to:

(1) Promote uniformity in regulation of and standards for equipment.

(2) Secure uniformity of law and administrative practice in vehicular regulation and related safety standards to permit incorporation of desirable equipment changes in vehicles in the interest of greater traffic safety.

(3) To provide means for the encouragement and utilization of research which will facilitate the achievement of the foregoing purposes, with due regard for the findings set forth in subdivision (a) of this Article.

(c) It is the intent of this compact to emphasize performance requirements and not to determine the specific detail of engineering in the manufacture of vehicles or equipment except to the extent necessary for the meeting of such performance requirements.

ARTICLE II

Definitions

As used in the compact:

(a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power or used exclusively upon stationary rails or tracks.

(b) "State" means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(c) "Equipment" means any part of a vehicle or any accessory for use thereon which affects the safety of operation of

such vehicle or the safety of the occupants.

ARTICLE III

The Commission

(a) There is hereby created an agency of the party states to be known as the "Vehicle Equipment Safety Commission" hereinafter called the Commission. The Commission shall be composed of one commissioner from each party state who shall be appointed, serve and be subject to removal in accordance with the laws of the state which he represents. If authorized by the laws of his party state, a commissioner may provide for the discharge of his duties and the performance of his functions on the Commission, either for the duration of his membership or for any lesser period of time, by an alternate. No such alternate shall be entitled to serve unless notification of his identity and appointment shall have been given to the Commission in such form as the Commission may require. Each commissioner, and each alternate, when serving in the place and stead of a commissioner, shall be entitled to be reimbursed by the Commission for expenses actually incurred in attending Commission meetings or while engaged in the business of the Commission.

(b) The commissioners shall be entitled to one vote each on the Commission. No action of the Commission shall be binding unless taken at a meeting at which a majority of the total number of votes on the Commission are cast in favor thereof. Action

of the Commission shall be only at a meeting at which a majority of the commissioners, or their alternates, are present.

(c) The Commission shall have a seal.

(d) The Commission shall elect annually from among its members, a chairman, a vice chairman and a treasurer. The Commission may appoint an Executive Director and fix his duties and compensation. Such Executive Director shall serve at the pleasure of the Commission, and together with the Treasurer shall be bonded in such amount as the Commission shall determine. The Executive Director also shall serve as secretary. If there be no Executive Director, the Commission shall elect a Secretary in addition to the other officers provided by this subdivision.

(e) Irrespective of the civil service, personnel or other merit system laws of any of the party states, the Executive Director with the approval of the Commission, or the Commission if there be no Executive Director, shall appoint, remove or discharge such personnel as may be necessary for the performance of the Commission's functions, and shall fix the duties and compensation of such personnel.

(f) The Commission may establish and maintain independently or in conjunction with any one or more of the party states, a suitable retirement system for its full time employees. Employees

of the Commission shall be eligible for social security coverage in respect of old age and survivor's insurance provided that the Commission takes such steps as may be necessary pursuant to the laws of the United States, to participate in such program of insurance as a governmental agency or unit. The Commission may establish and maintain or participate in such additional programs of employee benefits as may be appropriate.

(g) The Commission may borrow, accept or contract for the services of personnel from any party state, the United States, or any subdivision or agency of the aforementioned governments, or from any agency of two or more of the party states or their subdivisions.

(h) The Commission may accept for any of its purposes and functions under this compact any and all donations, and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state, the United States, or any other governmental agency and may receive, utilize and dispose of the same.

(i) The Commission may establish and maintain such facilities as may be necessary for the transacting of its business. The Commission may acquire, hold and convey real and personal property and any interest therein.

(j) The Commission shall adopt by-laws for the conduct of its business and shall have the power to amend and rescind these

by-laws. The Commission shall publish its by-laws in convenient form and shall file a copy thereof and a copy of any amendment thereto, with the appropriate agency or officer in each of the party states. The by-laws shall provide for appropriate notice to the commissioners of all Commission meetings and hearings and the business to be transacted at such meetings or hearings. Such notice shall also be given to such agencies or officers of each party state as the laws of such party state may provide.

(k) The Commission annually shall make to the governor and legislature of each party state a report covering the activities of the Commission for the preceding year, and embodying such recommendations as may have been issued by the Commission. The Commission may make such additional reports as it may deem desirable.

ARTICLE IV

Research and Testing

The Commission shall have power to:

(a) Collect, correlate, analyze and evaluate information resulting or derivable from research and testing activities in equipment and related fields.

(b) Recommend and encourage the undertaking of research and testing in any aspect of equipment or related matters when, in its judgment, appropriate or sufficient research or testing has not been undertaken.

(c) Contract for such equipment research and testing as one or more governmental agencies may agree to have contracted for by the Commission, provided that such governmental agency or agencies shall make available the funds necessary for such research and testing.

(d) Recommend to the party states changes in law or policy with emphasis on uniformity of laws and administrative rules, regulations or codes which would promote effective governmental action or coordination in the prevention of equipment-related highway accidents or the mitigation of equipment-related highly [highway] safety problems.

ARTICLE V

Vehicular Equipment

(a) In the interest of vehicular and public safety, the Commission may study the need for or desirability of the establishment of or changes in performance requirements or restrictions for any item of equipment. As a result of such study, the Commission may publish a report relating to any item or items of equipment, and the issuance of such a report shall be a condition precedent to any proceedings or other action provided or authorized by this Article. No less than sixty days after the publication of a report containing the results of such study, the Commission upon due notice shall hold a hearing or hearings at such place or places as it may determine.

(b) Following the hearing or hearings provided for in subdivision (a) of this Article, and with due regard for standards recommended by appropriate professional and technical associations and agencies, the Commission may issue rules, regulations or codes embodying performance requirements or restrictions for any item or items of equipment covered in the report, which in the opinion of the Commission will be fair and equitable and effectuate the purposes of this compact.

(c) Each party state obligates itself to give due consideration to any and all rules, regulations and codes issued by the Commission and hereby declares its policy and intent to be the promotion of uniformity in the laws of the several party states relating to equipment.

(d) The Commission shall send prompt notice of its action in issuing any rule, regulation or code pursuant to this Article to the appropriate motor vehicle agency of each party state and such notice shall contain the complete text of the rule, regulation or code.

(e) If the constitution of a party state requires, or if its statutes provide, the approval of the legislature by appropriate resolution or act may be made a condition precedent to the taking effect in such party state of any rule, regulation or code. In such event, the commissioner of such party state shall submit any Commission rule, regulation or code to the

legislature as promptly as may be in lieu of administrative acceptance or rejection thereof by the party state.

(f) Except as otherwise specifically provided in or pursuant to subdivisions (e) and (g) of this Article, the appropriate motor vehicle agency of a party state shall in accordance with its constitution or procedural laws adopt the rule, regulation or code within six months of the sending of the notice, and, upon such adoption, the rule, regulation or code shall have the force and effect of law therein.

(g) The appropriate motor vehicle agency of a party state may decline to adopt a rule, regulation or code issued by the Commission pursuant to this Article if such agency specifically finds, after public hearing on due notice, that a variation from the Commission's rule, regulation or code is necessary to the public safety, and incorporates in such finding the reasons upon which it is based. Any such finding shall be subject to review by such procedure for review of administrative determinations as may be applicable pursuant to the laws of the party state. Upon request, the Commission shall be furnished with a copy of the transcript of any hearings held pursuant to this subdivision.

ARTICLE VI

Finance

(a) The Commission shall submit to the executive head or designated officer or officers of each party state a budget of its estimated expenditures for such period as may be required by the laws of that party state for presentation to the legislature thereof.

(b) Each of the Commission's budgets of estimated expenditures shall contain specific recommendations of the amount or amounts to be appropriated by each of the party states. The total amount of appropriations under any such budget shall be apportioned among the party states as follows: one-third in equal shares; and the remainder in proportion to the number of motor vehicles registered in each party state. In determining the number of such registrations, the Commission may employ such source or sources of information as, in its judgment present the most equitable and accurate comparisons among the party states. Each of the Commission's budgets of estimated expenditures and requests for appropriations shall indicate the source or sources used in obtaining information concerning vehicular registrations.

(c) The Commission shall not pledge the credit of any party state. The Commission may meet any of its obligations in whole or in part with funds available to it under Article III (h) of

this compact, provided that the Commission takes specific action setting aside such funds prior to incurring any obligation to be met in whole or in part in such manner. Except where the Commission makes use of funds available to it under Article III (h) hereof, the Commission shall not incur any obligation prior to the allotment of funds by the party states adequate to meet the same.

(d) The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its rules. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual reports of the Commission.

(e) The accounts of the Commission shall be open at any reasonable time for inspection by duly constituted officers of the party states and by any persons authorized by the Commission.

(f) Nothing contained herein shall be construed to prevent Commission compliance with laws relating to audit or inspection of accounts by or on behalf of any government contributing to the support of the Commission.

ARTICLE VII

Conflict of Interest

(a) The Commission shall adopt rules and regulations with respect to conflict of interest for the commissioners of the party states, and their alternates, if any, and for the staff of the Commission and contractors with the Commission to the end that no member or employee or contractor shall have a pecuniary or other incompatible interest in the manufacture, sale or distribution of motor vehicles or vehicular equipment or in any facility or enterprise employed by the Commission or on its behalf for testing, conduct of investigation or research. In addition to any penalty for violation of such rules and regulations as may be applicable under the laws of the violator's jurisdiction of residence, employment or business, any violation of a Commission rule or regulation adopted pursuant to this Article shall require the immediate discharge of any violating employee and the immediate vacating of membership, or relinquishing of status as a member of the Commission by any commissioner or alternate. In the case of a contractor, any violation of any such rule or regulation shall make any contract of the violator with the Commission subject to cancellation by the Commission.

(b) Nothing contained in this Article shall be deemed to prevent a contractor for the Commission from using any facilities subject to his control in the performance of the contract even though such facilities are not devoted solely to work of or done on behalf of the Commission; nor to prevent such a contractor from receiving remuneration or profit from the use of such facilities.

ARTICLE VIII

Advisory and Technical Committees

The Commission may establish such advisory and technical committees as it may deem necessary, membership on which may include private citizens and public officials, and may cooperate with the use the services of any such committees and the organizations which the members represent in furthering any of its activities.

ARTICLE IX

Entry Into Force and Withdrawal

(a) This compact shall enter into force when enacted into law by any six or more states. Thereafter, this compact shall become effective as to any other state upon its enactment thereof.

(b) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after the executive head of the withdrawing state has given notice in writing of the withdrawal

to the executive heads of all other party states. No withdrawal shall affect any liability already incurred by or chargeable to a party state prior to the time of such withdrawal.

ARTICLE X

Construction and Severability

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the Constitution of any state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Approval of legislature required for rules and regulations of commission.--Pursuant to Article V (e) of the Vehicle Equipment Safety Compact, it is the intention of this state and it is hereby provided that no rule, regulation or code issued by the Vehicle Equipment Safety Commission in accordance with Article V of the compact shall take effect until approved by Act of the legislature. [Acts 1965, No. 5, § 3, p. .]

Compact commissioner shall be director of motor vehicle division--Alternate.--The Commissioner of this state on the Vehicle Equipment Safety Commission shall be the Director of the Motor Vehicle Division of the Department of Revenues, who shall serve during his continuance as such Director. Provided, the Commissioner of this state appointed pursuant to this section may designate an alternate from among the officers and employees of his agency to serve in his place and stead on the Vehicle Equipment Safety Commission.. Subject to the provisions of the compact and by-laws of the Vehicle Equipment Safety Commission, the authority and responsibilities of such alternate shall be as determined by the Commissioner designating such alternate. [Acts 1965, No. 5 § 4, p. .]

