Federal Politics in State Vehicle Inspection Safety Programs*

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The National Highway Safety Act of 1966 provides that the states must conform their highway safety programs to standards issued by the U. S. Department of Transportation, or face withdrawal of safety aid funds and cuts in federal-aid for highways funds. Periodic Motor vehicle inspection, designated as one of the program standards, has precipitated considerable controversy because of the lack of significant evidence supporting the conclusion that inspections contribute to a reduction of accident rates. This Article describes how highway safety measures have become issues of federal-state politics, and presents a survey of the Act's effect upon the adoption of periodic vehicle inspection programs by the states.

Mandatory periodic motor vehicle inspection (PMVI) has traditionally received little popular support as a highway safety measure in the United States. Between the late 1920's and early 1930's, when the first group of states adopted PMVI, and up until 1966, fewer than two dozen of the states[1] operated PMVI programs of any kind. Of these, some were unsuccessful and subsequently discontinued. Despite the poor start, the prospects for nationwide use of PMVI were considerably enhanced when the Federal Congress enacted the Highway Safety Act of 1966,[2] giving incentives for adopting PMVI in

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1. These states are listed in the tables following this Article. In addition, a number of cities have employed PMVI operations independently of any state requirements. They include: Miami (Dade County), Fla.; New Orleans, La.; Washington, D.C.; Cincinnati, Ohio; Norwood, Ohio; Knoxville, Tenn.; Chattanooga, Tenn.; Memphis, Tenn.; Evanston, Ill.; and Des Moines, Iowa. Some of these cities have discontinued their PMVI operations.
2. 23 U.S.C. §§ 401-04 (Supp. III, 1968).

areas where it had hitherto been rejected. This sudden change of heart is largely political and stems from the interactions between competing centers of political power in the United States. An awareness of this political background is necessary to an understanding of the present status of PMVI in this country. Before examining it, however, a brief description of PMVI will be provided for the benefit of those readers who may be unfamiliar with its basic operation and goals.

I. WHAT IS PMVI?

PMVI is, in effect, an enforced preventative maintenance regimen applying to motor vehicles operating on public thoroughfares. Its rationale assumes that motor vehicle crashes can be prevented by eliminating mechanical defects from the automobiles operating on the highways. Implicit in this assumption are the following notions: One, that some vehicular defects cause crashes; two, that accident-causing mechanical defects can be discovered by systematically looking for them; and, three, that enforcement can cause defective vehicles to be either repaired or removed from the highways. Hence, where PMVI is in force, owners must submit their vehicles for regular inspections if their vehicles are to be used on public highways. If a vehicle fails to meet the standards, it must be repaired before its owner can legally continue driving it.

Even those states that had enacted PMVI laws prior to 1966 were far from uniform in their regulations and inspecting procedures. Most of these states required annual reinspections, although a few jurisdictions required them more frequently, and most limited inspections to tests of the operating condition of such components as brakes, lights, horns, suspension mechanisms, and exhaust systems. Nevertheless, the exact list of inspected items and the precise nature of the inspections varied widely among the states. Despite those mechanical variations, however, the really significant differences were among the operational programs established in the states. In time, two basic PMVI operations have evolved. The major difference between them is in who conducts the inspections. Most states have franchised private operators to do the inspecting, whereas, a few states have built public inspecting stations and employ public employees to do the job.

The private operation is favored by states covering large land areas and having scattered populations. In such states, local private service stations or garages (which are usually in the vehicle repair business as well) are state-accredited as official inspecting stations and are given the authority to approve or reject the vehicles inspected. Privately operated systems have been criticized on many grounds, including: Garage owners misuse their rejection authority in foisting unneeded repairs upon motorists; private inspectors are more likely to submit to bribery in approving vehicles that should be rejected; and, inspecting quality is not uniform throughout the state. Such objections are thought to have substantially diminished the acceptability of PMVI in many states.

The state-operated system is favored in small, densely populated states (only Delaware and New Jersey use it on a state-wide basis), and by cities that operate their own inspecting programs (such as Washington, D. C., Memphis, Tennessee, and Cincinnati, Ohio). Use of this system eliminates most of the objections levied against the private garage system. Because the states are limited in the number of inspecting stations they can afford to build and operate, however, motorists frequently are obliged to drive long distances for inspections and then they sometimes encounter annoying delays in queues awaiting service. Moreover, because making inspections is the only function of the state inspecting stations, they operate in an assembly line fashion, requiring the motorist to be present for moving his vehicle into and away from the line. (In states where private garages are used the motorist may leave his car and return for it at his convenience.) Even so, were it practicable everywhere, the state-operated system would probably be preferred by most motorists.

In addition to these two basic programs for compulsorily inspecting all vehicles each year, a third system employing a random-selection procedure is being tried in a few states. In this system police authorities set up portable inspecting stations on public highways and, with no advance notice, stop and inspect passing vehicles. Those vehicles selected are subjected to tests that resemble in many respects those applied in the other inspecting programs. Supporters of random inspections reason that the purposes of PMVI will be achieved if motorists must at all times be prepared to submit their vehicles to inspection without warning. Furthermore, since far fewer than all the cars in a state are inspected each year, the random inspecting operation is much less costly than the other programs. But owing to the relatively small proportion of a state's vehicles inspected in any year (probably much less than 10 percent in all cases), its critics argue that safety cannot be enhanced to the extent it would be with mandatory PMVI for all vehicles every year. As will be later noted, the continued acceptance of the random inspection operation is in doubt for political reasons, no matter what advantages its proponents may claim for it.

II. HOW EFFECTIVE IS PMVI AS A SAFETY MEASURE?

It has been suggested that safety research is in a prescientific stage.[3] This status, at least in the special domain of highway safety, is fast changing. Using the federal monies being distributed through the Department of Transportation, the commercial research establishment has begun bringing to highway

3. *See, e.g.*, W. HADDON, E. SUCHMAN, D. KLEIN, ACCIDENT RESEARCH 3-5 (1964).

problems tools sharpened on the grindstones of defense and space contracts. Whereas promoting highway safety programs has traditionally relied upon sidewalk logic ("It goes without saying that junky cars cause wrecks!"), emotional appeal ("Why should we continue the blood letting by drivers who don't care enough to fix up their cars?") and political know-how, it is now taking a more calculating turn. The public and legislatures are beginning to demand proof that a particular measure will be worth what it costs. They should want answers to three questions. One, will the proposed safety measure prevent losses that will otherwise occur if it is not adopted? Two, will the economic savings exceed in value the cost of the safety measure? And three, will investing in this particular measure be the most effective expenditure of limited public funds in terms of savings per dollar spent?

No state has yet demanded such cold precision in weighing a highway safety proposal and no one is yet prepared to provide it. Nevertheless, the tenor of the questions reveals the kind of thinking that is properly being brought more frequently into the decision processes. PMVI has run afoul of this thinking.

Can PMVI be justified on a rigorous cost-benefit basis? Determining the cost part of a cost-benefit analysis of PMVI is rather simple to do. More than 100,000,000 motor vehicles operated actively on American highways in 1969.[4] Assuming that every vehicle is to be inspected each year at a total cost of $5.00 per inspection,[5] the total cost for such a program would be no less than $½ billion a year.[6] Although it will be shown that computing the benefits of PMVI is not so straightforward, it is easy to define a criterion that must be

4. On September 23, 1969, the Department of Transportation published an estimation that motor vehicle registrations would total 104,702,000 by the end of 1969. This figure included 86,560,000 passenger cars and 18,142,000 trucks and buses. In addition an estimation of 2,255,470 motorcycle registrations for 1969 was announced. Dept. of Transportation News, FHWA-353, released Sept. 23, 1969. The amount of miles rolled up by these vehicles is astonishing. DOT estimates that highway travel in the United States in 1968 exceeded one trillion vehicle miles, or by analogy to space travel, "more than 2,000,000 round trips to the moon." Dept. of Transportation News, FHWA-332, released June 29, 1969.

5. The reader is invited to estimate for himself a cost per inspection. He should include costs of facilities, labor, administrative and enforcement support, the value of the time invested by customers in going to, coming from, and waiting for the inspection, and perhaps other factors. Some economists who have examined this topic believe $5 per inspection is too low, perhaps by a factor of two, as the total social cost. For example, authorities in California estimated the direct cost, based upon prevailing wage rates in early 1967, to be between $4 and $5. Comments of the State of California concerning the proposed PMVI safety standard submitted to the Department of Transportation, unpublished (1967). The unaccounted for indirect costs could easily add several dollars to that estimate. *See also* note 6 *infra*.

6. A research report prepared under contract for the Department of Transportation pegged the "total social cost" of nation-wide inspections of the total 1966 vehicle population at $402 million. Eisner, *An Investigation of Used Car Safety* in Vol. IV. QUANTITATIVE EVALUATION, PART 2: ECONOMIC CONSIDERATIONS, HS 800 004 (June 30, 1968) (Available from Clearinghouse for Federal Scientific and Technical Information, Springfield, Va.) Their economic estimates seem somewhat difficult to justify. Perhaps it is noteworthy that the work was performed by researchers paid by the Department of Transportion, which is interested in promoting PMVI.

satisfied if it is to be shown that the benefits exceed their costs. At present, the economic costs of highway crashes in the United States are reckoned to be approximately $10 billion a year.[7] When that figure is divided into the annual cost figure of the assumed PMVI operation, a ratio of 1 to 20 is produced. Therefore, merely to pay for itself, PMVI must reduce the economic loss by not less than one part in twenty; that is, by not less than 5 percent.[8]

This brings us to the tough question. To what extent could a PMVI program costing $½ billion a year decrease the economic losses occurring on the highways? It should be clear that if PMVI is to be of net economic value, it must reduce economic losses by preventing highway crashes that would otherwise happen. As a matter of common sense we may accept that motor vehicles develop mechanical defects and we may also assume safely that some of the defects contribute to accident causation. Nevertheless, how frequently that occurs is a troublesome unknown. Policemen, who have traditionally been saddled with the task of deciding what causes accidents, even though they have inadequate tools for doing it, almost uniformly believe that mechanical defects are responsible in few crashes. Estimates range from 2 percent upward, but few policemen would say more than 10 percent.[9] Moreover, it is not known whether the kinds of defects that cause crashes are of a nature to be detectable by PMVI. This is important, because only those crashes caused by defects that would have been detected and repaired as a result of PMVI could have possibly been prevented by PMVI. Assume, for example, that PMVI is 50 percent effective in getting defects repaired that otherwise would have caused crashes. Using the figures developed earlier, we would have to show that defects cause 10 percent of the economic loss (about $1 billion) before an investment in a PMVI program costing $½ billion merely begins to break even on a cost-benefit balance, if it is 50 percent effective.[10] Hence, be-

7. The National Safety Council estimated the cost of motor-vehicle accidents in 1967 to be $10.7 billion. This figure is comprised of wage loss, $2.7 billion; medical expense, $0.7 billion; insurance administrative costs, $3.9 billion; property damage, $3.4 billion. NATIONAL SAFETY COUNCIL, ACCIDENT FACTS 5 (1968).

8. Of course, 5 percent is a rough estimate at best, but deviations by a factor greater than two seem unlikely.

9. The figures are based on conversations with a number of experienced traffic policemen. Moreover, it should be noted that the role of mechanical defects may differ among various types of crashes when they are classified by their severity. For example, studies indicate consistently that drunken drivers are involved in 50 percent or more of the fatal crashes. With one factor predominating to this extent in these severe crashes, it seems reasonable to expect that other factors, including defects, are of less significance in fatal accidents than in less severe crashes. *See* DEPT. OF TRANSPORTATION, 1968 ALCOHOL AND HIGHWAY SAFETY REPORT 14, 90th Cong., 2d Sess. (Comm. Print 1968).

10. This hypothetical cost model is constructed as follows. Annual total economic losses are $10 billion, and the annual cost of a 50 percent effective PMVI operation is $½ billion. But since the PMVI operation corrects only ½ the accident causing defects, the annual cost of crashes caused by defects must be at least $1 billion before a savings of $½ billion can accrue. Therefore, at least 10 percent of the total economic losses must be attributable to defects before a $½ billion, 50 percent effective PMVI operation can even pay for itself.

fore a state with limited funds invests them in PMVI, it should examine carefully whether the same money could be spent more profitably on a more potent safety measure.

Unfortunately, the basic data needed to exercise a cost-benefit model such as that outlined above is not available. Large quantities of data are needed before any reliable statistical conclusions can be made about what causes accidents. Although some important information is relatively easy to come by (for example, the blood alcohol concentrations in the bodies of fatally injured drivers), information as to mechanical defects is extremely difficult to ferret out and inordinately expensive.[11] For these reasons, definitive empirical studies of how frequently defects cause accidents are lacking. Needless to say the more precise question of how many of them would have been cured by PMVI is not answered.

Recognizing the practical difficulties inherent to answering questions about causation, researchers have recently conducted a study beginning at the other end of the logical train.[12] They reasoned that if PMVI is to be effective, it must improve the general mechanical condition of the vehicle population. Because some states have PMVI and others do not, there was a basis for testing that hypothesis empirically by testing and comparing the mechanical conditions of vehicles in various PMVI and non-PMVI jurisdictions. Four jurisdictions were chosen, ranging in their PMVI requirements from zero to three inspections per year.[13] After making their study, the researchers concluded that vehicle populations in PMVI jurisdictions are in substantially better mechanical condition than are those in noninspecting jurisdictions, and, furthermore, that the number of defects per vehicle diminishes as the frequency of inspection increases.

This is the most encouraging empirically backed statement about the efficacy of PMVI known to the writer; nevertheless, even it must be taken with caution. First, there is reason to doubt that the defects being found by PMVI were of the accident causing kind. For example, defective lighting, particularly headlight aim, accounted for almost 50 percent of the total number of defects. Not only is it questionable as to whether those defects cause a large number

11. Illustrating the difficulties and expense involved in investigating accidents, in 1958 Harvard University received a grant of $800,000 to conduct a five-year multi-disciplinary study of fatal accidents. A report of investigations searching for evidence of vehicle component failures in 32 crashes has been reported. The main conclusions appear to be that "vehicles are never too badly damaged to be analyzed" and "that vehicles do fail." Those were not the only conclusions obtained in exchange for the $800,000. Other facets of accident causation were studied as well. M. Burnstine, Defective Vehicle Conditions in Traffic Death Cases, (Research on Fatal Highway Collisions, Papers 1962-1963, Harvard Medical School).
12. McCutcheon & Sherman, *The Influence of Periodic Motor Vehicle Inspection on Mechanical Condition*, JOURNAL OF SAFETY RESEARCH (to be published).
13. The jurisdictions were: The City of Ann Arbor, Mich. (no PMVI requirement but a special inspection campaign was used to gather data for the study); Washington, D.C. (one inspection per year required); the City of Cincinnati, Ohio (two inspections per year required); and the City of Memphis, Tenn. (3 inspections per year required).

of accidents, but it has also been suggested by other researchers that defects of that nature are not likely to be repaired more quickly in a PMVI jurisdiction than in a non-PMVI one.[14] Secondly, in that study the normal PMVI specifications of each jurisdiction were taken as the pass-fail criteria and the PMVI operation itself was used as the measuring tool. From a methodological point of view, it can be argued that in order to make any meaningful findings about the role of PMVI in influencing defect rates a tool more precise than PMVI itself should be used to make the inspections. Moreover, there should be an assured uniform test procedure used in all of the jurisdictions studied. Finally, the study could add no knowledge at all about the little understood relationship between vehicle condition and accident causation.

The foregoing was not the first attempt to devise an empirical test of PMVI. In the past, other researchers had attempted in a different way to make use of the fact that some states have PMVI and others do not. If accident causation is dependent upon inspections, they reasoned, then the traffic death rate should be lower in PMVI states than in others.[15] An early study[16] used mathematical regression analyses to show a negative association between vehicle inspections and death rates. A later study corroborated the negative association, but the authors were careful to point out that no causal relationship had been established between PMVI and death rates.[17] A third study used similar methods to show a negative association between inspections and injury rates as well as between inspections and death rates.[18] None of the findings of these studies, however, were strong enough to conclude that PMVI was causing lower death rates. The results could have also been attributed to numbers of uncontrolled differences between the PMVI states and the non-PMVI states — differences in factors such as population density, urban-rural mix, terrain characteristics, climate, and socio-economic indexes. Recognizing these shortcomings, later researchers attempted to eliminate the influences of some of these uncontrolled variables in making similar analyses that also tended to correlate PMVI with lower death rates.[19] This latter group of studies,

14. *See*, J. O'Day & J. Creswell, *Periodic Motor Vehicle Inspection and Predictive Analytical Modeling, 1968*, (Highway Safety Research Institute, The University of Michigan).
15. Traffic death rates are commonly computed as the number of deaths per 100 million vehicle miles.
16. *See* Allgaier & Yaksich, *Factors Related to Traffic Death Rates*, HIGHWAY RESEARCH BOARD BULL. #142, at 19 (1956).
17. *See* A. Mayer & T. Hoult, Motor Vehicle Inspection, January, 1963 (Institute for Regional and Urban Studies, Wayne State University).
18. *See* J. Recht, Multiple Regression Study of the Effects of Safety Activities on the Traffic Accident Problem, December, 1965 (National Safety Council, Chicago).
19. The first of these analyses was made by Buxbaum & Colton, *Relationship of Motor Vehicle Inspection to Accident Mortality*, 197 J.A.M.A. 31 (1966). The two researchers extended their study in Colton & Buxbaum, *Relationship of Motor Vehicle Inspection to Accident Mortality*, 58 AM. J. PUB. HEALTH 1090 (1968). Two other researchers developed a more sophisticated analysis that indicated the effects of PMVI were less beneficial than claimed by Buxbaum and Colton. Fuchs & Leveson, *Motor Accident Mortality and Compulsory Inspection of Vehicles*, 201 J.A.M.A. 657 (1967).

particularly the first, has influenced the Department of Transportation in its promotion of PMVI as a significant safety program.[20]

Many observers, including this writer, remain unconvinced by "proofs" of PMVI's effectiveness that rest upon differences in death rates. The chain of causation between PMVI and death rates is so tenuous, and so many relevant parameters are free to vary from state to state, that attributing observed differences to PMVI seems risky. Because of the remaining doubts, yet another investigation[21] was made to test whether PMVI was responsible for the apparent negative association between PMVI and death rates reported by the earlier studies. The hypothesis was as follows: If instituting PMVI produces an ensuing reduction in the highway death rate of a state, then one should be able to detect the change by comparing the death rates experienced in a given state during a period of years prior to the institution of PMVI with the death rates experienced during a period of the same length in the years after beginning PMVI. One would expect lower death rates during the latter periods, if PMVI in fact reduces the number of fatal crashes. In order to attribute any observed change to PMVI, however, one would have to account for what would have happened in the ensuing years had PMVI not been introduced. This could be done by pairing each PMVI state with a non-PMVI state and then making before-after analyses of death rates in the non-PMVI states during identical periods as in the PMVI state. The observed changes in the non-PMVI states would then provide a standard against which to compare the observed changes in the PMVI states. Again, if PMVI were effective in reducing death rates, then one would expect the PMVI states to show greater improvement in death rates than was experienced in non-PMVI states. In the study that was made, however, that result did not occur. On the contrary, the results suggested that death rates in states introducing PMVI showed no more improvement than did the rates in states not introducing it. In fact, the non-PMVI states showed better results. Because it is contrary to common sense to attribute higher death rates to PMVI, the soundest conclusion is that death rates are not influenced by PMVI, at least not to an extent detectable by the studies conducted so far.

All of this discussion suggests that the value of PMVI as a cost-effective safety measure has not been proven. Most researchers of acquaintance to the writer tend to believe the money ear-marked for PMVI could be better spent

20. The first Director of the Department of Transportation's National Highway Safety Bureau, William Haddon, Jr., credited the first Buxbaum and Colton study with providing "quantitative information" relating "mechanical, design and maintenance factors" to automobile crashes. Address by William Haddon, Jr., 51st Annual Detroit Auto Show Industrial Dinner, Detroit, Mich., (Nov. 27, 1966).
21. J. Little, *The Fallacy of Evaluating Motor Vehicle Inspection by Death Rates*, in ACCIDENT ANALYSIS AND PREVENTION, AN INTERNATIONAL JOURNAL (to be published).

in other programs. PMVI advocates, and they are many, would disagree. Meanwhile, as the following discussion shows, the federal government has become its most effective advocate.

III. WHY IS THE RESURGENCE OF PMVI A POLITICAL ISSUE?

Although the states have been gradually losing ground in their power tug-of-war with the federal government, they have retained much local autonomy through their police powers. Using these powers, the state governments have traditionally regulated automobile use on public roads, including matters such as enacting and enforcing traffic laws, licensing drivers, registering vehicles and specifying vehicle equipment requirements and standards. As indicated above, prior to the enactment of the Highway Safety Act of 1966, a majority of states had either decided against including PMVI in their programs or had never considered it at all.

Despite the states' apparent dominion in traffic safety affairs, the federal government has for a long time played an important part in shaping the highway transportation system in this country. For example, in carrying out its commerce clause functions, the Congress has been justified in cooperating with the states in building America's gigantic network of highways. Nevertheless, policing the highways has historically been left to the states,[22] even though the federal government probably could directly regulate all aspects of the use of the highways carrying interstate commerce and of those financed in part by federal funds. As might be expected, the exercise of local control by 50 separate states and by almost innumerable local jurisdictions has resulted in significant variation in the regulations applying to users of the interstate transportation system as they travel among the states. Thus, for example, although some vehicles operating on interstate highways are inspected as required by their state's laws, vehicles from non-PMVI states are submitted to no such tests. Of course, vehicles from non-PMVI states are allowed to travel on the highways of PMVI states without having been inspected, so long as the use is temporary.[23]

Perhaps uncertainty about how far its power extends has in the past restrained the Federal Congress from legislating traffic regulations. Despite the past hesitancy, the Congress took a giant step in that direction when it

22. Apparently, the rule expressed by the Supreme Court in 1915 still applies: "In the absence of national legislation covering the subject a State may rightfully prescribe uniform regulations necessary for public safety and order in respect to the operation upon its highways of all motor vehicles — those moving in interstate commerce as well as others." Hendrick v. Maryland, 235 U.S. 610, 622 (1915).
23. The Uniform Vehicle Code, after which many state laws are patterned, takes care of out-of-state cars by levying the inspection requirement upon "every motor vehicle, trailer, semitrailer and pole trailer registered in this State . . . ." UNIFORM VEHICLE CODE § 13-104(a). This throws the burden of determining when a visiting vehicle becomes subject to inspection upon the host state's motor vehicle registration laws.

enacted the Highway Safety Act of 1966.[24] The purposes are laudable: The federal government is leading a concerted effort to reduce the number of tragedies produced upon the nation's highways. Under the provisions of the Act, the Department of Transportation is charged with issuing highway safety standards to which the states are expected to conform in their local safety programs.[25] The success of the plan is geared to two key program features: (1) the issuing of highway safety standards; and, (2) the granting of federal funds to help the states establish conforming programs that they otherwise could not afford. In effect, through this legislation the federal government is attempting to specify minimum criteria for state regulations and to finance new programs in part, while leaving administration and operation to the states.

Obviously, such an arrangement poses this potential difficulty: What will happen if the states refuse to comply with the federal requirements? This is not a mere hypothetical question, because it is clear that many states abhor federal intervention of this kind, and others, while they may not object to the federal role per se, are likely to object to selected parts of the highway safety program. Although the federal government has not put itself in a position of being challenged to compel its edict against the states by force, it is not without remedy against any state that may refuse to comply. The key is federal money. Not only do states failing to conform stand to lose Highway Safety Act grants, but they also may lose as much as 10 percent of the federal funds they would ordinarily receive in federal aid for the building of highways.[26] The former penalty is one that many states could afford; the money they might lose would have been spent largely for entirely new and, in some cases, unwanted programs. By contrast, the latter penalty could be severe, as the building of highways is important in the commercial competition among states and is frequently a powerful political consideration within a state.[27]

24. 23 U.S.C. §§ 401-04 (Supp. III, 1968).
25. A companion statute, the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. §§ 1381-1425 (Supp. III, 1968), directs the Secretary of the Department of Transportation to issue "motor vehicle safety standard[s]" specifying minimum performance criteria for motor vehicles and equipment. These refer primarily to the manufacture and sale of motor vehicles and regulate the automotive industry as opposed to automobile use.
26. Federal aid highway provisions are to be found in Title 23, ch. 1, of the United States Code. The penalty provision of the Highway Safety Act is to be found at 23 U.S.C. § 402(c) (Supp. III, 1968). Presently, pressure is mounting to remove the penalty. Doing so would significantly emasculate the *coercive* leverage of the Department of Transportation. For arguments viewing that as a desirable result, see Little, *A Case for Eliminating Penalties from Highway Safety Aid Provision*, 21 AD. L. REV. 425 (1969).
27. Some highway administrators say, however, that the states' costs of meeting the standards would exceed the losses of cut-off federal money. If so, states would be ahead financially to do nothing, at least if crash losses are not considered. These statements appear to be mere bravado, however, as the following data will show. In 1968, the federal government distributed $4.4 billion in highway funds to the states. (Dept. of Transportation News, FHWA-361, released Oct. 16, 1969). Hence, an average state would have received $88 million. Because the penalty would cut 10 percent of the aid, the "average" state's loss would have been $8.8 million. By contrast, the total appropriation made by Congress for highway safety in 1968 was $25 million, or, if all the funds had been distributed to the states, a mere $500,000 for the "average" state. (Dept. of Transportation Appropriation Act, 1968, Pub. L. No. 90-112, 81 Stat. 311). As the states are generally expected to match federal funds in their highway safety programs, the total expenditure for the "average" state would have been on the order of about $500,000, which is far below the potential penalty of $8.8 million. The unconscionable imbalance between prospective gain for conforming ($500,000) and potential loss in failing to do so ($8.8 million) is one argument for eliminating the penalty. *See* Little, note 26 *supra*. In the meantime, the need for federal highway funds grows stronger as the costs of building highways continue to rise to the point that in the second quarter of 1969 they stood at 130.1 percent of the 1957-59 average. (Dept. of Transportation News, FHWA-340, released July 28, 1969).
28. The first highway safety program standards issued by the Department of Transportation were PMVI, Motor Vehicle Registration, Motorcycle Safety, Driver Education, Driver Licensing, Codes and Laws, Traffic Courts, Alcohol in Relation to Highway Safety, Identification and Surveillance of Accident Locations, Traffic Records, Emergency Medical Services, Highway Design, Construction and Maintenance, and Traffic Control Devices. *See* 31 Fed. Reg. 15212 (1966). These standards are now to be found in 23 C.F.R. 204.4 (1969). An entirely different set of standards relating to vehicles has been issued under the National Traffic and Motor Vehicle Safety Act and may be found in 49 C.F.R. 371.21 (1969).
29. The questionnaires were mailed out in late spring of 1968 and the replies were received and processed during the summer of that year. The few noteworthy changes occuring since then are presented in note 31, *infra*, bringing the data up to date as of August 1969.

In summary, in the interest of promoting highway safety, the Congress has begun legislating in a field traditionally controlled by the states. Among the more important purposes of this new federal activity is the promotion of national uniformity in traffic regulations through imposing minimum standards to which each state is encouraged to comply. A state's failure to cooperate could result in financial handicap through the withdrawal of certain federal grants. PMVI is, of course, one of the Highway Safety Act standards issued by the Department of Transportation.[28] To comply with the standard as presently written, each state must have had an acceptable program not later than January 1, 1969. As will be shown in the next section, it is clear that some of the states have yet to comply fully.

IV. How Has the Status of PMVI Changed as a Result of the Federal Program?

The balance of this Article explores the effects of the Highway Safety Act of 1966 upon the prevalence and characteristics of PMVI in the United States. This exploration is made in terms of these questions: What changes does the Highway Safety Act require? What changes have been made? Why have the changes been made? And, why have the recalcitrant states not made the changes? In obtaining answers for these questions, it was desirable to invite comments from those concerned with PMVI in the fifty states. Accordingly, a questionnaire pertaining to matters of interest here was submitted to an appropriate official in each state. The replies provided most of the information discussed in the succeeding paragraphs and for convenience they have been distilled into the five tables that follow this Article.[29]

What changes are required by the Highway Safety Act of 1966? In those

states not previously requiring inspection, the change will be fundamental. To conform they must institute a PMVI program that may be the most costly of all the required safety programs. Even the original PMVI states are not necessarily unaffected, however, since the PMVI standard promulgated by the Department of Transportation contains features exceeding most preexisting PMVI programs. Although detailed discussion of the requirements would be out of place here, a partial description of the minimum requirements may be informative. Basically, they may be stated as follows:

a. Every vehicle registered in a state must be inspected annually or more frequently. (The standard also provides for approving "experimental, pilot, or demonstration" programs not in strict conformance with the annual requirement.)
b. Inspections must be performed by specially trained personnel who are accredited by the state.
c. The inspections must cover designated components, and procedures must equal or exceed designated criteria.
d. Designated data must be obtained during the inspections and must be reported at least annually.
e. The states must periodically evaluate the PMVI program and inform the Department of Transportation's National Highway Safety Bureau of the evaluation.

Although non-PMVI states are faced with building their programs without any prior beginnings, the existing PMVI states substantially meet the most severe requirement — that of inspecting all vehicles at least annually. Moreover, even though there are wide variations among the states, the inspecting criteria and procedures published by the United States of America Standards Institute have long been accepted by most inspecting authorities, and the initial federal guidelines have substantially incorporated them. Consequently, meeting inspecting criteria and procedures will not pose major difficulties for existing PMVI states. Nevertheless, the remaining requirements (training and accrediting personnel, obtaining and reporting designated data, and program evaluation) will require some program modifications in all existing PMVI states. Because these are largely nonpolitical matters and should involve relatively small new expenses, the experienced states may not be seriously burdened in complying.

What changes have been made? When the Highway Safety Act became law in September, 1966, 21 states and a few cities operated PMVI systems.[30] Moreover, at that time there was no significant movement among the other states to begin PMVI. Therefore, the clearest measure of change attributable

30. Table IA lists those states along with information about their programs and the comments made by their program administrators. Other states listed in other tables had some inspecting provisions of various sorts, all far short of the federal PMVI requirements.

to the Highway Safety Act is the increase in the number of states having PMVI programs. Ten states have enacted PMVI laws since the Highway Safety Act was passed.[31] These ten, added to the original 21, make 31 states now having PMVI laws;[32] whereas, 19 states still do not conform to the requirement, despite the threat of the penalties.

Even though an addition of only ten states to the numbers of those employing PMVI suggests less than enthusiastic endorsement of the federal program, the impending sanctions for not complying have created more concern than that response indicates. For example, some states (see Table IIA) have adopted police-operated random inspecting systems in efforts to obtain federal approval under the "experimental, pilot, or demonstration" programs authorized by the Highway Safety Act.[33] Furthermore, since 1966 the authorities in ten of the remaining 19 states have asked their legislatures to enact PMVI laws without success. (See Tables IIA, IIB and IIC.) Nevertheless, authorities in a number of states believe they will have PMVI eventually. Also, authorities in many original PMVI states (Table IA) report intentions of changing their programs in order to conform to the federal standards.

Why have changes been made? It is safe to say that one paramount factor explains all of this PMVI activity: the penalty requirements of the Highway Safety Act. The comments in the accompanying tables show that the reason for change is attributed to those requirements, at least in part, in almost every case of legislative action. Moreover, one may reasonably speculate that the states making no comment on the point preferred to remain silent rather than admit federal influence. These data do not explain, however, why the federal requirement induced the activity that has been observed. At least two explanations can be offered. The first, and probably the more cogent, was the threat of losing federal money.[34] A second explanation, however, should not

31. They are shown in Table IB. Since this article was originally prepared, Puerto Rico has also passed a PMVI statute, raising the number of post-Highway Safety Act enactments to eleven. Irs Sesion Ordinaria, 6 ta. Asamblea Legislativa, Num. 121 (Aprobada en 28 Junio de 1969). Also, the Oregon legislature has given the state police the authority to conduct random inspections on public streets and highways Oregon Regular Session, Chapter 496, Laws 1969, House Bill No. 1043, approved June 13, 1969.
32. Note from the Table IB that many of those states' programs did not become effective until January 1, 1969, the date required by the federal standard.
33. As pointed out by Little, *supra* note 26, at 432, the Department of Transportation initially took a hard headed, negative stand against the approval of random inspecting programs as a substitute for the PMVI requirements. DOT seems to have relented to some degree in issuing FHWA Order 7-3 of Jan. 17, 1969 that "describes the policies and conditions under which the Department of Transportation will consider for approval a temporary or trial motor vehicle inspection program that deviates" from the published standard. Trial programs must have the purpose of improving the safety quality of the *total* vehicle population. Approvals are to be for one year and "No trial substitute program will be approved for more than three years." Apparently, as of Oct. 1969, no approvals had been made under this provision.
34. The experience of the state of Kentucky provides an interesting case study of the power of the sanction. That state enacted PMVI before the Highway Safety Act became law. The 1968 legislature, however, passed a bill repealing inspection. Kentucky's

be discounted, since the National Highway Safety Bureau marshalled data and arguments, purporting to demonstrate PMVI's potential for improving highway safety, and publicized them widely. Therefore, many states may have changed their previously held views about PMVI and endorsed it primarily to improve public safety. That statement, however, is likely too sanguine as a general description of the motivation. A number of the states' authorities frankly admitted that the coercive threat was responsible for their actions, and, as we shall see, many of them rejected the notion that PMVI really aids safety. As a counterpoint, authorities from both the original PMVI states and from the new ones as well, almost in a single voice, said that dollars spent on PMVI are "well spent," even though some viewed their programs as being too young to have demonstrated a measurable effect on highway safety.

Why have the recalcitrant states not made changes? Several reasons have been given for not yet complying with the PMVI requirements. In part the process of making laws in the states may be at fault. As explained earlier, the Highway Safety Act provides a structure for setting highway safety standards and for helping the states finance conforming programs. Although the risk of losing federal money may be a powerfully influencing sanction, each state must itself enact the highway laws, including PMVI, that are to apply locally.

Local adoption of a program is customarily a multi-step process, generally describable as follows. First, the federal standard is sent to a state's governor who initiates the legislating process by recommending an appropriate measure to the legislature. The legislature in its committee machinery considers the recommendations, and may eventually put them before the entire legislative body for deliberation. Ultimately, the measures may be voted on or they may be pigeon-holed somewhere in the proceedings. Opportunities for delay lurk throughout the process. Some legislatures meet annually whereas others meet biannually, so one or two years delay is built in before the measure may even be considered. In either case, educating the legislators, obtaining agreement among them and charting a program through to enactment are time-consuming processes and frequently require more than one legislative session. As a result, the law-making process itself may account for some of the failure in not obtaining more PMVI enactments.[35]

Governor Nunn, reportedly coming under heavy pressure from the Department of Transportation, waited until after the legislature's adjournment before vetoing the repeal bill. His strategy worked to prevent his veto from being overruled. Among Governor Nunn's reasons for vetoing the bill were: Kentucky stood to lose $48 million in federal highway funds over four years; Kentucky residents appeared to be accepting inspection; and Kentucky's accident rate was up. *See* AUTOMOTIVE NEWS, April 15, 1968, at 44.

35. Apparently, attributing failure to legislate to the slow toils of the legislative process is erroneous, at least in the case of PMVI. As shown in the text and tables, a spate of bills appeared in anticipation of or in immediate response to the passage of the Highway Safety Act. Ten states enacted statutes in the immediate aftermath. Since then, however, acceptance of PMVI has met with considerably greater resistance. The remaining states apparently have no intention of enacting PMVI. There has been recent activity, however, in both the new and old PMVI states to modify their programs in one way or another. Many of the modifications appear to relieve the severity of the original requirements. For example, Florida has changed its semi-annual inspection requirement, which exceeded the federal standard, to an annual requirement. U.S. Department of Transportation, Legislative Enactment Report, NHSB Notice 6.0300, July 14, 1969.

In the case of PMVI, as with the other recommended highway safety standards, the pressure from the federal government weighs heavily in each decision in this sequence. Countervailing against it are the dislike of federal coercion and substantive objections to PMVI. Even so, it is unlikely that many states would refuse to act affirmatively should the recommended program find widespread public approval. Therefore, it may be inferred that public distaste, or at least its withholding of approval, has handicapped PMVI in some cases.

Most people would probably agree that mandatory PMVI is justified only to the extent that it improves traffic safety. If that is correct, PMVI would find very little public support in the face of substantial doubts about its value. Moreover, even if the safety value were not seriously questioned, public support would dwindle if the costs and inconvenience accompanying the program exceeded the benefits. Indeed, these arguments have prevailed against PMVI in many states. Comments to the effect that PMVI lacks proof as a safety measure, and that other programs are more urgently needed, recurred frequently in the remarks of officials in non-PMVI states. (See Tables IIA, IIB and IIC.) Perhaps the most persuasive argument against PMVI continues to be that its value is not worth its cost.

The foregoing discussion of some answers to the questions posed at the beginning of this section provides an overview of where PMVI stands nationally. Although a full textual discussion of the status of PMVI in each state is not practical here, information has been collected from each individual state's response to the survey and has been placed in the tables. In general, the entries condense the respondents' remarks, although in many cases they are direct quotations.

Table IA lists the states that had PMVI laws before the Highway Safety Act of 1966 was passed. Table IB lists the states that adopted PMVI laws after the Highway Safety Act was passed. Table IIA lists the non-PMVI states that have random inspecting operations. Table IIB lists the states that have neither PMVI nor random inspections but that do have some inspecting operation. And, Table IIC lists those states having no inspecting operation.

V. SUMMARY AND PROSPECTS

National concern about highway safety, coupled with the apparent inability of the states to do anything about it individually, culminated in the enactment of the Highway Safety Act of 1966. Since then, safety activities have

spurted to unprecedented levels. This sudden impetus has swept PMVI into many new states and has revitalized existing programs in others. Nevertheless, 19 states have not yet joined in the movement and, one might add, it is not certain that the recently conforming states will be loyal when and if the primary coercive leverage of the federal government is removed.

A reader, unaware of some of the current social facts that are, if not peculiar to, at least extremely prevalent in modern life in the United States, might be amazed at all this fuss about a highway safety program that many believe to be valuable. Mobility is every man's treasure in the United States. Consequently, the automobile and its use are jealously held prerogatives of nearly every adult person. Great numbers of them are dependent upon automobiles in earning a livelihood and almost everyone requires them for social exchange. Given this social context, one easily comprehends that any regulation either interfering with automobile use or increasing its costs will meet with resistance. Clearly PMVI can do both and may even completely cut off automobile enjoyment (and perhaps gainful employment) to poorer motorists who cannot bear any added costs. These people complain. Moreover, the not-so-poor object even more vociferously although PMVI costs them proportionately far less.

Those advocating any new regulation of automobile use must account for this milieu as well as for more specific substantive criticisms. They should be prepared to show that the regulation is needed; that the particular regulation is well designed to fill the need; and that the social benefits will exceed the social costs. Applying the first of these criteria finds an indisputable need for highway safety measures. The rates at which Americans kill and injure themselves, and destroy their property on the highways is well documented. Nevertheless, objective proof that PMVI can significantly alter these rates is lacking, even though the potential seems clear intuitively. Nor has it been established that the various inspection programs used in the United States are optimally designed either to minimize costs or to maximize benefits. Although the PMVI criteria in use have been hammered out through four decades of practical experience, the regimen has never been submitted to comprehensive scientific scrutiny.[36] These and other lingering concerns have deterred the acceptance of PMVI. After they have been resolved satisfactorily, PMVI may sell itself universaly or, it may be abandoned in its present form.

36. Some analytical study is being made of this, particularly with respect to which components should be inspected and with respect to optimum inspection frequency. This study portends to lead to a markedly different inspecting routine. See J. O'Day & J. Creswell, The Breakdown of Periodic Motor Vehicle Inspection, Highway Safety Research Institute, May, 1968 (The University of Michigan, presented at the 14th Annual Conference of the Canadian Highway Safety Council, Victoria, B.C.)

TABLE IA:
THE ORIGINAL PMVI STATES HAVING PMVI LAWS BEFORE THE HIGHWAY SAFETY ACT OF 1966

State (Year Law Passed)	Has HSA Influenced Changes In Your Program?	Public Reaction (Since 1966)	Changes Noted In Vehicle Condition	Effect On Traffic Safety	Is PMVI Money Well Spent?
Colorado (1935) P:1	New specifications requiring minimum tire tread depth and that at least one wheel be removed during inspection have been added.	Residents appear to be a little more interested in inspection.	Condition has improved because of new inspection requirements.	No comment.	Definitely well spent. Price of inspection should be increased so that standards could be upgraded.
Delaware (1933) G	Yes, adding odometer readings to inspection data and tire inspection.	No comment.	Less than 1% of accidents are caused by faulty vehicles. Credit for low rate is given to inspection	No comment.	No other way to spend as well.
District of Columbia (1938) G:2					
Georgia (1965) P:3	No.	Much better than at the start of the program	Condition has improved, especially in lighting.	Any defects corrected make highways safer.	Yes, if law is strengthened to comply with D7 standards.
Hawaii (1961) P:4	Yes, each county operated a PMVI system before the HSA. In 1967, the state legislature put the program under central state wide administration.	Favorable, as a whole.		Highways are safer because of PMVI.	Program is mainly self-supporting. Administrative expenses are well spent.
Louisiana (1960) P	Yes, PMVI program is being upgraded with more training, more enforcement, roadside spot checks, revision of procedures.	Favorable, much interest has been generated.	Improved condition. 87% of vehicles inspected were defective in 1961; now less than 50% and usually less than 25% are defective.	Favorable, although total number of accidents is increasing, defective vehicles are less often involved.	Well spent; we plan to spend considerably more.

TABLE IA: (Continued)

THE ORIGINAL PMVI STATES HAVING PMVI LAWS BEFORE THE HIGHWAY SAFETY ACT OF 1966

State (Year Law Passed)	Has HSA Influenced Changes In Your Program?	Public Reaction (Since 1966)	Changes Noted In Vehicle Condition	Effect On Traffic Safety	Is PMVI Money Well Spent?
Maine (1930) P	No	Favorable, have noted no change since 1966.	Improved condition; but expect no change from HSA because of established PMVI.	No change since 1960.	PMVI is necessary part of highway safety activities.
Massachusetts (1926) P	Yes, planning compliance with federal requirements.	Favorable, taken for granted by the public.	PMVI has favorable effect on vehicle condition.	Unknown.	Yes.
Mississippi (1960) P	Very little, may add exhaust systems to inspection criteria.	Favorable, 98% public acceptance since law was passed in 1960.	Improved condition. Vehicles in much better mechanical condition.	Fatal accidents caused by faulty equipment have been reduced by 70% from 5 years before PMVI was passed.	Well spent.
New Hampshire (1930) P					
New Jersey (1938) G	The HSA requirements in the main follow the pattern of the New Jersey program.	Favorable, so long as motorists' wait for inspection is kept to a reasonable length of time.	No perceptible change since 1966 because of long established program.	No perceptible change since 1966 because of long established program.	Vital part of any highway safety program .
New Mexico (1937) P					
New York (1966) P:5	Yes, plans have been made to include motorcycles.	Favorable, N.Y. public is more receptive than ever, but there is some opposition to private garage system.	Condition has improved.	Believe more accidents would have occurred without PMVI.	PMVI is preventative maintance and value of preventative maintance has been shown in many fields.
N. Carolina (1965) P	Yes, we plan to meet or exceed federal standards.	Most favorable.	Definite improvement.	Impossible to answer definitely; opinion is yes.	Vital part of any well balanced safety program.

TABLE IA: (Continued)

THE ORIGINAL PMVI STATES HAVING PMVI LAWS BEFORE THE HIGHWAY SAFETY ACT OF 1966

State (Year Law Passed)	Has HSA Influenced Changes In Your Program?	Public Reaction (Since 1966)	Changes Noted In Vehicle Condition	Effect On Traffic Safety	Is PMVI Money Well Spent?
Pennsylvania (1928) P	Additional and correctional legislation is needed before we can adopt the federal program.	Unfavorable–very disturbed by the requirements such as harness belts and anti-smog devices that impair efficiency and add cost which seems unnecessary.	See no change since 1966.	See no change since 1966. Program has been operated too long and too well to allow great change for the better.	Well spent and results will be more noticeable with experience.
Rhode Island (1958) P	No. Rhode Island meets the requirements with its present system	No comment.	No perceptible change since 1966.	No perceptible change since 1966.	Well spent.
Texas (1951) P	Yes, the 1967 legislature added the following items to the inspecting criteria: steering wheels and rims and front seat belts.	Favorable, the public has accepted the changes.	Better condition; percentages of adjustments and repairs have reduced over the years.	Defective vehicle involved in both fatal and non-fatal accidents have been reduced since program began in 1951.	Yes, values derived from a properly administered program far exceed any faults, real or imaginary.
Utah (1936) P	Has added some emphasis to our program	All reports seem favorable.	Improved enthusiasm on part of inspectors will probably result in improvements.	Believe vehicles would be in worse condition without PMVI and would have higher accident rate.	Well spent.
Vermont (1935) P	Yes, as of May 1968, have started a mechanics certification program to bring Vermont's PMVI program up to the federal standard.	Favorable.	Condition has improved considerably with respect to body and sheet metal items recently added to the program.	No comment. Statistics not presently available.	Well spent, an important part of any safety program.

TABLE IA: (Continued)

THE ORIGINAL PMVI STATES HAVING PMVI LAWS BEFORE THE HIGHWAY SAFETY ACT OF 1966

State (Year Law Passed)	Has HSA Influenced Changes In Your Program?	Public Reaction (Since 1966)	Changes Noted In Vehicle Condition	Effect On Traffic Safety	Is PMVI Money Well Spent?
Virginia (1932) P:6	Virginia plans to make the changes necessary to make its established program conform to federal standards.	Long accepted by the general public. In 1967, 4,009,421 inspections were made and only 59 written complaints were received.	During 1946, when PMVI was inactive because of war, 10.4% of accident vehicles were defective. In 1967, this figure decreased to 3.9%.	Believe evidence indicates the extreme value of PMVI	Well spent. (In 1967 the cost per inspection to the state was slightly less than 6¢.)
W. Virginia (1953) P:7	Yes, new legislation.	Favorable.	Vehicle in better condition.	Highways are safer.	Well spent.
Kentucky (1966) P	Our program began in 1968. We have made several changes but they were not prompted by the HSA.	We hear many good comments about the probable value of the program. Most unfavorable reaction originally came from the Farm Bureau, which felt burden on farmers would be great.	We think there is improvement but program is too young to prove it.	We see no evidence of improvement yet. There is no difference in the accident rate during this first year of inspections.	PMVI is a good program in context, but is not a panacea. It can't produce miracles but should serve a useful purpose.

Comments:

* Legend – Kind of PMVI Used: P–Private Garage; G–Government operated.

1 Approximately 34% of the vehicles inspected require adjustment or repair. Without PMVI, we believe at least half would continue to operate without correction.

2 Although not a state, D.C. is covered under the provisions of the HSA.

3 Strict PMVI will help highway safety. If it is not strict, it becomes a nuisance and does not serve a worthwhile purpose.

4 Benefits could be greater with more expenditures. Inspection stations need supervision to prevent abuses.

5 PMVI is most feasible method of acquainting the motoring public with vehicle mechanisms.

6 Success depends largely upon: selection of good stations and mechanics, good training and retraining, proper supervision and administrative help, and good public support.

7 All vehicle owners will not maintain their vehicles unless required to do so by law.

TABLE IIA:

NON-PMVI STATES HAVING RANDOM INSPECTING OPERATIONS

State	Present Program	Has HSA Influenced The Program?	Public Reaction	Effect On Safety	Comments
California	California Highway Patrol makes random roadside inspections. Motorists must submit to vehicle inspection when directed to do so.	Legislation was enacted in 1965 prior to HSA-1966. California has requested that its program be approved as qualifying under the federal standards.	Mostly very favorable; some adverse reactions for charges to correct headlamps and service brakes.	The number of vehicles with defects has declined since the program was put into effect. Publicity has psychologically convinced not only the motorist who is inspected but others that they must voluntarily keep their vehicles in better condition.	Limited experience does not allow comment on cost-benefit effectiveness. Total program of increasing personnel, enforcement activities, drunk driver enforcement and inspection has reduced accidents.
Kansas	Police operated Spot Check.	Studies are being conducted for the purpose of updating and improving laws to conform to federal requirements.	Mixed.	Can't measure.	More money should be spent to upgrade the program–believe PMVI tends to reduce accidents.
Michigan	Michigan State Police makes random roadside inspection. Motorists must submit upon being directed to do so.	PMVI bills have been defeated since 1966 possibly because of costs. (Michigan's program was enacted in 1966 prior to the enactment of HSA-1966.)			The basis of PMVI isn't sound and the cost of PMVI exceeds benefits. With equal amounts spent on random inspections we would have a good traffic enforcement program along with inspection.

TABLE IIA: (Continued)

NON-PMVI STATES HAVING RANDOM INSPECTING OPERATIONS

State	Present Program	Has HSA Influenced The Program?	Public Reaction	Effect on Safety	Comments
Ohio	State highway patrolmen are authorized to conduct random roadside inspections (cities are authorized to have PMVI programs, Cincinnati does).	The random inspection program was passed after HSA-1966 was enacted.	Letters, news media and public comments have been favorable.	Too early to say, but garages, parts dealers and service stations report motorists are improving their vehicles.	3% of accident vehicles are defective; whereas 97% of the accidents are caused by driver action. This suggests more money should be spent on enforcement directed to driver action.
Wisconsin	Wisconsin has teams to operate both compulsory and voluntary random inspections. In addition a private garage pilot project will be run in a rural and another in an urban area of the state (effec. 7/1/68.)	Yes, it provided a base for instituting inspection, but willingness to consider pilot projects of random inspections completely dissipated legislative support for full-fledged PMVI.	Unknown at this time.	Unknown at this time.	PMVI is an integral part of total highway safety picture.

TABLE IB:

PMVI STATES ADOPTING INSPECTING AFTER THE HIGHWAY SAFETY ACT OF 1966

State (Date Law Passed)	Did HSA Influence Passage?	Public Reaction	Changes Noted In Vehicle Condition	Effect On Traffic Safety	Is PMVI Money "Well Spent"?
Arkansas (1967) P*	Yes	Only inspection of newly purchased and transferred vehicles was required during 1967, but public reaction as a whole seems very good.	Not yet noticeable on the highways, but adjustments and repairs are being made.	Too early to say.	Well spent.
Florida (1967) PG:1	Not known.	No information yet. Program effective June 1, 1968.	No information yet.	No information yet.	Well spent.
Idaho (1967) P	"PMVI bills were prepared for 3 sessions of the legislature before one was passed."	Became effective Jan. 1, 1968. Public acceptance seems good after three months operation.	Short experience gives no basis for comment.	Short experience gives no basis for comment.	Inspection stations are finding items needing repair or adjustment.
Indiana (1967) P:2					
Missouri (1967) P	"Yes . . . probably would not have passed without expectation of federal funds being withheld."	Program begins Jan. 1, 1969. However, about 50% of 6000 prospective inspection station operators favored PMVI.	Unable to comment yet.	Unable to comment yet.	"Many unsafe vehicles will be taken off the highways." May never be able to tell how many defective vehicles are involved in accidents.
Nebraska (1967) P	"Yes . . . sold to the legislature on the basis of possible loss of highway funds and with the idea that a portion of the costs . . . could be supported with federal funds."	Program begins Jan. 1, 1969. No unfavorable comment yet.	No comment.	No comment.	Believe PMVI will be beneficial.

TABLE IB: (Continued)

PMVI STATES ADOPTING INSPECTING AFTER THE HIGHWAY SAFETY ACT OF 1966

State (Date Law Passed)	Did HSA Influence Passage?	Public Reaction	Changes Noted In Vehicle Condition	Effect On Traffic Safety	Is PMVI Money "Well Spent"?
Oklahoma (1967) P:3	Were close to passage but HSA helped	Program begins Jan. 1, 1969. No organized opposition yet.	No rated change yet, but improvement is anticipated.	No change yet.	More money should be spent on PMVI as it develops into driver's actions and safer roadways.
S. Carolina (1967) P	No Comment.	Program voluntary until Jan. 1, 1969. Public reaction has been favorable.	Not old enough to evaluate.	Not old enough to evaluate.	Well spent, since all machines wear with use.
S. Dakota (1967) P	"Yes . . . threatened withholding of 10% of highway funds." Federal action left much ill will and has reduced support we might otherwise have had. (S. Dak. Highway Patrol favored PMVI).	Favorable, public voluntarily responded to the extent 75% of the inspections were done in the time scheduled for 30%.	Many "unseen" deficiencies in exhausts, brakes and suspensions which are difficult to detect in normal enforcement are being found.	Unknown at this time.	Yes – puts drivers in safer vehicles and protects "the other driver" from irresponsible motorists.
Wyoming (1967) P	"Yes . . . legislature passed the inspection law because of the Federal Highway Safety Act."	Unfavorable comment in the press and by letter for 1st two months, but now mostly favorable comments.	More cars being junked since inspection started.	Program is too new for records to show the effect.	Well spent.

Comments:

* Legend – Kind of PMVI Used: P–Private Garage; G–Government Operated
1 Private garage or government operated systems can be operated at the option of each county.
2 Compulsory inspection will eventually encourage many motorists to keep vehicles in better repair.
3 Through PMVI we will be able to contact vehicle owners directly for the first time.

TABLE IIB:

NON-PMVI STATES HAVING SOME INSPECTING REQUIREMENT

State	Extent of Present Operation	Have PMVI Proposals Been Defeated Since 1966?*	Has HSA-1966 Had Any Substantial Promotional Effect?	Is PMVI Legislation Likely In The Near Future?**	Would Money Be Well Spent On PMVI?
Illinois	Only trucks are inspected (twice annually)	Yes lack of public support.	Yes, almost passed legislation in 1967.	Yes, federal government will force us to do so.	Proper safety inspections take time and effort and cost more than the charges allowed in most states. Moreover a less than adequate inspection gives motorists mistaken ideas about the safety of their vehicles. (Note this is a condensation of extensive questioning of PMVI.)
Iowa	Statute authorizes municipalities to inspect. None do.	Yes, passed one house but was not acted on by the other.	Has provided arguments for PMVI.	Yes, we will press strongly for PMVI in 1969 legislature.	Well spent; believe private garage system will not require tremendous public expenditures.
Maryland	Only includes inspection upon resale or transfer of private passenger vehicles.	Yes, can't determine whether cost, the type of program, the federal requirements, or all of these were the reasons for defeat.	Not necessarily.	Possibly. Public is more safety conscious, familiar with federal requirements, and with comparisons for mortality rates between inspection and noninspection states.	Well spent if the program is properly administered and enforced.
Minnesota	We plan to spot check 5% passenger vehicle population in 1968 (Note: Municipalities may inspect.)	Yes, public inconvenience, fear of being bilked by unscrupulous operators; lack of clear evidence that PMVI reduces accidents.	No significant effect, but spot check program has been authorized to evidence "substantial compliance" with HSA.	Don't know. Legislation will be introduced in 1969 legislative session.	No safety program is complete without PMVI. Greatest handicap is proof that PMVI will reduce accidents and to what degree. We believe program to be self supporting.

TABLE IIB: (Continued)

NON-PMVI STATES HAVING SOME INSPECTING REQUIREMENT

State	Extent of Present Operation	Have PMVI Proposals Been Defeated Since 1966?*	Has HSA-1966 Had Any Substantial Promotional Effect?	Is PMVI Legislation Likely In The Near Future?**	Would Money Be Well Spent on PMVI?
Tennessee	3 of the 4 largest municipalities operate inspection programs.	Action was deferred by 1966 legislature.	Yes, focused state wide attention on PMVI and other safety programs.	No. State plans a complete research project before legislating	Statewide traffic safety program is being pursued with deliberate action to avoid wasteful and poorly planned program PMVI has not been given high priority.
Washington	School busses are inspected twice annually.	No.	We anticipate a spot check operation between 1969 – 1971 from which to gather information.	Washington has had PMVI legislation since the early 1940's. However, the program has not been financed by the legislature since 1949.	Better spent on other programs.

Comments:

*Illinois, Iowa, and Minnesota indicated that private garage PMVI operations had been proposed. Washington has an inoperative government owned and operated system.

**Illinois indicated that PMVI legislation was presently being considered, whereas, Iowa, Maryland, Minnesota, and Tennessee replied that such legislation was not presently being considered.

TABLE IIC:

NON-PMVI STATES

State	Is PMVI Legislation Presently Being Considered?	Have PMVI Proposals Been Defeated Since 1966?	Has HSA-1966 Had Any Substantial Promotional Effect?	Is PMVI Legislation Likely in Near Future?	What PMVI Operation Is Or Has Been Proposed?	Would Money Be Well Spent On PMVI?
Alabama	Next legislative session.	Twice; opposition has been from Automobile Dealers Assn. of Alabama, American Automobile Association, and rural legislators.	No, improved atmosphere is being generated at home level. HSA has not altered the thinking of rural legislators.	Yes, in 1969. This is the fifth try and we have a better promotional campaign.	Private garage.	Junky vehicles are a nuisance but not as dangerous as other items. Prefer mobile strike force operation with more money spent on driver improvement.
Alaska	Yes.	No, not previously submitted.	No, primary concern has been cost versus tax base.	Doubtful this year; expense plus growing national concern that effect is not worth the cost are against it.	Private garage plus mobile police teams to cover remote areas.	Believe more effect on traffic safety would result from spending money for additional troopers; but we await results of PMVI from other states.
Arizona	No.	Considered but did not get out of legislative committee.	No, cut backs in federal appropriations handicapped the effect the HSA-1966 might have had on the legislature, which was well acquainted with the HSA.	No, legislature reluctant to act without more documentation of the need for PMVI.		PMVI ranks as a low priority item in traffic accident reduction, high school driver education and more law enforcement would have greater return per dollar invested. (Note: Arizona has in the past had PMVI and later abandoned it.)
Connecticut	No (legislature not in session).	Yes, (failed to come out of committee).	One of the principal arguments in support of PMVI during 1967.	PMVI failed to gain sufficient support in all recent legislative sessions.	Both private garage and state operated systems have been considered. Private garage seems most popular.	At present it seems funds spent for driver improvement would produce greater benefits.
Montana	Yes.	Yes, general misinformation was at fault.	Yes, giving awareness to safety programs in the state.	Yes, because of HSA.	Private garage.	Well spent

TABLE IIC: (Continued)
NON-PMVI STATES

State	Is PMVI Legislation Presently Being Considered?	Have PMVI Proposals Been Defeated Since 1966?	Has HSA-1966 Had Any Substantial Promotional Effect?	Is PMVI Legislation Likely in Near Future?	What PMVI Operation Is Or Has Been Proposed?	Would Money Be Well Spent On PMVI?
Nevada	No.	No.	Difficult to gauge but HSA has brought PMVI to public's attention. A small survey indicates PMVI could be favorably accepted by the public, if handled correctly.	Doubtful during 1969 session because of more pressing needs such as emergency medical services and traffic records. However, PMVI will be submitted.	No specific recommendation; Wisconsin's pilot project will receive attention.	Lack of complete evidence as to effectiveness of PMVI in deterring traffic accidents suggests funds could be better spent on other safety programs, particularly because of Nevada's large area; unequal population distribution; great number of highway miles; limited tax base (87% federal lands); and limited funding.
N. Dakota	No.	No.	Yes.	Presently studying PMVI as authorized by senate resolution.	Awaits study report.	Cannot justify PMVI on the basis of vehicle defects being a major contributing factor in traffic accidents.
Oregon*	No.	Yes, died in legislative committee.	Only to the extent of making clear that some type PMVI is inevitable.	Yes, to comply with the federal standard.	Private garage.	Yes, the vehicle as an element in traffic accidents has been neglected too long. (There is no ground swell of public support, although legislature is more aware of its significance, some remain unsold as to its value and look on it as a program forced on them by the federal government.)
Puerto Rico*	Yes.	No.	Yes, (Note: Puerto Rico is not a state but is included under the provisions of the HSA)	Under consideration by legislature.	Combination private garage and state operated stations.	Money would be well spent.

*See note 31