

Approved 10/11/83
Date

MINUTES OF THE House COMMITTEE ON Transportation

The meeting was called to order by Rep. Rex Crowell at
Chairperson

1:30 ~~am~~/p.m. on March 15, 1983 in room 519-S of the Capitol.

All members were present except: Reps. Erne, B. Fuller, and L. Wilbert (all excused).

Committee staff present:

Fred Carman, Revisor of Statutes
Hank Avila, Legislative Research
Pam Somerville, Committee Secretary

Conferees appearing before the committee:

Sen. Chaney, Sponsor SB 169
Alan Alderson, Department of Revenue
Steve Wiechman, Kansas Wrecker's Association
Ms. Vicki Timmons

Others Present: See attachment 1

The first order of business for the day was a hearing on SB 169. Sen. Chaney, sponsor of the bill, briefed the committee on the bill's intent. SB 169 exempts from photo requirements on drivers' licenses members of a religious organization which objects to their members having their picture taken. Persons requesting the exemption would sign a statement to that effect. Sen. Chaney explained this bill was intended to exempt from the photo requirements persons of the Amish faith who have such religious objections. There were no questions. The hearing ended on SB 169.

Mr. Fred Carman, Revisor's Office, briefed the committee on SB 288. Mr. Carman explained SB 288 would abolish the state's motor vehicle inspection stations program. He stated language was stricken in the bill that refers to the motor vehicle inspection program and explained that spot inspections would continue under this bill. In addition, the bill adds a New Section 3. This provision states that official certificates of approval which are outstanding and unused on the effective date of the act may be returned to the superintendent and upon receipt prior to July 1, 1983, the person returning the certificates shall be refunded the amount he or she paid for them. The amount shall be paid from the State Highway Patrol Fund. Mr. Carman further explained the bill was amended in the Senate Committee to allow members of the Highway Patrol to continue conducting random inspections. This language is outlined in lines 0246 to 0268.

The Chairman opened the meeting to committee questions and discussion. Chairman Crowell asked Mr. Carman about the penalty clause at the end of Section 4 and whether this was more severe than the previous penalty clause. Mr. Carman stated it was the same as in Section 2, line 239.

Mr. Alan Alderson, Department of Revenue, presented testimony before the committee. Mr. Alderson was quite concerned that all vehicles titled for the first time in Kansas should be inspected to protect title information (check VIN numbers) and to prevent Kansas from becoming a dumping ground for stolen vehicles.

The next conferee was Steve Wiechman, Kansas Wrecker's Association. Mr. Wiechman felt that if the committee should desire to abolish the program, some type of controls needed to be placed on vehicles to insure safety and title compliance. Mr. Wiechman suggested striking all of subsection (g); and in line 267 replacing the word "or" with "and". Mr. Wiechman expressed concern over stolen vehicles being dumped in Kansas should the program be abolished. (Attachment 2)

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Transportation,
room 519-S, Statehouse, at 1:30 ~~xx~~ p.m. on March 15, 1983.

The Chairman opened the meeting to committee questions and discussion. Committee discussion centered around practices of other states and how to maintain a check on the VIN numbers. The Chairman asked the research department to study the problem and report back to the committee.

Ms. Vicki Timmons, Wellsville, Kansas, appeared before the committee in support of SB 288. Ms. Timmons stated she had purchased a car that had been inspected; however, upon delivery of the automobile she and her husband found several defects. When she asked the dealership for assistance they failed to respond. (Attachment 3).

The Chairman opened the meeting to questions and discussion. Chairman Crowell asked Ms. Timmons how she would strengthen the program. Ms. Timmons said she felt the program could be enhanced by making the penalties more severe and initiating state operated inspections.

Rep. David Webb asked why she had not taken the vehicle to a mechanic to have it inspected prior to purchase. Ms. Timmons replied that because the vehicle had passed the safety inspection she assumed the automobile was in proper working order.

The hearing concluded on SB 288. Meeting adjourned at 2:20 p.m.


Rex Crowell, Chairman

GUEST LIST

COMMITTEE: Transportation

DATE: 2/15/82

PLEASE PRINT

NAME	ADDRESS	COMPANY/ORGANIZATION
<i>Harold B. Turpin</i>	Dept of Rev 50A	
<i>ACAN ANDERSON</i>	" " "	
<i>Dennis Williams</i>	<i>Div 2 Budget</i>	
<i>Ron Welch</i>	AAA	
<i>Wayne Castle</i>	<i>10624 W 33^N Wichita, KS 67205</i>	<i>Kansas Auto Wreckers</i>
<i>Steven Wiechman</i>	<i>Topeka</i>	<i>K.A.W.A.</i>
<i>Jim Sullivan</i>	<i>TOPEKA</i>	<i>Ks. Motor Car Dealers Assn.</i>
<i>Jack Quinlan</i>	"	" " " " "
<i>Alison Gilman</i>		<i>KANU Radio</i>
<i>Vicki K. Memhardt</i>		<i>KEN</i>
<i>BILL GREEN</i>	<i>STATE OFF. BLDG.</i>	<i>KCC</i>

Kansas Automotive Wreckers Association

Executive Offices

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HOUSE COMMITTEE ON TRANSPORTATION SENATE BILL 288

March 15, 1983

Chairman Crowell and Members of the Committee:

My name is Steven Wiechman and I represent the Kansas Automotive Wreckers Association which is comprised of used and salvage vehicle dealers from across the State.

In 1981 Senate Bill 379, a simple repealer of Vehicle Safety Inspection, was introduced. On July 22, 1981, the Special Committee on Transportation met regarding Proposal No. 40. We appeared in support of vehicle safety inspections. In 1982, Senate Bill 509 was introduced and once again our association appeared in support of vehicle safety inspection.

Our association continues to support vehicle safety inspection be it periodic, upon sale, or be it upon annual inspection.

We are very much aware of the dollar crunch that has occurred in state government. The law was originally forced upon us by the Federal Government. The Vehicle Safety Inspection Program "medicine" has resulted in the highways of Kansas being more safe than before the law was passed. The law has had some side effects:

1. Some unsafe vehicles from neighboring states have not entered the Kansas market place because they could not pass a safety inspection.
2. Consumers have become more aware of a vehicle's origin and history since non-highway vehicles, once titled, will always reflect that they have been a non-highway vehicle.
3. Stolen vehicles have been detected through the safety inspection because of the verification of identification numbers.
4. Odometer roll back detection has been made easier with the additional inspection.
5. Consumers are put on notice of the condition of the used vehicle they purchase.
6. Businesses have been able to defend themselves against certain consumer claims.

There are several unfavorable results that have occurred:

1. Some stations have performed paper inspections only.
2. Some stations have made fraudulent repairs.
3. The State has had a burden of enforcement.
4. Sometimes the inspections have not been as complete as they should be.
5. The cost of inspections to the businessman has been greater than the reward in some instances.

You, as members of the Legislature, are concerned with safety. Passage of laws to increase safe travel on the highways is always a concern. In this session you have introduced bills to increase the age of small children required to wear safety restraints. Vehicle safety inspection should also be one of your concerns. Concern for the child being restrained is indeed a priority, but we should also be concerned for the condition of vehicle in which we are restraining that child.

There is no perfect vehicle safety inspection law. Some states have abolished the vehicle safety inspection law and some have gone to an annual inspection. Regardless of how you write the law or administer it, someone will think of a way to beat the system. Since safety is a concern of the Legislature and is a concern of our association, we cannot help but believe that lives have been saved, either directly or indirectly, as a result of the Vehicle Safety Inspection Program. The National Highway Traffic Safety Administration prepared a study dated February 1980 entitled Impact of Discontinuing Idaho's Periodic Motor Vehicle Inspection Program (A Before And After Outage Rate Study). The hypothesis tested is that Idaho vehicles were in better condition under their periodic motor vehicle inspection program than they are now without such a program. The conclusion was that when the periodic motor vehicle inspection program was in force, the outage rates were lower than after repeal and findings included:

1. The condition of the brake system for older higher mileage vehicles was better than after repeal.
2. The condition of the steering, suspension and power train sub-systems was better for all age and mileage categories than after repeal.
3. The only area where there was no difference between the time the law was in effect and the post repeal period was in those visible, accessible, easily and inexpensively maintained items such as brakelights, turn indicators and window glass.

The report consists of 29 pages of statistics and conclusions. I will be happy to provide a copy to you.

If this Legislature choses to abolish the Vehicle Safety Inspection Program, some means needs to be put in place to deter the disposal of stolen vehicles in Kansas, as well as, some method to insure that the "junk vehicle" is not put back on the road. The insurance law will need to be amended since non-highway vehicles are exempt from insurance requirements and are tied to the vehicle inspection law. Likewise, the requirement that insurance companies get a non-highway title on vehicles for which they pay out a "total" claim to insureds will need to be reviewed to reflect the repeal yet still protect consumers and their ability to know the history of a vehicle.

I, myself, traded a vehicle that would not pass a safety inspection to a dealer. I know that if an inspection had not been required, I would have sold the vehicle to an individual for operation. I do not believe that I am alone in this consideration.

If Vehicle Safety Inspections are abolished, then as a minimum requirement it should be considered that every vehicle sold or registered for the first time in the State of Kansas be inspected by any law enforcement officer to verify the vehicle identification number and the minimum safety features of the vehicle to include lights, turn signals, horn, windshield wipers, windshield and brake lights. Upon inspection an officer could give a certification which would permit registration.

We urge your careful consideration of SB 288. Our Association would rather have a vehicle safety inspection program, periodic or annual; but if it is the will of this body to repeal the vehicle safety inspection law, considerations need to be made to save Kansas from becoming a dumping ground. Safety is important to you and to me; at least with the present law, I have some assurance that a portion of the vehicles on the roads in Kansas have been inspected and are in safe condition. I personally have noticed the lessening number of vehicles with one headlight or one taillight not functioning. I do not know if this is a direct result of the inspection law, but I do know that vehicle safety inspection has an impact on it.

If there are any questions, I will be happy to attempt to provide you an answer. Thank you, on behalf of the Association for allowing me to appear and present our position.

Respectfully

Steven R. Wiechman
Legislative Counsel
Kansas Automotive Wreckers
Association

1. CHAIRMAN and MEMBERS of the COMMITTEE:

I am Vicki Timmons, Route 1, Wellsville, Ks. I am here today because I strongly oppose Senate Bill 288, to abolish the state's motor vehicles safety inspection stations program.

My husband and I recently purchased a used car from a major dealer in Lawrence. Although the car is 10 years old, it appeared to be in excellent condition; and the salesman emphasized that it had passed their safety inspection station. He also stated that for the past year, the car had been used by the assistant manager. Being satisfied with the car and accepting his comments as truth; we finalized the purchase. But, after driving the car on the highway, we found that it wandered badly. My husband asked me to take it in for a front end alignment. The mechanic assigned to the job told me, after inspection, that the front end could not be aligned because the ball-joints were totally worn out and the vehicle was unsafe to drive. The shop manager was even reluctant to let me remove this car from their shop. I immediately called my husband at work and he advised me to take the car to another shop for a second opinion. After telling them the complete story, their inspection confirmed the previous diagnosis. The car was dangerously unsafe. After contacting the dealer, who refused to correct this problem; we contacted State Trooper, Jim Thompson. The vehicle was again inspected in his presence and was found to be unsafe. Not only were the ball-joints faulty, but a severe leak in the fuel tank was also noted. As a result, Trooper Thompson issued the dealer a citation for an incorrect and improper safety inspection. Even though the existing law did not help us in this matter, we strongly feel that it should not be abolished, but should in fact, be strengthened. Aside from the safety aspect, which is considerable; this law affords the consumer much needed protection in other ways, which are very much needed and very important.

Law-makers have shown tremendous concern about keeping drunk drivers off our roads; but you are now considering a bill to allow unsafe vehicles on them. Justify this thinking!

It has been suggested that this money could be better spent to increase the number of state troopers and that spot inspections on the highways would handle the problem of unsafe vehicles. We don't accept this!

Troopers can only check the obvious things; windshield wipers, lights, mufflers, & etc. They cannot check the truly dangerous problems; such as brakes and steering and suspension.

Instead of killing this law, let's change it for the better and make it work for all of us.

Thank you Mr. Chairman and Members of this Committee, for your time and consideration concerning this very serious matter.

Let's get this Senate Bill 288 stopped now and then work on improving the present law. Please do not allow the licensed car dealer to do his own inspections, on cars for resale.

JERRY L. HARPER
DOUGLAS COUNTY DISTRICT ATTORNEY

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March 11, 1983

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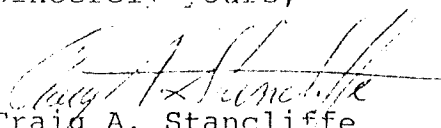
Dear Mr. Crowell:

I am writing on behalf of Douglas County District Attorney Jerry Harper and upon the request of Ms. Vickie Timmons to express our displeasure with Senate Bill #288 concerning the repeal of statutes requiring vehicle safety inspections of automobiles prior to resale.

Mr. Harper feels that although the present vehicle safety inspection statutes contain considerable room for improvement, the loss of those sections requiring inspection prior to resale would cause an endangerment of the public and a measurable decrease in consumer protection. It is our feeling that if a vehicle is sold with an on road title, then there is a representation that the vehicle is safe to drive upon the highways. Without a public agency existing to enforce that promise, it seems inevitable that many dangerous vehicles will be placed upon our public roads and unsuspecting consumers will be injured and defrauded. The history in this state of used automobile sales prompted the passage of vehicle safety inspection laws in the first place. We know of no reason why this potential abuse is no longer a threat.

The retention of that minimal enforcement agency seems a small price to pay for such recognizable protection as that provided by the inspection laws and we would urge you to seek a solution that is more equitable than the summary repeal of certain of those laws.

Sincerely yours,


Craig A. Stancliffe
Assistant District Attorney

CAS:db