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IS A MOTOR VEHICLE INSPECTION LAW DESIRABLE IN SOUTH CAROLINA?

At the present time one of every three children in our public schools faces the probability of death or serious injury in a motor vehicle accident before completing a normal lifetime.¹ Six hundred seventy-seven people were killed in motor vehicle accidents in South Carolina in 1950,² and another seven hundred thirty-three died from the same cause in 1951.³ These statistics represent an increase of eight per cent in one year. They also show that the death rate in South Carolina for 1950 and 1951 was 11.5 deaths per 100 million vehicle miles of travel, or more than one and one-half times greater than the national average of 7.5 in 1950.⁴ During 1952, the national average of deaths per 100 million vehicle miles of travel was 7.3 while the South Carolina death rate was 12.1.⁵ It should be noted, however, that while the death rate increased in 1951 in South Carolina, there was an increase of 9.8 per cent in vehicle miles of travel during this same year over 1950.⁶

According to information received from members of the State Highway Department, between five and six per cent of motor vehicle accident deaths in 1951 and 1952 were the product of accidents for which defective vehicles were directly responsible. These percentages indicate that between thirty-seven and forty-four people were killed in 1951 as a direct result of defective motor vehicles. Further, it is impossible to definitely determine the exact figure as to the number of defective vehicles involved in traffic accidents resulting in fatalities, and whether such defects caused the accident or increased the damage done. Relying on the above information, it appears that a substantial number of people are killed each year in South Carolina as a direct result of defective motor vehicles and undoubtedly, a substantial number of traffic fatalities indirectly involve such vehicles.

Obviously, defective vehicles are only one cause of fatal accidents, but with the national trend and South Carolina's death rate in par-

1. TRAFFIC ACCIDENT PREVENTION THROUGH MOTOR VEHICLE INSPECTION (A joint publication of American Association of Motor Vehicle Administrators, Washington, D. C., and National Conservation Bureau, New York, N. Y.) (1945).

2. SOUTH CAROLINA TRAFFIC ACCIDENTS FACTS 1 (State Highway Department Columbia) (1951).

3. See note 2 *supra*.

4. See note 2 *supra*.

5. 42 PUBLIC SAFETY MAGAZINE no. 2 (February 1953).

6. See note 2 *supra*.

ticular, any and all means possible to reduce accidents should be fully explored and adopted where there seems some benefit could be obtained. Common sense dictates that the most feasible way of controlling defective vehicles must be based on an inspection system. We do not issue a driver's license in this state without requiring an individual to meet certain standards, and therefore, it is only logical to require all vehicles to meet certain standards before issuing a license plate. This, of course, would be no assurance that vehicles would always be in perfect condition, as certainly, a driver's licensing system is no assurance that every driver will always drive not only within the law, but wisely.

At the present time there is no inspection program in South Carolina which requires the inspection of all motor vehicles. The Highway Department, however, does inspect vehicles on the highways at the rate of approximately 120,000 per year.⁷ These inspections are performed by highway patrolmen as part of their regular duties.⁸ In this program of "selective inspections" emphasis is placed on old and dilapidated vehicles, those having broken or discolored windshields and window glasses, bad tires, broken headlights, those which have been damaged in accidents but have not been repaired, and others that are obviously defective.⁹ Based on statistics compiled by the Highway Department, the above plan is working out, and with better results than were obtained by compulsory inspections when in force in this state.

Reports of inspections made by the highway patrolmen are submitted to the Highway Department. In this report are listed the number and types of defects and also the number of defective vehicles corrected. On the report made between January 1, 1952, and December 31, 1952, a total of 124,294 vehicles were inspected, and of that total, 47,930 failed to pass the inspection. The majority of those failing to pass were found to have either defective brakes, lights, windshield wipers or horns,¹⁰ with over half of those vehicles failing having defective lights in one form or another. Undoubtedly, this system is effective, but the question is, is it the most effective system that could be used.

Inspections under the present program are made "anytime upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law or that its equipment is not in proper adjustment or

7. 4 CAROLINA HIGHWAYS 5 (May 1952).

8. See note 7 *supra*.

9. See note 7 *supra*.

10. VEHICLE INSPECTION REPORT (January 1, 1952-December 31, 1953).

repair"¹¹ Based on statistics compiled by them,¹² the Highway Department feels that the present program is adequate. Some members of the department believe such a small percentage of fatal accidents directly result from defective vehicles that the expense involved in setting up an adequate compulsory inspection law (estimated cost by Highway Department is approximately one million dollars annually)¹³ could be spent to greater advantage in the field of driver education, and if necessary, by enlarging the size of the highway patrol, thus enabling the patrol to make more inspections of the present type, which would still be only part of their regular duties. It should be noted, however, that recent efforts to strengthen the driver licensing law failed in the Senate after being referred to the Committee on Highways where it was allowed to die.¹⁴ Therefore, it seems safe to assume that any attempted legislation along the line of requiring more stringent licensing laws stand little chance of passing.

To a great extent, the belief that a compulsory inspection law is undesirable in South Carolina is based on the results obtained during the period from 1938 to 1943, during which time a compulsory motor vehicle inspection law was in effect in the state,¹⁵ and also on the estimated cost of such an inspection program today. During the period mentioned, the percentage of defective vehicles involved in accidents in South Carolina was higher than during the period from 1944 to date, in which no compulsory inspection law was in effect, according to statistics compiled by the Highway Department.¹⁶ Results obtained by other states requiring periodic inspections, however, do not bear out the results obtained in South Carolina either as to the higher percentage of defective vehicles being involved in accidents, or as to the estimated cost of a compulsory inspection program today. Furthermore, in every state requiring motor vehicle inspections during 1952, the death rate per 100 million vehicle miles of travel, was below that of South Carolina. A year before periodic inspections were required in New Jersey, which in recent years has had one of the lowest traffic death rates in the country,¹⁷ there were 1,278 traffic fatalities. In 1938, the first year inspections were required, there were 865 automobile deaths; a reduction of thirty-two per cent and a saving of 413 lives, which to a large extent may be at-

11. South Carolina Code § 46-642 (1952).

12. See note 7 *supra*.

13. 4 CAROLINA HIGHWAYS 34 (May 1952).

14. *Ibid*.

15. See note 7 *supra*.

16. See note 7 *supra*.

17. BOATE, AUTO INSPECTIONS GAIN GROUND 5 (1951).

tributed to the effectiveness of the inspection program.¹⁸

As of 1951, traffic deaths were about one-half the total of pre-inspection years in New Jersey, even though motor vehicle registrations were more than forty per cent greater than in 1937 and gasoline consumption had increased twenty-five per cent in the intervening fourteen years.¹⁹ It is significant that the mileage death rate dropped more than two-thirds during these years. In 1937, there were 12.35 deaths per 100 million vehicle miles of travel as compared to the rate of 3.9 in 1950.²⁰

It should be noted that the program operated by New Jersey is of the state-owned and operated type,²¹ which is the most expensive to set up. Although the budget for operating the motor vehicle inspection program in New Jersey is obtained through a special appropriation by the state legislature and is not based upon the revenues received from inspection fees, throughout past years the program paid for itself, but with the steadily increasing costs and the expansion of the program and the fact that the statutory inspection fee has not been increased, the revenues now annually received from the fifty cent inspection fee do not entirely pay for the program.²²

Pennsylvania, which operates under private inspection stations appointed by the state,²³ is the only state in the nation which has reduced traffic deaths every year since 1946. As to the expense involved in operating the program, no actual budget is established, but it is estimated that the administration of the law just about pays for itself by the present sticker cost of fifty cents.²⁴

From the experience in the two previously mentioned states, it is seen that excellent results can be obtained from a compulsory inspection law at a minimum cost to the state. It would appear, therefore, that the compulsory inspection program as set up in South Carolina, when compared with the results obtained in those states requiring periodic inspections, was so out of line that the only assumption can be that the program was not as effective as it might have been. For example, the Highway Department was required to set up inspection stations in the vicinity of any city or

18. See note 17 *supra*.

19. BOATE, AUTO INSPECTIONS GAIN GROUND 6 (1951).

20. *Ibid*.

21. See note 17 *supra*.

22. STATE WIDE PERIODIC MOTOR VEHICLE INSPECTION 11 (compiled by the American Association of Motor Vehicle Administrators).

23. See note 17 *supra*.

24. STATE WIDE PERIODIC MOTOR VEHICLE INSPECTION 9 (compiled by the American Association of Motor Vehicle Administrators).

town having a population of 1,000 or more, and all costs and expenses required in administering the law were to be paid from the State Highway Fund.²⁵ No inspection fee was charged. The expense alone involved in operating inspection program in this manner would be very discouraging to any state adopting such a program. When a nominal inspection fee is charged each vehicle owner, however, the program practically pays for itself. An important point to be noted here is that the cost of correcting vehicles found to be defective in one state requiring inspections averaged two dollars per vehicle, which is in sharp contrast to the impression among uninformed motorists in non-inspection states that large fees are the rule at inspection stations.

What is the Value of Periodic Inspections As An Accident Prevention Medium?

As the *New York Times* has pointed out:

"Any driver can tell of encountering numerous cars on the road with defective head-lights and tail lights, or of near misses of damage due to defective brakes, or of observing vehicles with blocked windshields or rear windows. These are contributing causes for the large automobile death and accident rate, and will continue to contribute to that rate as long as periodic inspection is not on the statute books."²⁶

Another publication has stated:

"The purpose of periodic motor vehicle inspection is to discover any maladjustments in vehicles that might lead to accidents and, by correcting those maladjustments, to prevent accidents.

"There are five major benefits resulting from motor vehicle inspection:

"(a) It improves the general standard of vehicle condition.

"(b) It maintains each automobile at a higher value level by lessening depreciation.

"(c) It affords opportunity to check motor and serial numbers actually on the vehicles against registration certificates and in other ways assist in the enforcement of motor vehicle laws.

"(d) It improves the quality of garage workmanship in making adjustments and repairs.

25. South Carolina Code § 1619 (1942).

26. BOATE, *AUTO INSPECTIONS GAIN GROUND* 3 (1951).

"(e) It provides excellent opportunity for informing drivers concerning the condition of their cars and their responsibility for driving safely 365 days in the year."²⁷

Types of Inspections

There are three major types of official inspection systems. These are: (1) the state- or municipally-owned and operated stations, both fixed and portable; (2) private stations appointed by the state; and (3) a combination of the officially-owned and operated and state appointed stations.²⁸

Of these three, the state- or municipally-owned and operated system is most effective and economical to administer, and states having this type of program report it to be self-sustaining, or nearly so, at a fee basis approximating fifty cents per inspection.²⁹ States not having an overall population density sufficient to warrant a state-wide inspection plan of this type, however, would do well to adopt a combination of the state-owned and operated station plan with private stations appointed by the state in the rural or more sparsely settled portions of the state.

The Outlook for Inspections

Periodic inspection of motor vehicles is now required of one out of every four vehicles in the nation. Nearly one-third of all states now demand regular inspection of automobile equipment as a highway safety measure.³⁰ In addition to the fourteen states now requiring inspection, there are nine others in which municipally-owned stations are operated or authorized. This type of program is set up to operate under a city ordinance and a state enabling act permitting a municipality of a certain size to conduct its own inspection program.³¹

One important feature resulting from spot check-ups of motor vehicles throughout the nation covering more than one-half million passenger cars and trucks in 1952, was that 32.5 per cent, or nearly

27. TRAFFIC ACCIDENT PREVENTION THROUGH MOTOR VEHICLE INSPECTION 11 (a joint publication of the American Association of Motor Vehicle Administrators, Washington, D. C., and National Conservation Bureau, New York, N. Y.) (1945).

28. *Id.* at p. 15.

29. TRAFFIC ACCIDENT PREVENTION THROUGH MOTOR VEHICLE INSPECTION 18 (a joint publication of the American Association of Motor Vehicle Administrators, Washington, D. C., and the National Conservation Bureau, New York, N. Y.) (1945).

30. (Colorado, Delaware, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, Pennsylvania, Texas, Utah, Vermont, Virginia and West Virginia) News 2 (September 6, 1951).

31. *Id.* at p. 3.

one out of every three were unsafe due to needed service attention to one or more parts affecting safe operation.³² Every one of these defects is a potential accident-breeder.

Periodic motor vehicle inspection is on the march. During the past two years the inspection movement advanced when two more states adopted laws requiring that vehicles be inspected regularly, in the interest of greater highway safety, and several other states moved toward favorable action on inspection laws. During 1952, motor vehicle inspection bills providing for periodic inspections were introduced in six states; Georgia, Kentucky, Michigan, Missouri, New York, and Rhode Island.³³ The Georgia, Kentucky, and New York bills died upon adjournment of the legislature.

No doubt periodic inspection is only one facet of the problem of reducing traffic fatalities, but it is the best approach to removing one of the main causes, defective motor vehicles. The present system of inspection in South Carolina is unquestionably of considerable effectiveness, but a periodic inspection law supplemented by the type now in use would be much more effective. Spot checks as are now made, would be invaluable in preventing any "sharp" practices that may be attempted before or after the required inspection.

The experience gained by those states requiring inspections seems to indicate that South Carolina would do well to consider the adoption of a compulsory motor vehicle inspection law in view of the high death and accident rate on our highways. By using the now great fund of experience from the other states operating these programs, effective administration of such a system could be expected in South Carolina. Although defective motor vehicles are not the main source of automobile accidents, they are involved in a sufficient number so that a stringent inspection law could reduce loss of life, injuries, and property damage an appreciable amount.

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32. MOTOR VEHICLE INSPECTION BULLETIN no. 57 (distributed by the Association of Casualty and Surety Companies, Sixty John Street, New York 38, N. Y.) (August 1952).

33. MOTOR VEHICLE INSPECTION BULLETIN no. 55 (distributed by the Association of Casualty and Surety Companies, Sixty John Street, New York 38, N. Y.) (April 1952).