

# Senate Commerce Committee

*Aaron Jones 271-2609*

**HB 649-FN**, removing the requirement for physical safety inspections and on-board diagnostic tests for passenger vehicles and eliminating funding for the motor vehicle air pollution abatement fund.

**Hearing Date:** April 1, 2025

**Time Opened:** 10:06 a.m.

**Time Closed:** 12:13 p.m.

**Members of the Committee Present:** Senators Innis, Ricciardi, Murphy, McGough, and Watters

**Members of the Committee Absent :** Senator Fenton

**Bill Analysis:** This bill removes the requirement for physical safety inspections and on-board diagnostic tests for passenger vehicles and eliminates funding for the motor vehicle air pollution abatement fund.

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**Sponsors:**

Rep. Granger

Rep. Osborne

Rep. Harvey-Bolia

Rep. Sirois

Rep. Sellers

Rep. Sabourin

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**Who supports the bill:** 80 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones ([aaron.jones@gc.nh.gov](mailto:aaron.jones@gc.nh.gov)).

**Who opposes the bill:** 399 individuals were in opposition. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones ([aaron.jones@gc.nh.gov](mailto:aaron.jones@gc.nh.gov)).

**Who is neutral on the bill:** Brandon Garod (NH Department of Justice), Greg Chandler, Aaron Cantara (Grappone Automotive)

**Summary of testimony presented in support:**

***Representative Michael Granger***

- This bill would eliminate mandatory vehicle inspections, and it had been drafted to keep safety laws in place.
- Representative Granger said he would be amenable to tweaks as long as they did not undermine the central point of this bill. He said he would not like the bill to be changed to a study committee or a biennial mandate.

### ***Representative Tom Mannion***

- Representative Mannion analyzed vehicle fatalities across every state and correlated it against insurance rates, DUIs, and snowfall.
  - There was no correlation between mandatory safety inspections and fatality rates.
  - States in the snow belt, such as Montana, Michigan, and the Dakotas, had no increase in fatalities despite no safety inspections. Notably, Alaska does not have safety inspections either.
  - Despite having annual safety inspections, Louisiana and New York have the highest insurance rates.
- In 2015, the Government Accountability Office found between 2 to 7 percent of all auto accidents were caused by component failure. Some data was self-reported, which is not trustworthy.
- New Hampshire is one of fewer than 15 states that has annual or biennial safety inspections.
- **Senator Ricciardi** said while other states do not have inspections, they do have mandated auto insurance. She asked if he thought the state should have mandated insurance.
  - **Representative Mannion** said he would not say that because rates are more competitive since they are not mandated. With the Affordable Care Act, for example, rates increased because it was a government mandate. Some would say that mandatory vehicle inspections cause an increase in repairs.
- **Senator Ricciardi** asked what the financial impact would be if the Gordon-Derby contract were terminated early. She asked if there would be any penalties or unrecoverable costs that the state would incur.
  - **Representative Mannion** replied he could not speak to that. As for the burden on the taxpayer, it was already high. When he took his vehicle to the shop, he was quoted \$2,800. He said one of the items that needed to be fixed had been replaced a couple of months prior. He asked if an ordinary person would have been given a suggestion or would they have been failed.

### ***Representative Sam Farrington***

- Representative Farrington said inspections scam vulnerable individuals out of thousands of dollars. It also was a government scam because it coerced individuals into having a mandatory vehicle inspection.
- Researchers Alex Hoagland and Trevor Woolley conducted a difference-in-difference study that examined over 500,000 crashes and fatalities nationwide. Further, they isolated data for accidents caused by component failure. When New Jersey was compared to control states, they found no causal relationship between mandating or not mandating inspections. They also found that the repeal led to millions of dollars in taxpayer savings in New Jersey.

- Representative Farrington said New Hampshire was the Live Free or Die state, yet Granite Staters were being scammed because there was a powerful and influential auto lobby within the state.

### ***Representative Steven Smith***

- Representative Smith said a shop owner told him that onboard diagnostics killed a lot of cars that do not need to be killed.
- If inspections were for safety and emissions, Representative Smith asked why they were looking at codes that had nothing to do with either. He had a 2003 Jeep Liberty with a clutch code error, which meant it could not pass. Since it was an automatic, it did not have a clutch. To replace the transmission, it would have cost more than the vehicle was worth.
- Representative Smith knew someone with a 2010 Volvo XC70 that was throwing a catalytic converter code. They had an aftermarket part put in, but it did not clear the code. Factory parts can be expensive.
- When an individual has failed for an emissions issue, they have 60 days to correct it. If it is not corrected, the vehicle cannot be legally driven. When low- to moderate-income individuals are faced with this choice, Representative Smith asked what are they going to do because not everyone is in a financial situation to purchase another vehicle.

### ***Paul Wolf***

- The House approved HB 649-FN by a vote of 212 to 143.
- According to a poll in the Union Leader, 2-to-1 were in favor of this bill.
- There are 36 states without auto inspections, and some of them have inclement weather.
- Opponents of this bill have said “inspections save lives”; however, Mr. Wolf said there was no data that supported this correlation.
- According to federal data, only about 2 percent of collisions are related to vehicle safety. None of those collisions were fatal or resulted in personal injury.
- Mr. Wolf said there was a conflict of interest because mechanics have a financial interest in finding issues; however, he noted there are honest and trustworthy mechanics out there.
- Brakes in most passenger vehicles manufactured within the last 30 or 40 years rarely catastrophically fail.
- Some states have fines up to \$500 if a headlight or taillight is out. If a motorist fixes the issue within 72 hours, the fine is waived under RSA 266:4.
- Retired State Police Officer Brian Chase, who is head of an international forensic accident reconstruction firm, testified in the House that there was no data that supported the inspection program had any significant link to motor vehicle safety.
- Mr. Wolf said there was not enough value to justify its existence; instead, it was a moneymaker for the individuals conducting the inspections.

- In states with inspections, they are done by the DMV or State Police, so there is no conflict of interest.

***Representative Juliet Harvey-Bolia***

- Since November 2024, Representative Harvey-Bolia said her 2010 Volvo has been in a shop. She replaced the engine and the catalytic converter with an aftermarket part. It failed emissions, so the aftermarket part was replaced, yet it still failed. The vehicle is not passable, but there is nothing wrong with it.
- Out of respect for the environment and consumers wallets, Representative Harvey-Bolia urged the Committee to pass this bill.

***Representative Henry Giasson III***

- Representative Giasson said the Committee heard from individuals who have a vested financial interest.
- The role of law enforcement would not be changed because they would retain discretion to cite an individual or immediately tow a vehicle with unsafe equipment.
- Onboard diagnostic systems test the vehicles' own diagnostics. The check engine will come on if something electronic has failed, such as a sniffer sensor or a crank control sensor.
- Representative Giasson said they have no control over the program. In 2018, the Legislature passed legislation stating that surface rust was not a reason to deny an inspection. Six months later, however, it was written back in because it was out of their control.
- Representative Giasson said they have a responsibility to throw out the entire program. He said a 10 point safety check should not become a 3-inch binder full of fine print.
- On a Dodge Charger, there is a \$1,200 LED on the back. Even though it is an accessory, it would fail an inspection if it did not work.

**Summary of testimony presented in opposition:**

***Maurice Nault, Twisted Cycles***

- Safety inspection checks ensured no one was killed.
- Mr. Nault said consumers have no clue about their tires or their brakes until they do not run anymore.
- Many car accidents and fatalities can be avoided through a yearly inspection.
- As New Hampshire continues to grow, and there are more drivers, Mr. Nault said he could not believe the state would get rid of inspections.

***Tim Winkeler, President and CEO, VIP Auto***

- In 2020, a Carnegie Mellon University study concluded that states with vehicle safety inspections experienced 5.5 percent less roadway fatalities.

- New England states with annual safety inspections are below the overall average roadway deaths per 100 million miles travelled. Mr. Winkeler believed inspections were a key factor.
- The average age of vehicles on the road is 12.8 years, and it continues to increase each year.
- Mr. Winkeler said annual state inspections are the most effective way to ensure that vehicle owners are maintaining their vehicles.
- While newer vehicles have advanced safety systems that can automatically detect other vehicles and objects, Mr. Winkeler did not believe it was time to get rid of inspections.
- Mr. Winkeler said arguments could be made to keep inspections focused on the systems that are critical.
- Worn-down brakes are not reported as component failures despite their stopping distance being 60 percent longer than a vehicle with new brakes. Similarly, brand new tires on wet roads stop 60 percent quicker than tires that have been worn-down.
- Mr. Winkeler said component failure was too narrow of a scope.
- **Senator McGough** asked how this bill would affect their revenue from brakes and tires if inspections were eliminated.
  - **Mr. Winkeler** replied that he had no idea. They sell a lot of brakes and tires to individuals who need them for their inspection. Individuals also buy them when they are in for an oil change. If individuals were to defer these purchases, vehicle stopping distances would be unsafe.

### *Representative Margaret Drye*

- Representative Drye emphasized repair shops and mechanics would face legal liability.
- On a less critical scale, for example, ski shops have refused to sharpen skis or work on them if the bindings have been shown not to be safe because it would put others at risk.
- As an emergency medical technician, Representative Drye said she often sees the underside of cars. She did not correlate bad brakes or tires with fatalities, but those vehicles were unsafe.
- While this bill was a step too far, Representative Drye said there were a lot of things that could be addressed.
- **Senator Watters** said this bill would reduce the number of inspections from twice a year to once a year. He asked if it would put the most vulnerable people at risk who are riding on school buses that are not adequately inspected.
  - **Representative Drye** stated it would. In rural areas, school buses spend a lot of time on the road. As a result, there is a lot of mileage placed on them. Parents would rest easier if they knew that there were regular inspections.

### ***Jim Bailey, and Devin Karkos, New Hampshire Towing Association***

- Mr. Bailey said he has towed accidents that were directly related to mechanical failures.
- Bald tires and rain on the road can cause ponding resulting in cars spinning out. In addition, Mr. Bailey has seen accidents where individuals have lost control of their steering, or a ball joint had disconnected from the wheel.
- Mr. Bailey said he wanted to be a voice for the children who are in unsafe vehicles.
- **Senator Ricciardi** asked if he was worried that he or his colleagues could be injured while assisting cars that need brakes or tires.
  - **Mr. Bailey** replied it was dangerous with traffic as high as it is, and it was unsettling to have unsafe cars around them while they are doing their work.
- Mr. Karkos said they have had situations where a vehicle was worked on by a family member, and only half of the brakes were put in, so there are safety problems that can happen.

### ***Mark Robinson, VIP Tires and Service***

- Often, consumers do not know what they are looking at when they need their brakes done.
- If an individual has an inspection in their shop, Mr. Robinson said they educate the individual as well as tell them they have the right to have it repaired by anyone.
- Mr. Robinson said state inspections were necessary; however, the process could maybe be simplified.
- **Senator Watters** asked if tires used softer materials, and if they wore down faster.
  - **Mr. Robinson** said, in most cases, yes. This does not mean, however, that they will wear down faster. Silica compounds and soybean oil are used on tires to soften the tread, while also maintaining their longevity.

### ***Representative Mark Vallone***

- New Hampshire has high asthma rates, and one way it can be monitored is through inspections of automobile exhaust.
- If this bill were passed, Representative Vallone asked how the health of the air could be monitored.
- In New Hampshire, asthma problems have resulted in \$177 million dollars in medical expenses.
- **Senator Watters** said Southeastern New Hampshire has been identified as having one of the highest asthma rates in the country for children. He asked if Representative Vallone would believe the cost to New Hampshire for cardiopulmonary-related issues caused by air pollution was over \$400 million dollars annually, according to HHS.

- **Representative Vallone** replied he would not be surprised by that.

***David Segal, President and CO-CEO, Sanel NAPA***

- Mr. Segal said he had not met a supporter of this bill yet.
- They are a large fleet owner with over 200 vehicles. Those vehicles drive an estimated 25,000 to 30,000 miles per year. Since parts wear out, they perform daily vehicle safety checks along with annual inspections.
- Mr. Segal urged the Committee to focus on safety.
- **Senator Murphy** asked if they would continue to have their fleet inspected if car inspections were repealed.
  - **Mr. Segal** replied they would in terms of safety. How they would do it, however, he was unsure. They can follow the strict safety variations in current regulations.
- **Senator Murphy** said in his letter, it stated cars, trucks, and SUVs are better built and last longer. If this were true, he asked if cars of a certain age could be exempt from inspections.
  - **Mr. Segal** said they purchase new vehicles, and their brakes and tires wear out in a year. This was not an issue of whether a vehicle was new; instead, it is the amount of use and driving done. If they did not do inspections on some vehicles, they would fail safety laws. He reiterated that the vehicle year did not matter.
- **Senator McGough** said the letter stated that inspections were not money makers. He asked if it was an annual selling opportunity in addition to being used as an educational opportunity.
  - **Mr. Segal** said it opened up opportunities to show safety issues as well as letting consumers decide what to do. The ideal inspection does not make money, but it does tie up a bay. Safety inspections prevent accidents, and they result in safer vehicles.

***Matt Amatucci, and Tom Conlon, New Hampshire State Police***

- This bill would have an impact on the Division of State Police and all law enforcement throughout the state.
- This bill shifted the responsibility to law enforcement to find unsafe vehicles. Mr. Amatucci said this would place an undue burden on troopers who are already stretched thin. They would be required to spot mechanical issues during routine patrols without the tools, time, or training of a licensed inspector.
- While inspections were not a catch all, they served as a proactive safeguard in addition to the role of law enforcement in maintaining vehicle safety. This ensured safety was not left to a chance encounter with police.
- The Police Academy would have to develop a training program for all law enforcement. Every agency would have to incorporate it into their field training programs.
- Currently, there are 56 state police vacancies, which is 15 percent of the force.

- The State Police have primary patrol responsibilities in 68 towns and unincorporated areas, and they have secondary responsibilities in 75 towns and unincorporated areas, due to vacancies in local agencies.
- Mr. Amatucci said relying solely on law enforcement to catch unsafe vehicles meant the danger had already reached the road.
- In some cases, this bill would weaken the laws that allow law enforcement to address vehicles that pose risks.
- States that have eliminated inspections have taken necessary steps to maintain safety to ensure unsafe vehicles are identified and removed from roadways.
- In 2024, the State Police had over 170,000 calls for service, and they conducted over 99,000 motor vehicle stops.
- Mr. Amatucci said this program has fostered the mindset that safe, well-maintained vehicles are the norm.
- When vehicles are inspected, it allows police to focus on serious threats or emergency calls rather than equipment violations or broken-down vehicles.
- While equipment standards are in statute, administrative rules provide a detailed framework.
- In addition to the 3200 rules, the 1300 rules dealing with school bus transportation would be affected.
- The purpose of 1300 was to reduce the death or injury of students when transported to and from school or activities.
- All buses over 10,000 pounds must be inspected semi-annually. Buses under that weight must be inspected annually.
- Mr. Conlon said they rely on official state inspection stations with certified mechanics to conduct safety checks on school buses.
- School bus safety inspections would exist even if the inspection program were repealed, but inspections would fall on Troop G.
- In 2008, Highway Patrol was merged with State Police. Previously, there were 85 troopers dedicated to commercial vehicles, and they were tasked with inspecting school buses. Currently, their staffing level is 30 troopers, and they only have 23 troopers who are trained to conduct inspections.
- **Senator Watters** said the fiscal note indicated a \$3.5 million decline in revenues. Of that revenue, \$2.9 million goes to the Highway Fund, which the State Police receives funding from. He asked if this bill would decrease the funding received by them.
  - **Mr. Amatucci** said it could.
- **Senator Watters** asked if requests for expensive equipment and vehicles would have to be in their capital budget because the repeal would give an individual 72 hours to fix their vehicle, so it is not left on the roadside.
  - **Mr. Amatucci** replied yes. If a vehicle appears to be unsafe, the existing statute allows a vehicle to be towed to an inspection station by professional, certified technicians. This bill would remove their ability to

do this. There would be nothing to prevent an individual from getting in their vehicle and driving it again.

- **Senator Watters** said RSA 265:1-b prohibited law enforcement from having motorcycle checkpoints. If they received a noise violation, law enforcement would have to chase them and pull them over. At that point, every cruiser would have to be equipped with a noise meter. He asked what would be done in this case.
  - **Mr. Amatucci** said there would be no mechanism to enforce it. These tests could not be done on the side of the road.
- **Senator Watters** said the Committee heard New Hampshire was one of the safest in terms of accidents. He asked if they would agree that the inspection program had nothing to do with the low accident or fatality rates.
  - **Mr. Amatucci** replied he would not agree. Even 2 to 7 percent of accidents nationally meant tens of thousands were affected. This bill would increase the responsibility and burden on law enforcement at a time when there are several bills aimed at combating driving behavior. He reiterated that this would be counterproductive because they would be combating individuals who are driving 100 miles per hour in potentially unsafe vehicles that pose a risk to everyone.
- **Senator McGough** asked if they could focus more on serious violations if this bill were passed.
  - **Mr. Amatucci** said they had 5,800 calls for service of disabled vehicles. There were over 900 abandoned vehicle calls. This will increase if safety inspections are gotten rid of. He asked if it would be the responsibility of law enforcement to ensure every vehicle was safe. There is an expectation that a vehicle is safe if it has a valid sticker.
- **Senator McGough** asked if they already had the ability or responsibility to ensure a vehicle was safe after a stop.
  - **Mr. Amatucci** replied yes.
- **Senator Murphy** asked if they believed individuals from the 39 states without inspections were driving death traps that needed to be stopped. Of the 5,800 service calls, he asked if they were from those states.
  - **Mr. Amatucci** said he was not sure of what states they were from.
- **Senator Ricciardi** said law enforcement has the discretion to allow a driver 72 hours to make necessary repairs without penalty provided they can demonstrate the repairs were done. If this bill were passed, and their flexibility were removed, she asked what options existed for officers to work cooperatively with vehicle owners.
  - **Mr. Amatucci** said it would eliminate their ability to work with motorists. An officer must determine if a vehicle is safe, and they would have to tow it or allow it to go. There would be no assurances that a vehicle would be fixed.

***Robert Scott, Commissioner, and Mike Fitzgerald, Assistant Director for Air Resources Division, New Hampshire Department of Environmental Services***

- Commissioner Scott said they were focused on emissions, not safety.
- The Department was opposed to the bill as written due to the Clean Air Act requirements.
- The Act requires this type of program, and there can be flexibility, which is how the existing program was established.
- To change the requirements of the program, there is a process established within the Act and the Department would have to work with the Environmental Protection Agency (EPA).
- Within the Act, there are civil suit provisions. If changes are not done properly, the state's highway funds could be at risk.
- The Department asked for language to be inserted that would allow them to follow the process within the Act.
- Under the Act, there are backsliding provisions meaning any reductions in emissions that are derived from the existing program for vehicles would have to be offset by other programs. In this case, it would most likely be shifted to businesses within the state, which are already doing their fair share for air pollution.
- **Senator McGough** asked if any state had lost federal funding after repealing similar inspection laws.
  - **Commissioner Scott** said he was not aware of that, or any state not following the federal requirements.
  - **Mr. Fitzgerald** said under the Act, the EPA allows 18 months to rectify the situation. This is called a sanctions clock. In 1998, this clock was started on New Hampshire, which resulted in the current compromise. The withholding of highway funds would be a multi-year process, and it would require states to say they are not doing anything.
- **Senator Watters** said there would be a \$262,000 hit to the Air Pollution Abatement Fund. Since there would be no ability to replace the funds, he asked what the consequences for public health and other matters would be.
  - **Commissioner Scott** said there were some staff working on this program. Mobile sources are the largest sector of remaining air pollution in the state. Stationary sources, such as smokestacks, have reduced or eliminated pollution. There are other ancillary programs with staff that are supported by this program.
  - **Mr. Fitzgerald** said transportation was the largest sector of emissions, and it was the most difficult to control because it involved private vehicles. The inspection program is used to control this. The Department has VW funding and Diesel Emission Reduction Act funding that allows them to give out grants to cities and municipalities to replace older vehicles or trucks. Some positions are funded by the Motor Vehicle Abatement Fund.

- **Senator Watters** asked if they would be subject to civil lawsuits if they did not comply.
  - **Commissioner Scott** stated yes. Under the civil suit provisions, it is an invitation for others to sue. If they ended up in court, they would lose if they did not follow the process.
- **Senator Watters** said in his first term the threat resulted in the state spending \$400 million on a scrubber in Merrimack.
- **Senator Murphy** said 16 states do not require emissions at all, and a lot that do, exempt cars built within the past five years or every two years. He asked how New Hampshire had one of the most burdensome testing requirements in the country.
  - **Mr. Fitzgerald** said the EPA started the sanctions clock in 1998, and Representative Bradley led the negotiations between the EPA, the Department, and the Department of Safety. The current statewide program was developed as a compromise to the onerous EPA requirements, which included a tailpipe testing program that was time-consuming, expensive, and difficult to accomplish. Several states have a 1- or 2-year exemption, which is worked out with the EPA. With the anti-back sliding provisions, the emission reductions lost would have to be made up in another sector. This process is a negotiation, and it would take 12 to 18 months to provide information, conduct modeling, and to get the EPA on board. The EPA has limited discretion because this is not a rule, it is a federal statutory requirement. If the Committee moved forward, he asked for the effective date to be upon the approval of the state implementation revision by the EPA.
- **Senator McGough** asked if there had been successful lawsuits.
  - **Mr. Fitzgerald** said differences had been resolved in most cases. There are emissions programs from Delaware to Maine as a result of being in the Ozone Transport Region. In this case, the concern was that the current EPA might not enforce provisions, so citizen suits would be applicable.

***Amanda Grappone Osmer, and Aaron Cantara, Grappone Automotive***

- Ms. Grappone Osmer said their 5 inspection stations performed 26,919 state inspections last year.
- The consensus amongst technicians is that safety items should be kept, such as brakes, tires, steering, suspension, and rust. Some felt there were items that made the process more onerous, such as a cracked taillight that still functioned, delaminated license plates, and window tint.
- Ms. Grappone Osmer opposed this bill, but she suggested a study to determine how it could be modified to ensure they remained safe without being onerous.
- Mr. Cantara said when they are told these things are a scam, it is insulting to the industry.

- There is an increased chance of injuries or issues if an individual drives on low brake pads or tires. If safety inspections were dropped completely, there would no denying that there would be injuries to motorcyclists or pedestrians.
- **Senator Watters** said the bill stated, “before selling to any customer any used motor vehicle which is believed by the customer to be unsafe for operation upon the highways pursuant to RSA 266:8, the dealer shall, upon the request of the customer, conduct or have conducted a safety inspection of such vehicle.” He asked if the average person would have the capacity to know whether a vehicle was unsafe.
  - **Ms. Grappone Osmer** said most individuals do not understand how their car works. Underneath components are critical. There are plenty of individuals pushing bad cars off on unsuspecting consumers; however, there are some protections provided because a consumer must sign a piece of paper acknowledging it has been inspected, but it did not pass.
- **Senator Watters** asked how long it took Mr. Cantara to receive his license certification.
  - **Mr. Cantara** said he had to go to a class at the DMV for an inspection license. There was a field test to see them inspect vehicles, operate the tools available, and repeatedly demonstrate a vehicle was out of compliance.
- **Senator Watters** asked if this was on top of the education and training he took to become a mechanic.
  - **Mr. Cantara** said yes.
- **Senator McGough** asked how often he found a life safety threat that was likely a danger to the occupant or others on the road. He asked if it was once a week or daily.
  - **Mr. Cantara** replied it was about 2 to 3 times a week. He has seen vehicles with the sway bar broken off, and brakes that have almost metal-to-metal contact. On the outside, a vehicle can look normal. In the inside, it could be worn and pins could be rusted in place. Vehicles are not running like they did in 1998, so they could have a conversation about the emissions portion.
- **Senator McGough** asked if they could talk about the financial impact to businesses and consumers. Over 5 stations, it would be over \$1 million, even if some of the inspections are complimentary.
  - **Ms. Grappone Osmer** said she did not have the number. The overall percentage of repair orders was 35 percent. They do provide free inspections. If a vehicle has failed, an individual has 30 days to come back, and technicians will reinspect it free of charge. As a shop, they must absorb the expense to pay their technicians, which is not passed on to consumers.
- **Senator McGough** asked what the impact to their topline of revenue would be if this bill were passed.

- **Ms. Grappone Osmer** was unsure how many people would get an inspection.

***Chuck Massahos, Sheriff, Rockingham County***

- Since 1958, Sheriff Massahos said his family has owned a small automotive repair shop in Londonderry.
- Sheriff Massahos said a customer bought a truck, and they brought it in for inspection. The frame had rotted, and the tires were bald. Without the inspection program, they would have been driving it.
- It was not fair for the State Police or his agency to do road inspections because it was a dangerous situation, and they were not trained to do it.
- Sheriff Massahos said individuals are not happy because they are paying for emissions tests or taking tint off their windows.
- The existing safety program is one of the best in the country. As far as inspectors, there are good and bad individuals in every business. A majority of individuals have been certified, educated, and trained.
- There needed to be a committee to study getting rid of the emissions test. Sheriff Massahos knew the cost to the state, but he asked what the cost to the taxpayer was.

***Traci Beaurivage, President, New Hampshire Motorcyclists' Rights Organization***

- Ms. Beaurivage asked if individuals would be responsible given the egregious and aggressive speeds, impairment, and distractions that occur.
- Tires on motorcycles are crucial. The wear on back tires is based on how it is ridden, the weight, and where an individual is located.
- The Organization helped to create the noise ordinance to ensure motorcyclists are respectful with how loud their exhausts are. If inspections were removed, she asked how this would be enforced.
- Ms. Beaurivage said it is a privilege to ride or drive in the state, and individuals should be able to afford to do what is best for their lives and others.

***Dan Weed, Weed Family Automotive***

- In 2023, there were more than 1.5 million inspections, yet the Attorney General's Office said there were less than 200 complaints.
- In previous testimony, someone stated their check engine was on due to a clutch issue. Mr. Weed said there was a misunderstanding because an automatic transmission has a torque converter clutch.
- If a check engine light is on, it is polluting 1.5 times the EPA regulations.
- Businesses conducting inspections are taxed at 7.5 percent. If they are charging \$45 for 1.5 million inspections, Mr. Weed asked how the state would make up \$18 million in lost revenue. In addition, the EPA may withhold funds of up to \$10 million.

- Mr. Weed asked how much would be saved because there would be job losses at the state and local business level. If jobs are eliminated in the over 2,000 inspection stations, unemployment claims will increase.
- Mr. Weed said our New England counterparts believe the annual inspection program is beneficial.

***John Marasco, Director, New Hampshire Division of Motor Vehicles***

- The Division opposed this bill for public safety reasons.
- In 2024, 1.2 million vehicles had a safety inspection, and 173,428 failed the initial inspection. Director Marasco said this would have meant that 13.57 percent of those vehicles would have reached the roadway if professionals had not intervened or identified an issue.
- In 2024, the Division received 23 complaints related to inspections. These include some individuals who received a sticker on their vehicle that they believed they should not have.
- When a complaint is received, they are referred to Troop G, so the inspection station can be audited.
- If a mechanic has not done their job properly, or they did not follow appropriate rules, requests for a hearing are provided to Director Marasco.
- Hearings are directed to the Department of Safety Hearings Bureau, which can result in no action, a fine, a suspension, remedial training, or closure of an inspection station.
- In 2024, the State Police conducted 490 audits of inspection stations.
- Inspection stations have been able to leverage technology. For example, an individual can sit in a waiting area during an inspection, and they can watch through a window. Some mechanics provide a video, and they label issues as green, yellow, or red. Director Marasco said this helped to build trust in the process.
- For individuals who do not feel they have received a proper inspection, they have an avenue for relief. In working with the House Transportation Committee, the Division updated the vehicle inspection report with a number on it that can be called. This was implemented in July 2024.
- If this bill became a study committee, Director Marasco committed to being part of the conversation.
- **Senator Watters** asked if electric vehicles with dynamic braking should have their brakes inspected on a regular schedule.
  - **Director Marasco** said there is more friction due to the weight on the brakes, their pads, and the tires. With electric vehicles, they are concerned with quicker wear.
- **Senator Watters** asked if the State Police and the Department could deal effectively with scamming if it happened.
  - **Director Marasco** replied absolutely. There have been instances where concerns were raised, and the consumer was right. These are sent to

hearings, and actions are taken to ensure inspections are on the right track. It is rare, but there have been 23 documented complaints. Since 2023, the number of electric vehicle registrations has increased.

- **Senator McGough** asked if there was a way to know what percentage of the failure rate was related to failures that could cause harm to drivers or a critical accident.
  - **Director Marasco** said they could look into this issue. A member from Gordon-Derby is their point of contact, and he could drill down further on the details.

### ***Jason LaCroix, AutoFair***

- While the failure rate is 13 percent, it does not mean that 87 percent passed. Instead, the remainder of the vehicles were fixed, and they were passed.
- Mr. LaCroix said the Committee had heard about greedy dealers, but the truth was they wanted to sell, service, and maintain cars because it made them competitive. If they worked hard, they would be the optimal choice for consumers. Being innovative and competitive was good for the market.
- As car dealers, Mr. LaCroix said they have a responsibility to ensure safe cars are on the road.
- The only way for the State Police to check the safety of a car would be to put it on a lift, which cannot be done on the highway.
- Car dealers could advantage of consumers, but there are ways to fix it, such as going to the AG's Office, AUTOCAP, or the Better Business Bureau.
- **Senator Ricciardi** said her husband recently had to get his car inspected, and the brakes and tires were gone. If he had not gone in, she asked what the potential hazards were if he had continued to drive.
  - **Mr. LaCroix** said accidents are usually caused by speed, weather, distracted driving, or individuals under the influence. Often, there is also something wrong with the car. He supported a study committee, but they needed to do safety things.

### ***Dan Bennett, President, New Hampshire Automobile Dealers Association***

- This program benefited consumers, supported law enforcement, and kept individuals safe on the roads.
- New England states have inspection programs due to our unique microclimate, freezing, and frost heaves. These conditions are not in New Jersey or Texas.
- The program helps consumers identify deficiencies that are under warranty and covered by the manufacturer.
- Safety recall checks are done by the National Highway Traffic Safety Administration.
  - In 2023, there were 21,000 open recalls. In 2024, there were 10,000. In 2025, there have been 465 recalls.

- In July 2023, the Journal of Transportation Engineering studied all 50 states over a 44-year period. They found that states with safety inspections had 5.5 percent fewer fatalities than states without a program.
  - In 2015, Mississippi got rid of their inspection program. In the subsequent year, there were 77 fatal crashes.
  - In 2018, Utah ended their program. In the next year, there was an 11.6 percent increase in vehicle crashes caused by equipment failures.
- In 2019, when the rules for rust changed, there was a 30 percent reduction in rust failures. In total, only 6,000 vehicles were failed due to rust.
- Director Marasco said 14 percent was the floor, not the ceiling, where vehicles are fixed and the vehicles are never marked as a failure.
- Last year, 78,000 vehicles were failed for brakes, 51,000 were failed for steering, and 43,000 were failed for worn tires.
- If the sale of used vehicles is conducted without clear regulatory guidance, and a consumer has a safety issue, the dealer could be liable for misrepresenting it.

***Alex Koutroubas, Associated General Contractors of New Hampshire***

- Mr. Koutroubas said they opposed this bill because it would decrease highway funding.
- Texas repealed their inspection program, but they kept the fee.
- If revenue is reduced, it becomes more difficult for the Department of Transportation to fund important projects in their budget.
- In this budget environment, Mr. Koutroubas said every dollar counted.

**Neutral Information Presented:**

***Brandon Garod, Senior Assistant Attorney General, New Hampshire Attorney General's Office***

- The Attorney General's Office was neutral on annual inspections; however, they were concerned with changes being made to the sale of unsafe used motor vehicles. The Consumer Protection Bureau is responsible for enforcing this statute.
- Every year, Attorney Garod said they receive thousands of consumer complaints and inquiries. They are overwhelmingly about used car sales or home contractors.
- Under the existing system, dealers are held accountable if they sell vehicles to consumers that are unsafe. Dealers must comply with disclosures, such as providing a form to a consumer that they are about to purchase an unsafe motor vehicle. A consumer can pay for an inspection to list any deficiencies.
- When a complaint has been received, Attorney Garod said there is an easy way to investigate if the law has been complied with.

- A consumer is asked for the documents provided to them at the sale. If they have a signed form, they have been properly notified and the law has been complied with.
- If they are unable to provide documents, the Bureau will ask for a copy from the dealer.
- If neither the consumer nor the dealer can produce the form, it is a violation of the Consumer Protection statute. The Bureau can help the consumer to potentially get a refund, or a repair to ensure a vehicle is safe to operate.
- This bill would shift the responsibility of knowing when a used vehicle is unsafe from the seller to the consumer.
- If requested by the consumer, this bill would require any used motor vehicle that is believed to be unsafe for operation to be inspected by the dealer. Attorney Garold said it is expected that a consumer would be able to identify that they are about to purchase an unsafe vehicle.
- This bill did not provide the Bureau with any meaningful ability to investigate, and there are no forms or disclosures provided to consumers that they are purchasing an unsafe vehicle.
- Consumers who are purchasing unsafe vehicles are often low-income, and they are in desperate need of a vehicle. They do not have the ability to determine if dealers are misleading them.
- Attorney Garold said changes could be made to shift the responsibility back to sellers to notify consumers they are buying an unsafe vehicle.
- **Senator Watters** asked if the Department had evidence from complaints or prosecutions that repair shops or auto dealers were scamming.
  - **Attorney Garod** said they have not had dealerships charging for repairs that were not necessary. He could cite examples of individuals selling cars to consumers that were unsafe, or they misrepresented its quality to the consumer.
- **Senator Watters** asked if there were any cases or lawsuits that they were scamming individuals.
  - **Attorney Garod** replied he did not know.
- **Senator McGough** asked how many complaints they receive from consumers about invalid failures, or they have been told their vehicle has failed inspection for some reason it should not have failed.
  - **Attorney Garod** said they receive a fair amount of complaints. He reiterated they were neutral on inspections; instead, they were concerned about the changes to the sale of unsafe motor vehicles.
- **Senator McGough** asked what a fair number would be.
  - **Attorney Garod** said there are frequent complaints from individuals who think it was passed when it should not have been, or they were charged for something.
- **Senator McGough** asked if it were dozens, hundreds, or thousands.

- **Attorney Garod** estimated it was 20 to 30 per year.

**HB 649-FN WAS RECESSED TO APRIL 8TH, 2025**

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Date Hearing Report completed: April 11, 2025