

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 8, 2025

Time Opened: 10:01 a.m.

Time Closed: 11:08 a.m.

Members of the Committee Present: Senators Innis, Ricciardi, McGough and Reardon

Members of the Committee Absent : Senators Murphy and 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.

Sponsors:

Rep. Granger

Rep. Osborne

Rep. Harvey-Bolia

Rep. Sirois

Rep. Sellers

Rep. Sabourin

Who supports the bill: 49 individuals were in support. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who opposes the bill: 90 individuals were in opposition. Full sign in sheets are available upon request by contacting the Legislative Aide, Aaron Jones (aaron.jones@gc.nh.gov).

Who is neutral on the bill: Christopher Rice

Summary of testimony presented in support:

Julie Smith

- Ms. Smith told a personal story about owning a 2006 Scion xB. When the check engine light came on, the Toyota dealer refused to answer questions, yet they offered a service appointment for \$100.
- In Nashua, there is a \$15 emissions e-sticker surtax.
- Ms. Smith said the design of the sticker was updated not long ago. Any time a business takes on an expense, such as a new sticker, it is passed onto the consumer.

Neil Trindade, Owner, Neil's Laconia Garage

- In his 30 years of experience, Mr. Trindade believed the program was self-defeating.
- Some believe if the check engine is on, it is an environmental dereliction. However, Mr. Trindade said vehicles have multiple overlapping and complex emission systems that can produce hundreds of failure codes. As a result, a vehicle can fail on-board diagnostic (OBD) testing despite systems and designs that are functioning.
- Mr. Trindade asked how individuals were expected to believe this program was responsible for saving an untold number of lives if there was no difference in safety statistics nationwide.
- Random component failures occur year-round, yet they are not reported and they do not cause significant harm to the public.
- States participating in some form of a mandatory inspection process has declined to one-third of its height of participation in 1975. Mr. Trindade said he could not identify any state that had reinstated its inspection process after its removal.
- Time, technology, and bureaucracy have made this program unmanageable, unnecessary, and an unjustifiable burden.

Aubrey Freedman

- Mr. Freedman said he lived in California for most of his life, and they do not have this program.
- There was no significant difference between rates of car crashes in states with a mandate versus states without one.
- Mr. Freedman had a client who took their vehicle in for an inspection, and they were required to purchase a new \$500 windshield because there was a small nick in the previous one. For individuals who are on the lower economic end, this was a big expense for something that was unnecessary.

Jereme Simpson

- Mr. Simpson said the oxygen sensor can be bypassed by ordering a spark plug extender from Amazon.
- Mr. Simpson said this was about bad roads, not bad cars. If a newly inspected vehicle hits a pothole, it could be totaled.
- Mr. Simpson said things needed to be recycled and reused until they were completely broken down.

Paul Wolf

- Mr. Wolf said it could not be denied that this was a moneymaking venture for individuals who were doing the work.

- Individuals will inspect their own vehicles, Mr. Wolf said they do not need to be told to do it.
- The check engine light has been weaponized by the program. A hood latch or low AC refrigerant, for example, could set it off.
- From his understanding, Mr. Wolf said the legislative bodies did not have the authority to modify or change the rules of the inspection program.
- Other states hire technicians to do inspections, but they do not do the work.
- To modify the rules, Mr. Wolf said they had to be deleted.
- **Senator Ricciardi** wanted to make a correction that when Mr. LaCroix said he wanted to be greedy, it was about selling cars, not inspections.
 - **Mr. Wolf** replied that he agreed that it was taken out of context.

Reinita Susman

- Ms. Susman shared her personal experience with a dealership. Her 2020 vehicle had a computer glitch, which caused it to fail emissions. When she took her car in for an inspection, the rearview mirror had detached from the windshield. She was told it could not be fixed, and she would need a new windshield that cost \$2,000. When she took the vehicle to a local repair shop, the piece was missing. She said she had been taken advantage of by the dealership.
- Ms. Susman said she received regular oil changes and maintenance because she did not want to drive an unsafe vehicle.

Eric Olson

- Mr. Olson said he had to go to three shops before anyone would look at his Tesla. He said it was absurd he had to purchase a service that no one wanted to provide.
- Despite having one of the longest-range battery packs, Mr. Olson said his vehicle had an average weight.
- EVs have regenerative braking, and they can last up to 100,000 to 150,000 miles.
- Mr. Olson was skeptical that this program saved anything. On average, there were 1.8 crashes per million miles driven. If individuals drove 20 miles each way for an inspection that would be about 72 crashes per year.

Alex Lemp

- Mr. Lemp said his father brought his truck to three different places for an inspection. Each opinion cost over \$3,000, and they never overlapped.
- When something is mandated by the government, Mr. Lemp said there is no trust.

Daniel Koenig

- Mr. Koenig asked the Committee to consider that those with an oversized incentive had come to testify.
- This bill would not eliminate inspections; instead, it released them into the free market, which provided innovations and improvements to cost and quality.
- Based on previous testimony, Mr. Koenig said it sounded like they were surrounded by dangerous vehicles despite the program.
- When previous changes to the inspection program were proposed, Mr. Koenig said the opponents opposed them.

Leah Wolczko

- Ms. Wolczko said there was no evidence that states with inspection requirements were safer, or they had less crashes or fatalities.
- If the state was making money from inspections, and they were not being honest, Ms. Wolczko said that was not right.
- Ms. Wolczko said her neighbor had to take money out of their 401(k) to get their truck inspected. They provided him with a 60-day sticker, which has expired, because there is a light on that they cannot figure out.
- The program was regressive, and it hit poorer individuals the hardest.
- Ms. Wolczko said insurance was unrelated to this issue.

Steve Zemanek

- Mr. Zemanek said some of the rules had nothing to do with safety, or they were vague and subject to interpretation. For instance, people have failed for having a tiny crack in their taillight.
- Mr. Zemanek said there is little consistency among inspection stations.
- HB 1517 codified the rust rules in 2018, but vehicles are still being failed for cosmetic rust issues.
- Mr. Zemanek said he did not think the program kept unsafe vehicles off the road. When he sees expired stickers, he does not think they are death traps.
- While the failure rate is 13 percent, Mr. Zemanek said a lot of inspection stations put it on their multi-point inspection software, but they do not report it to the state.
- Mr. Zemanek told a personal story about purchasing a certified pre-owned vehicle. Despite the front brakes being new, he was quoted \$923 for them to be replaced. If he had not known the brakes were new, he would have spent money on an unnecessary job.
- In states that do not require inspection stickers, Mr. Zemanek asked why auto insurers did not mandate customers get an inspection through the private sector.

Lawrence Artz

- Mr. Artz said his friend brought their vehicle in for an inspection, and they were told there were no warning lights on the dashboard, both axles needed to be replaced, and it needed new tires and struts. When he examined the vehicle, he said these items were not needed.
- Mr. Artz said auto manufacturers had weaponized the check engine light because many of the P-codes did not have anything to do with emissions.

Jeremy Olson

- Mr. Olson said he had to replace a digital odometer because it had maxed out at 300,000 miles. It cost \$500 to replace it.
- Mr. Olson purchased a police vehicle from an auction, and he assumed it would pass inspection because it had a valid sticker. He was told that the internal changes, such as broken door locks and window rollers, were not legal.
- Mr. Olson purchased another vehicle, and he was given an inspection sticker. The exhaust system, however, broke in half behind the catalytic converter. When he took it to a mechanic, he was told there was two years of rust.
- There are few fraud complaints made to Troop G because individuals do not bother to report incidents, or they do not know about it.
- If the program continued to exist, Mr. Olson said there needed to be due process rights for individuals to appeal or there needed to be regulations.

Summary of testimony presented in opposition:

David Dupont

- Mr. Dupont said eliminating this program would have significant financial and legal consequences. Additionally, roads would be less safe and the air would be less clean.
- Based on complaints made to the Attorney General's Office and the Department of Safety, Mr. Dupont said there was little fraud.
- Vehicles are complex, and a small number can be hard to repair at first.
- The check engine light indicates a vehicle is polluting more, it is not receiving optimal fuel economy, and the emissions are out of compliance.
- Mr. Dupont said eliminating motorcycle inspections would be deadly.
- It was not the job of troopers to inspect vehicles on the side of the road. They could not take the place of trained inspectors who have lift tools and proper lighting.
- Mr. Dupont asked how it was better for a trooper to tow a vehicle with bald tires when a technician or service adviser could recommend tires to a consumer in a service bay.
- Mr. Dupont asked the Committee to listen to state agencies and inspectors because a lot of statistical data was contradictory.

- If brakes or tires have failed, they provide poor traction in wet weather. In addition, it undermines the ABS system. If there is grinding, a brake pad can fall out and 90 percent of the brakes can be lost.
- **Senator McGough** asked what legal impact he was referring to.
 - **Mr. Dupont** replied there would be an impact to the AG's Office, specifically the Consumer Protection Bureau. When a vehicle is brought into an inspection station, they are held to a standard. Before a vehicle is released, a consumer is warned it is unsafe. Even if they are warned, they could be liable. If the program were removed, it could make it easier for individuals to be less vigilant.
- **Senator McGough** asked if he would get rid of certain things to make it easier for consumers.
 - **Mr. Dupont** said if a fog light was out, it would not pass inspection. There were other issues, such as tinting and lenses. Certain regulations were older, and they needed to be rewritten to reflect the quality of today's vehicles and safety systems. This was why this bill should be tabled until the experts could put something together. When a sticker has been signed, an inspector is held to unsworn falsification. If it is signed off, and it does not meet Department of Safety regulations, it is a misdemeanor. He said they were held to a standard, and no one wanted to be in court. There is rarely fraud, but the laws could be adjusted. They did not want vehicles emitting more, especially as the state continued to grow. He said it was a wrong precedent to set to not worry about the check engine light.

Timothy Austin

- Mr. Austin said the safety part should be kept because we lived in a rust state.
- If a vehicle is unibody, it cannot have rotted out rocker panels. If it is a full-frame truck, however, rocker panels are not structural.
- The mission of every computer in every car is to maintain an air fuel ratio of 14.7 to 1. This was the best way to reduce pollution. When data from the oxygen sensor cannot be retrieved, it is unknown if the air fuel ratio is correct.
- Mr. Austin said we needed to care about the environment.
- Sometimes there are glitches in the computer, and they can be difficult to fix, but Mr. Austin said this was part of the industry.
- **Senator McGough** asked if every 2 years was often enough.
 - **Mr. Austin** said it would work for the emissions part. For the safety part, however, it is another issue. Recently, he had an individual with a Chevy truck, and every brake line was rotted out. To put the brake and fuel lines back in place, it cost \$2,400. He said they educate and show consumers what is going on.

Neutral Information Presented:

Christopher Rice, Owner, 1028 Towing and Recovery

- Mr. Rice said he handled over 7,500 calls for service with his single tow truck.
- From the business side, Mr. Rice did not want the inspection program to go away because it meant more work for him.
- On the Spaulding Turnpike, Mr. Rice said he has not seen drivers go the speed limit. When he stands on the driver's side facing oncoming traffic, he said vehicles do not move over. If a vehicle has a broken ball joint, for example, the wheel has to be taken off and his back faces the road. If an individual does not move over, he said he could die.
- This program is not a conspiracy, it is purely about safety.
- Mr. Rice said a lot of salt is used on the roads, which eats away at joints and components.
- Under existing law, an individual does not have to register their car in their birth month. Individuals are allowed to register and inspect their vehicle up to three months prior.
- **Senator Ricciardi** asked why states that have done away with the inspection mandate require car insurance.
 - **Mr. Rice** said he was not in legislative work, so he could not answer. He said it cost \$2,000 a month to keep minimum coverage. To be on the rotation list for the state police or local police departments, it is \$1 million in general liability and \$500,000 of on-hook coverage. He did not understand why insurance was not mandated. They have 7 cars in the impound lot that do not have insurance. He said he was left holding the bag for the cost of the tow because an individual got into an accident, their car was unsafe, and it did not have an inspection sticker.

AJ

Date Hearing Report completed: April 14, 2025