



Comprehensive Motor Vehicle Services & Consulting

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Honorable Members of the New Hampshire Legislature-

I am honored for the opportunity to provide input with respect to New Hampshire House Bill 1560 (previously provided re 2025 New Hampshire House Bill 649), pertaining to important proposed changes of statutory language of specific New Hampshire Title XXI, Chapter 266 provisions relative to the state mandated motor vehicle safety inspection program. I would have preferred the honor of speaking before this Honorable Legislature in person, as I had the pleasure of doing so many times during my tenure with the New Hampshire State Police; however, I am committed to another serious motor vehicle related matter in Washington, D.C.

To provide a brief overview of my background and qualifications with respect to these motor vehicle law realms, I am a retired Sergeant with the New Hampshire State Police, also serving for a period in the capacity of the Assistant to the Director of Motor Vehicles due to my education and experience. With this position, I was responsible for overseeing multiple Division of Motor Vehicles programs, inclusive of that of state motor vehicle safety inspections and motor vehicle emissions testing. I was tasked with writing the statutory language of many New Hampshire Title XXI Motor Vehicle Laws, and re-wrote the Saf-C 3200 Inspection Rules language on two occasions.

I have over thirty-five years of extensive education, training, and experience in the Science of Automotive Technology and the science of Collision Reconstruction, am a member of the Society of Automotive Engineers, and am Certified by the National Institute of Automotive Service Excellence as an Undercar Specialist, Master Automotive Technician and Master Heavy Truck Technician. I am also an international motor vehicle brake system technology expert for the Global Brake Safety Council out of Toronto, Canada. During my tenure with the New Hampshire State Police, I served as the Fatal Crash Analyst for the state; Supervisor of the State Police Technical Accident Reconstruction Unit; and creator of the first Post Crash Vehicle Inspection Unit, which

analyzed vehicles involved in crashes to determine any causal mechanical, electrical, or computer deficiencies. Following retirement from the New Hampshire State Police, I founded a business known as Comprehensive Motor Vehicle Services & Consulting and was provided the copyrighted trademark of "Vehicle Autopsy", applicable to the forensic analyses of involved crash vehicles to determine potential causal aspects of mechanical, electrical, or computer system failure. I am an internationally recognized Vehicle Forensics Expert in the Science of Motor Vehicle Crash Reconstruction, as well as the Science of Automotive Technology, combining the two sciences as well as that of Forensic Science for typically high-profile motor vehicle related investigations in the United States and other countries.. Cases of interest include the Atlanta fatal crash of a Ferrari operated by NHL player Dany Heatley; the multiple fatality crash of Outlaw Drag Race Car operator Troy Critchley in Selmer, Tennessee; the Blackwater Security murder cases out of Baghdad; and recently the New York Limousine fatal crash -- the worst tragedy in United States history in over a decade.

Simply stated – when a serious or high-profile motor vehicle crash occurs and component failure is questioned, I am considered the ultimate expert to analyze the vehicle dynamics, physical evidence, damage, and so much more, applying physics, laws of energy, the Science of Automotive Technology, the Science of Collision Reconstruction, and Forensic Science to determine causation.

Background of the Matter - State Motor Vehicle Safety Inspection Programs

New Hampshire state motor vehicle safety inspection regulations (*See* NH Title XXI RSA 266:1; 266:5; and Administrative Rules Saf-C 3200) have a legal history dating back to 1931, subsequent to initial motor vehicle inspection mandates in Massachusetts, New York, and Maryland. The years that followed resulted in similar programs created in other states, and federal regulations addressing state motor vehicle safety inspection programs. Ultimately, the National Traffic and Motor Vehicle Safety Act of 1966 was enacted, resulting in Federal Motor Vehicle Safety Standards, or FMVSS (*See* 49CFR571.1, et seq), which drastically changed motor vehicle safety design and collision causation due to component failure.

- ✓ ***Collisions Attributable to Vehicle Component Failure are Nearly Nonexistent Nationwide; State Motor Vehicle Safety Inspection Programs Are Entirely Unrelated to Highway Safety and Constitute a Severe Financial Burden.***

Since the implementation of the FMVSS, the number of crashes attributable to vehicle component failure has faded to a diminutive level. Indeed, a 2015 report from the National Highway Traffic Safety Administration (NHTSA) stated that while data estimated that merely 2% of traffic crashes were attributable to vehicle

component failure, such a figure was vastly overestimated due to police traffic accidents reports merely quoting the operator of the vehicle and never confirming the excuse for the crash (i.e., "My brakes failed.") **My professional career of thousands of forensic vehicle inspections has revealed no more than four vehicles which realized component failure -- all of which were registered in states mandating a safety inspection program.**

Due to the factual aspects that state motor vehicle safety inspection programs are ineffective at reducing the scarce number of motor vehicle crashes attributable to component failure, combined with the voluminous number of consumer protection complaints levied against inspection stations by citizens, state mandated motor vehicle safety inspection programs are rapidly diminishing. Indeed, there currently exist merely ten (10) states in the United States which mandate annual vehicle inspections, with New Hampshire being one of the most stringent. Studies have determined no change whatsoever in the already minimal number of motor vehicle crashes due to component failure for states which have discontinued the motor vehicle safety inspection program, substantiating the fact the state motor vehicle safety inspection programs have no effect on highway safety and serve solely as a profit means to inspection stations/auto dealers who demand repairs that are unnecessary. **Indeed, not one state that has abolished their state motor vehicle safety inspection program has reinstated the program.**

During my tenure overseeing inspection stations for the State of New Hampshire, I was involved with undercover "sting" operations of inspection stations for the New Hampshire Office of the Attorney General due to the vast number of consumer protection complaints. Moreover, as supervisor of the New Hampshire Motor Vehicle Safety Inspection Program, I determined that the majority of New Hampshire Inspection Stations either 1) Collected revenue for inspections without conducting a proper safety inspection; or 2) Purposely rejected vehicles by exaggerating the inspection regulations to profit hugely from repair income. Indeed, a Superior Court judgment was recently awarded for Wrongful Termination/Whistleblower Act to the inspection station employee of an auto dealer in this state due to being terminated for not ignoring New Hampshire Laws/Rules per station management orders - the employee was succinctly told that "there are the state regulations, and then there are *our* regulations. We go by our regulations." I have also witnessed major auto dealer management personnel pressure technicians into failing customer vehicles for inspections, stating "Push them to buy a new car from us."

Requirements such as headlamp aiming are extremely rarely performed. Additionally, the Saf-C Inspection Rules are replete with requirements such as a "cracked lens" (*See* Saf-C 3215.04(a)(9)); "a window that does not open or close as the manufacturer intended" (*See* Saf-C 3217.13); "a door handle is broken" (*See* Saf-C

3221.01(a)(4)(a)); "a fender is not the proper height" (*See* Saf-C 3221.01(a)(2)(c)); "inside rearview mirror is cracked" (*See* Saf-C 3217.05(a)(3)); and "any portion of the body is missing or does not function properly" (*See* Saf-C 3221.01(a)(8)). Considering that so many inspection stations make their own rules beyond those mentioned, vehicle owners are paying huge money for needless repairs due to a program which does not contribute to highway safety (i.e., a cracked tail lamp lens can easily cost over \$300 to replace. These administrative rule mandates have no connection whatsoever with highway safety. (There have been no fatal crashes caused by a cracked lens, loose mirror, window switch that doesn't work, fog light inoperable, etc.). This flawed system, which serves no safety purpose, is a tremendous financial burden to the residents of New Hampshire, especially impacting the poor and the elderly. All while inspection stations/auto dealers realize staggering profits (One large New Hampshire inspection station/dealer performs up to 100 state inspections per day, at a fee of \$50 per inspection. Then, add in the profits for repairs which are unnecessary. Indeed, last year I brought one of my vehicles to a dealer for inspection. The Service Department called me and said the vehicle failed due to a "loose rear suspension bushing" and "one tire with tread depth of less than 2/32"". I was told required repairs would cost \$2650, including four new tires; otherwise, the vehicle would not get a sticker. My response was 1) Inquiring of what the measured amount of play was at the suspension bushing, to which I was told they did not measure the looseness. I informed them that pursuant to the Saf-C 3200 Safety Inspection Rules, to reject a vehicle for such a condition required that the play exceeded the manufacturer specification; 2) Inquiring of the reason I was required to have four tires replaced if only one was defective; and 3) Inquiring as to the location on the one tire that the tire tread depth measurement was taken, as the Saf-C 3211.02 Administrative Rule stated that the measurement must be made at "a major tread groove nearest the center of the tire". The Service Department told me they would call me back, and when they did, apologized for the inconvenience and said there would be no charge for the inspection. After picking the vehicle up from the dealer, I measured the tread depth – all tires exceeded the 2/32" requirement. This concerning incident clearly occurs regularly, at the expense of New Hampshire residents and to the profit of privately owned repair facilities.

While Bills have been historically proposed to change the existing motor vehicle inspection program, they have been met with baseless and disingenuous arguments by vehicle inspection station and automotive dealer owners that motor vehicle fatality numbers would rise. Although inspection station/dealer owners and representatives fight to ensure remarkable income from state inspections, the fact is that statistically state safety inspection programs play no role in reducing crashes, the vastly overwhelming cause being that of the operator. Inspection station personnel have neither education nor experience in the science of collision reconstruction whatsoever –

they cannot determine crash causation; however, they continually assert that the number of fatal crashes will increase without a state inspection program, defying substantiated data to the contrary. In the event statistics are provided about an increase in traffic accidents following dissolution of a state safety inspection program, that will be a summary of all crashes, not those few attributable to component failure. This is disingenuous greed, resulting in massive profits.

✓ ***Unsafe Vehicle Operation Will Still be Prohibited.***

The rationale of states continuing to drop motor vehicle safety inspection programs is that statistically the programs do not provide for safer roads, while resulting in staggering and unnecessary costs to residents and motorists for repairs due to a program which does not increase highway safety and even impacts the state government fiscally.

Now, this certainly does not mean that motorists are then able to drive their vehicles on the roadways of the state in an unsafe condition. Indeed, numerous New Hampshire Title XXI Chapter 266 statutes address motor vehicle equipment standards such as windshields, mirrors, headlamp aim, tires and brakes. Unlike the current annual motor vehicle safety inspection program (which merely means that the vehicle meets requirements on the date/time of inspection - no future compliance is expressed or implied), enforcement of unsafe vehicles would be performed on a daily basis by troopers and police officers. Much like the current roadside inspection of commercial vehicles conducted by the New Hampshire State Police, the day-to-day enforcement of unsafe vehicles is by far the most effective program -- such was the case of the Special Enforcement Unit of which I supervised while a Sergeant with the New Hampshire State Police, with the authority to suspend vehicle registrations due to unsafe components and effectively removing the vehicle from the ways of the state of New Hampshire. States which have discontinued motor vehicle inspection programs utilize this very procedure, with revenue from summonses then going to the general fund. Ultimately, the state would save money due to no longer providing the administrative program; generating revenue by police enforcement; and removing unsafe vehicles from the highways (New Hampshire Title XXI RSA 262:32,V statutory language allows for police to order the towing of unsafe vehicles from the roadways of the state).. Repair facilities would still realize income from their services, but of critical importance is the fact that New Hampshire residents/motorists would greatly benefit financially due to inspection stations no longer mandating repairs which are unnecessary.

Moreover, the required annual inspection of commercial vehicles would remain intact, as required by federal regulations.

Background of the Matter - State Motor Vehicle Emissions Inspection Programs

The current annual emissions inspection program of New Hampshire is now one of the most stringent programs in the United States. Indeed, only Vermont, Massachusetts, and New York also require statewide annual emissions inspection of motor vehicles. Historically, blame has been placed on the Environmental Protection Agency for federal mandates requiring the state of New Hampshire to implement such an extreme emissions program. Such blame is blatantly disingenuous -- pursuant to the Clean Air Act, the EPA monitors air quality and dictates the type of program required, as well as the location of the program (i.e., a large city). The focus of the EPA goes far beyond that of comparatively minor motor vehicle emissions, to include a) Carbon Monoxide Pollution; b) Lead Air Pollution; c) Nitrogen Oxide Pollution; d) Oxone Pollution; e) Particulate Matter Pollution; and f) Sulfur Dioxide Pollution from foremost sources such as industry. **There is no EPA mandate for the state of New Hampshire for the emissions program in place.**

The emissions program in New Hampshire is another realm I am intricately familiar with; indeed, I oversaw the program while employed by the state. During that time, I regularly dealt with private sector businesses, attempting to change the regulations in New Hampshire to make huge profits. The current emissions program in New Hampshire is just that -- a software company with no emissions expertise convinced those at the state after I moved on to change the statutory language pertaining to emissions inspections, impose unnecessary regulations of New Hampshire vehicle owners, and implement their equipment. at the cost of millions of dollars The stories of the financial burden to New Hampshire residents are staggering, including thousands of dollars in needless repairs and having to purchase new vehicles. (For example, certain model year Cadillac vehicles were designed with a sensitive engine/transmission RPM sensor, which will set a code. The cure is a new transmission (\$4000+), with absolutely no change in the way the vehicle operates; or, the same previously mentioned large New Hampshire auto dealer who bragged about forcing an elderly resident to buy a new vehicle because the "check engine" light of his low mileage, older vehicle was illuminated.) I could go on and on with the stories of what this program has needlessly cost New Hampshire residents -- not to mention the costs to the state. This is not about clean air and federal requirements -- this is all about millions of dollars in unnecessary expenditures realized by New Hampshire motorists, with a needless emissions program that is one of the strictest in the country.

✓ ***The Operation of Motor Vehicles Not in Compliance with Emissions Mandates Will Still be Prohibited.***

For enforcement of motor vehicles obviously not in compliance with emissions mandates, the State of New Hampshire will continue to rely upon the specific language of New Hampshire title XXI RSA 266:59,II, which states in pertinent part ***“The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes, smoke, flame, gas, oil or fuel residue.”***

In closing, the Motor Vehicle Safety Inspection and Emissions programs are costly, inefficient, inaccurate, and financially detrimental to New Hampshire motorists -- especially those low income and elderly residents, who are at the mercy of New Hampshire Inspection Station personnel. As an internationally recognized expert and former administrator of these realms, I truly feel the time has come for the State of New Hampshire to amend such costly and ineffective programs which are a notable financial burden to New Hampshire residents. States have been eliminating these ineffective, consumer pricy programs for years -- New Hampshire is indeed a rarity to continue this level of unnecessary mandates.

Ladies and gentlemen of this Honorable New Hampshire Legislature, thank you for allowing my input as a recognized motor vehicle expert regarding this concerning topic. In closing, I would like to reiterate three critical points – 1) Motor vehicle crashes caused by component failure are extremely rare, as supported by my 35 years as an internationally recognized expert in this realm as well as government statistics/data; 2) State inspection programs, such as that of this state, have no effect on highway safety, and those states which have discontinued the motor vehicle inspection program realized no increase in the number crashes due to component failure; and 3) The millions of dollars which New Hampshire residents are required to needlessly pay every year to private sector businesses for vehicle inspections, resulting in absolutely no increase in highway safety or air quality, is indeed a startling reality.

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