

TEXAS VEHICLE EQUIPMENT SAFETY COMMISSION

Staff Report
to the
Sunset Advisory Commission*

January 9, 1978

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Introduction

This report is submitted pursuant to Section 1.06, Subsection (3) of the Texas Sunset Act and contains a review of the operations of the Texas Vehicle Equipment Safety Commission. Termination of the Texas Vehicle Equipment Safety Commission has been scheduled for September 1, 1979 unless it is continued by law.

The material contained in the report is divided into four sections: background, review of operations, conclusions, and recommendations. The Background section contains a brief history of legislative intent and a discussion of the original need for the Texas Vehicle Equipment Safety Commission. The Review of Operations section contains a review of the operation of the agency, and uses the self-evaluation report submitted by the agency as the basis of review unless noted. The information contained in the self-evaluation report was verified, and additional data were obtained through interviews and review of agency files and other data sources.

The Conclusions section discusses the agency's response to the present need for its existence, and an overall determination is made as to whether or not Sunset criteria are being met. The final section presents staff recommendations to the Sunset Commission.

This report is designed to provide an objective view of agency operations, based on the evaluation techniques utilized to date. Together with pertinent information obtained from public hearings, a factual base for the final recommendations to the Legislature will be provided.

Background

In 1961, a model compact was drafted under the aegis of the Western Governor's Conference and the Council of State Governments as a means of

implementing congressional intent and to stimulate the adoption of uniform standards for new and improved automotive safety equipment. The compact provided for a commission, composed of one individual from each member state, to carry out the objectives of 1) improving highway traffic safety through uniformity of regulations and standards for vehicle equipment, 2) promotion of greater use of new and improved safety equipment on vehicles, and 3) retention of the jurisdiction for enforcement of vehicle regulations at the state level. Annual financing for the Commission's activities was provided through a membership assessment apportioned among the member states on the following basis: one third in equal shares and the remainder in proportion to the number of motor vehicles registered in that state.

The compact was first adopted by the state of New York in 1962 and currently there are 42 member states to the compact. Texas became a member state in 1963 when the Fifth-eighth Legislature created the Texas Vehicle Equipment Safety Commission (Art. 6710K, V.A.C.S.) within the Office of the Governor, to be selected by the Governor to represent the State of Texas on the national Vehicle Equipment Safety Commission.

(It should be noted that although the Texas legislation creates a commission, the governor appointed a commissioner. A similar pattern of appointing one person is repeated in other states. Seven member states vest the Governor with the responsibility of appointing a representative to the national organization. In 32 states the position is designated in the enabling legislation.)

Review of Operations

Participation began shortly after enactment of the enabling legislation. The Governor appointed the Chief of the Inspection and Planning Division of the

Department of Public Safety (DPS) to serve as Texas' representative on the Commission. Funds in the amount of \$5,840 (for two years) were allocated from the Department of Public Safety's budget to pay the state's portion for financing the activities of the Commission.

The Chief of Inspection and Planning actively participated in the affairs of the Commission, and supported its recommendations. He attended all scheduled meetings from 1964 to 1968, and participation continued through 1970. The Texas Commissioner also provided active guidance on the Commission. During the period from 1966 to 1969 the Commissioner was a member of the Executive Committee and from 1967 through 1969 he was Vice-Chairman.

During the period of Texas' active participation from 1964 to 1970, based on the fundings formula discussed earlier, Texas ranked third in terms of financial support to the Commission. Texas' contributions in these years were as follows:

1964	\$2,658
1965	3,182
1966	3,420
1967	3,755
1968	5,077
1969	5,077
<u>1970</u>	<u>5,137</u>
Total	<u>\$28,306</u>

During this same period, five recommendations were developed by the Commission dealing with new tires, retreaded tires, brake linings, safety glazing materials, and motor vehicle connecting devices and towing methods. Of the twenty-nine member states surveyed, three states, Oklahoma, Maryland and New Jersey, adopted all five recommendations; two states, Illinois and Massachusetts,

adopted two, four states, Louisiana, Kentucky, Maine and Montana adopted at least one; and the remaining twenty states, including Texas, adopted none.

All of the recommendations developed by the Commission since its inception have been adopted by at least one state. This is of significance to Texas due to the fact that if one state adopts such a safety code, most manufacturers involved in interstate commerce comply in order to avoid having markets closed or having to manufacture two sets of equipment.

Not all member states have maintained active status. Beginning in 1970, Arkansas, Florida, Montana, New Jersey, North Dakota, South Dakota, and Texas withdrew from active participation. (In 1973 Montana, North Dakota and South Dakota became active again.) Two member states have formally withdrawn from the Commission through the process of revoking the enabling legislation and notifying member states of that fact.

A review of the states which withdrew from active participation including Texas, revealed two primary reasons for doing so. The first reason for withdrawal was that some states felt that the purposes of the Commission could be achieved through other organizations, with larger staffs, in which the states held memberships. The second reason cited was failure by the Legislature to appropriate funds for continued participation.

Conclusion

Several key points discovered during the review are presented below:

1. None of the Vehicle Equipment Safety Commission recommended safety codes have been enacted into law by Texas.
2. Texas has not actively participated in the Commission since 1970.

3. Texas continues to participate in several national organizations with objectives similar to VESC's, often with the same individuals as members.
4. All of VESC recommendations have been adopted by at least one state.
5. Manufacturers involved in interstate commerce generally comply with such safety codes, if passed by one state.
6. The size of the National Commission's staff, two permanent positions, raises doubts that it can adequately meet its own objectives.
7. Federal funding to the state will not be adversely affected should Texas elect to formally withdraw from the compact.

Recommendation

IT IS THE RECOMMENDATION OF THE STAFF THAT ARTICLE 6710K, V.A.C.S., CREATING THE TEXAS VEHICLE EQUIPMENT SAFETY COMMISSION BE REPEALED AND THAT TEXAS TAKE THE NECESSARY STEPS TO FORMALLY WITHDRAW FROM THE COMPACT.