Program Evaluation: Missouri State Highway Patrol Motor Vehicle Inspection Division

Prepared for the Committee on Legislative Research by the Oversight Division

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STATE CAPITOL JEFFERSON CITY, MISSOURI 65101-6806

February, 1999

Members of the General Assembly:

The Joint Committee on Legislative Research adopted a resolution in May, 1998, directing the Oversight Division to perform a program evaluation of the Missouri State Highway Patrol which included the examination of records and procedures in the Highway Patrol Motor Vehicle Inspection Division to determine and evaluate program performance in accordance with program objectives, responsibilities, and duties as set forth by statute or regulation.

The accompanying report includes Oversight's comments on internal controls, compliance with legal requirements, management practices, program performance and related areas. We hope this information is helpful and can be used in a constructive manner for the betterment of the state program to which it relates.

Respectfully,

Representative Robert M. Clayton, III

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Vice Chairman

Chapter I - Introduction

Purpose

The General Assembly has provided by law that the Committee on Legislative Research may have access to and obtain information concerning the needs, organization, functioning, efficiency and financial status of any department of state government or of any institution that is supported in whole or in part by revenues of the State of Missouri. The General Assembly has further provided by law for the organization of an Oversight Division of the Committee on Legislative Research and, upon adoption of a resolution by the General Assembly or upon adoption of a resolution by the Committee on Legislative Research, for the Oversight Division to make investigations into legislative and governmental institutions of this state to aid the General Assembly.

The Committee on Legislative Research directed the Oversight Division to perform a program evaluation and expenditure review of the Missouri State Highway Patrol, Division of Motor Vehicle Inspections, for the purpose of providing information to the General Assembly regarding proposed legislation and appropriation bills.

Background

Chapter 307, RSMo, covers Motor Vehicle Safety Inspections. The Missouri State Highway Patrol, Division of Motor Vehicle Inspections (MVI), oversees the motor vehicle safety inspection program. The MVI Division is responsible for licensing and monitoring inspector mechanics and inspection stations. Members of the MVI Division also field complaints from citizens concerned with improper inspections, manage the sale of inspection stickers, perform vehicle identification number verifications, administer the emissions inspection program in the St. Louis area and perform annual school bus inspections. The MVI Division employs 70 inspectors located at the nine highway patrol troops. Eighteen uniformed patrolmen work for the MVI Division and are located at the troops and general headquarters. According to the Highway Patrol, the patrolmen's MVI duties are a limited portion of their overall workload. In addition, eight office staff are located at the highway patrol general headquarters.

Annual school bus inspections are performed by MVI inspectors in February. The division has improved the passing rate of school buses in the last three years by using Total Fleet Excellence stickers. The stickers are displayed on the side window of school buses owned by the school districts or contractors with initial inspection passing rates of 95% or better. As a result, the bus passing rates have improved from 78.4% in 1996 to 85.8% in 1998.

Section 307.350, RSMo, 1997, requires motor vehicles to be inspected annually. Motor vehicles are required to be inspected at authorized inspection stations. The fee for a permit to operate an official inspection station is ten dollars per year. The fees are made payable to the Department of Revenue, collected by the MVI Division, and deposited in the state Highway Fund. A fee, not exceeding seven dollars, may be charged by an official inspection station for an inspection, including the issuance of the certificate of inspection. The fee for an inspection of a trailer or motorcycle may not exceed six dollars. Exceptions to the annual inspection requirement include new vehicles prior to the initial registration or the next succeeding registration, vehicles engaged in interstate commerce and registered with the Missouri Highway Reciprocity Commission, and registered historic motor vehicles.

The MVI Division compiles information from inspection stations regarding the number of vehicles rejected for safety inspections and the types of defects detected. In calendar year 1997, 15.7% of the vehicles were rejected during their safety inspection. The top five vehicle defects detected included brakes, exhaust, signals, steering and suspension, and lights. These five types of vehicle defects made up 77% of the total defects detected. The types of vehicle defects from the MVI Division's sample agreed to the results from the Oversight Division's survey of inspection stations.

A sticker is required to be displayed on the motor vehicle indicating the inspection and approval. The MVI Division collects a fee of seventy-five cents for each inspection sticker, except that no fee is charged to inspection stations operated by governmental entities. Fifty cents of the fee is credited to the state Highway Fund, and twenty-five cents is credited to the Highway Patrol Inspection Fund. The purpose of the Highway Patrol Inspection Fund is to administer and enforce state motor vehicle laws and traffic regulations. The unexpended balance in the Highway Patrol Inspection Fund at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years is required to be transferred to the State Road Fund.

In fiscal year (FY) 1998, the MVI Division generated approximately \$2.2 million in Highway Fund revenue from sticker sales, permits and signs. MVI expenditures from the Highway Fund were approximately \$2.3 million for FY 1998. In the same fiscal year, the division sticker sale revenue in the Highway Patrol Inspection Fund was approximately \$1.1 million, and expenditures were approximately \$100,000.

Objectives

The evaluation of the motor vehicle inspection program included the inspection of records for the purpose of providing information to the General Assembly for their consideration of proposed legislation and appropriation bills. The Oversight Division's evaluation focused on five main objectives as noted below:

Evaluating the policies and procedures for official inspection stations; Reviewing the policies and procedures for school bus inspections; Obtaining information from other states and the federal government; Reviewing financial information, including budget requests, sticker fee revenue and administrative expenditures; and Evaluating program performance goals.

Scope/Methodology

Our evaluation included interviewing MVI Division personnel; reviewing statutes, rules and regulations; reviewing division policies and procedures; attending MVI inspections of inspection stations; examining inspectors' Performance Audit Reports; surveying inspection stations; compiling information from other states; examining financial records; and reviewing program performance goals.

Our scope was not limited to any specific fiscal years; however, most of the information examined was from fiscal years 1998 and 1997.

Chapter 2 - Inspectors

The quality and completeness of motor vehicle inspections could be better monitored by increased covert inspections and reinspecting vehicles at the stations.

Covert inspections are performed by an MVI inspector using one of five Highway Patrol vehicles while discreetly observing the inspection. The covert inspections are a valuable tool for monitoring the quality and completeness of the inspections because they involve observation of an actual inspection. A regular MVI inspection only involves a review of the station's documentation of the inspection.

A Highway Patrol special order in effect until 1998 required covert inspections on at least ten percent of the public stations. A current Highway Patrol general order states, "Troop commanders should use MVI undercover vehicles to conduct covert investigations at a minimum of fifteen percent of the public inspection stations in their troop each year." This change in policy reflects the MVI Division's recognition of the effectiveness of covert inspections.

In addition to using highway patrol vehicles for covert inspections, the MVI Division could consider requesting a reinspection of vehicles on the premises. This could be accomplished by the MVI inspector reinspecting vehicles at the stations immediately after they are inspected when the MVI inspector arrives unannounced, the MVI inspector observing the mechanics' reinspection of the vehicles, or other methods determined by the MVI Division.

The MVI Division could decrease the frequency of the inspection station visits and save staff salaries.

MVI Division Special Order #23 states, "...each station must be contacted at least once every six weeks and more frequently if the station is suspected of violating or has violated the law and regulations in the past. These visits should be made on an irregular basis."

For approximately 4,700 inspection stations, the division performs inspection station visits at each station approximately six times per year. These inspections are

performed by a staff of 69 inspectors. Each inspection station maintains copies of MVI-2 forms, which are forms the mechanic is required to complete when inspecting a vehicle. The MVI inspectors routinely examine all of the MVI-2 forms and deliver supplies. The stations are kept in the rotation for examination by the inspectors whether or not the MVI Division has found problems with the stations in the past. In 1997, 95% of the MVI inspections involved checking the stations' paper work (MVI-2 forms).

The Oversight Division performed an analysis of the MVI Division's current work load and man hours. If the division decreased the frequency of inspection station visits from six per year to between two and four visits per year, it appears the duties of the division could be performed with forty-four to fifty-seven full-time-equivalent inspectors per year rather than sixty-nine. The reduction in inspectors could save \$417,600 to \$870,000 in salaries and fringe benefits.

The total number of station visits per year could be reduced, while still increasing the number of covert visits. Regular visits could be replaced with covert visits. Therefore, Oversight assumes decreasing the number of station visits would not hinder the effectiveness of motor vehicle inspections.

In addition, inspectors would be more efficient by focusing on problem stations, sampling the forms they review at each visit and mailing supplies (MVI-2 forms) to inspection stations as opposed to hand delivering them.

Reducing the number of inspectors could be accomplished by performing less frequent visits to stations and improving efficiency.

The MVI Division does not track mileage reimbursements by inspector to determine the feasibility of purchasing or reassigning patrol vehicles. The Highway Patrol reimburses motor vehicle inspectors for business use of their personal vehicles at the state's standard mileage rate.

According to information from the Lieutenant Governor's Council on Efficient Operations (CEO), if a vehicle is driven 15,000 miles or more per year, it is more feasible to purchase a vehicle than reimburse mileage.

In FY 1998 eighteen motor vehicle inspectors drove from 15,000 to 28,000 miles each. This included miles driven on personal and patrol vehicles. The MVI Division has a patrol car assigned to fourteen inspectors. In FY 1998, some of the fourteen inspectors assigned vehicles drove more than 15,000 miles, and some drove less than 15,000 miles. Even though the cars are assigned to individual inspectors, they are shared with all of the inspectors. The MVI Division does not track separately by inspector the miles driven on patrol cars from the miles reimbursed for business use of personal vehicles.

Tracking the patrol car miles and personal vehicle miles driven by each inspector would allow for efficient assignment of the patrol vehicles. Based on the Lieutenant Governor's CEO report, purchasing additional vehicles for inspectors driving 15,000 miles or more per year should also be considered.

Chapter 3 - MVI Statutes

The Missouri State
Highway Patrol (MHP) is
not granted the authority
under Missouri statutes to
allow for the permanent
revocation of certified
inspection stations or
certified inspector
mechanics.

Section 307.360.4, RSMo, states "The superintendent of the Missouri state highway patrol shall supervise and cause inspections to be made of the official inspection stations and inspecting personnel and if he finds that the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390 are not being complied with . . . he shall suspend or revoke the permit of the station for a period of not less than thirty days or more than one year and require the immediate surrender and return of the permit, together with all official forms and certificates of inspection and approval."

Section 307.360.4, RSMo, also states "... If the superintendent finds that an inspector has violated any of the provisions of sections 307.350 to 307.390 or the regulations issued pursuant to sections 307.350 to 307.390, he shall suspend or revoke the inspector's permit for a period of not less than thirty days nor more than one year."

The statutes do not offer the superintendent of the Missouri State Highway Patrol the authority to permanently revoke the permit for an inspection station or inspector mechanic who has shown blatant and repeated disregard for the provisions of sections 307.350 to 307.390 or the corresponding regulations.

The legislature may wish to consider changes which would allow for the permanent revocation of stations and inspector mechanics from the MVI program who display a continued disregard for the MVI rules and regulations.

The Missouri State
Highway Patrol officers do
not require motor vehicle
inspections after vehicles
are involved in accidents.

Section 307.380.1, RSMo, states, "Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected and an official certificate of inspection and approval, sticker, seal or other device be obtained for such vehicle before it is again operated on the highways of this state."

The statute leaves the inspection to the officers' discretion. The statute was enacted in 1971, and no documented inspections have been required by the MHP after an accident. Therefore, vehicles involved in accidents and repaired before the due date of the next annual inspection are being driven on the highways without being inspected.

The Highway Patrol should determine when vehicle inspections are required after accidents and work with local law enforcement to do the same.

Chapter 4 - Administration

The time period for limiting the number of salvage vehicles rebuilt and the licensing period for salvage vehicle dealers is not on the same fiscal year.

Section 301.218, RSMo, states a license is required to rebuild four or more salvage vehicles in a calendar year. According to section 301.221, RSMo, salvage dealer licenses are due on July 1 of each year.

Requiring a salvage dealer license based on the number of rebuilt vehicles in a calendar year is difficult for the MHP to implement with the licensing period being on a fiscal year. As a result, an auto body mechanic could rebuild four or more vehicles with a license from January 1 through June 30, and rebuild three or less vehicles from July 1 through December 31 without a license.

A legislative change would allow consistent dates to be used for rebuilding vehicles without a license and the salvage dealer licensing period.

The Highway Patrol
Inspection Fund was
created to benefit the
Highway Patrol; however,
most of the funding is
transferred to the State
Road Fund.

In 1992, section 307.365.6, RSMo, created the Highway Patrol Inspection Fund, and an additional twenty-five cent fee per sticker was charged to inspection stations. The statutes require the fund revenues to be expended for the administration and enforcement of motor vehicle safety inspections. The unexpended balance at the end of each biennium exceeding the amount of the appropriations from the fund for the first two fiscal years is transferred to the State Road Fund.

The MVI Division has been supported by the Highway Fund. The MVI generated approximately \$2.3 million in Highway Fund revenue from sticker sales, permits and signs for each of the fiscal years 1997 and 1998. MVI expenditures were approximately the same as the Highway Fund revenues.

Minimal appropriations have been made from the Highway Patrol Inspection Fund. In fiscal year 1997, Highway Patrol Inspection Fund revenues were approximately \$950,000, and expenditures were \$30,000. In FY 1998, fund revenues approximated \$1.1 million, and expenditures were \$100,000. Therefore, nearly \$1 million annually was unexpended by the MHP from the Highway Patrol Inspection Fund. The unexpended balance is transferred to the State Road Fund. Therefore, an additional fee is imposed on the inspection stations from which the Missouri Department of Transportation is benefitting and not the MHP.

> Highway Patrol Inspection Fund MVI Revenues and Expenditures Fiscal Years 1997 and 1998

> > FY 1997 Revenues \$950,000 Expenditures 30,000

FY 1998 Revenues \$1,100,000

Expenditures 100,000

Since revenues from the additional twenty-five cent fee have gone virtually unexpended by the MHP, the General Assembly might consider amending the statutes to delete the fee.

Chapter 5 - Executive Summary

Conclusion and Recommendations

The MVI Division is responsible for licensing and monitoring inspector mechanics and inspection stations. Members of the MVI Division also field complaints from citizens concerned with improper inspections, manage the sale of inspection stickers, perform vehicle identification number verifications, administer the emissions inspection program in the St. Louis area and perform annual school bus inspections.

Annual school bus inspections are performed by MVI inspectors in February. The division has improved the passing rate of school buses in the last three years by using Total Fleet Excellence stickers. The stickers are displayed on the side window of school buses owned by the school districts or contractors with initial inspection passing rates of 95% or better. As a result, the bus passing rates have improved from 78.4% in 1996 to 85.8% in 1998.

The Oversight Division's evaluation included interviewing MVI Division personnel; reviewing statutes, rules and regulations; reviewing division policies and procedures; attending MVI inspections of inspection stations; examining inspectors' Performance Audit Reports; surveying inspection stations; compiling information from other states; examining financial records; and reviewing program performance goals.

The MVI Division could improve its effectiveness and efficiency when monitoring the inspection stations by increasing covert inspections and MVI staff reinspecting vehicles at the stations. At the same time, the MVI Division could decrease the frequency of the inspection station visits and save staff salaries. The reduction in inspectors could save \$417,600 to \$870,000 in salaries and fringe benefits. Inspectors would be more efficient by focusing on problem stations, sampling the forms they review at each visit and mailing supplies (MVI-2 forms) to inspection stations as opposed to hand delivering them. Also, tracking the patrol car miles and personal vehicle miles driven by each inspector would allow for efficient assignment of the patrol vehicles.

The MVI Division could more effectively enforce the statutes related to vehicle inspections by requiring motor vehicle inspections after vehicles are involved in accidents. Also, the legislature may wish to consider statutory changes which would allow for the permanent revocation of stations and inspector mechanics from the MVI program who display a continued disregard for the MVI rules and regulations.

One section of law states a license is required to rebuild four or more salvage vehicles in a calendar year. Another section of law states salvage dealer licenses are due on July 1 of each year. The Highway Patrol could more efficiently administer the MVI Inspection Program with a legislative change to allow consistent dates to be used for rebuilding vehicles without a license and the salvage dealer licensing period.

The Highway Patrol Inspection Fund was created to benefit the MVI Division; however, most of the funding is transferred to the State Road Fund. Minimal appropriations have been made to the MVI Division from the Highway Patrol Inspection Fund. The MVI Division has been supported by the Highway Fund. In fiscal years 1997 and 1998, nearly \$1 million annually was unexpended by the MVI Division from the Highway Patrol Inspection Fund. The unexpended balance of \$1 million is transferred to the State Road Fund. Apparently a constitutional provision could prohibit the MVI Division from utilizing the funds generated by the fee increase. The General Assembly might consider amending the statutes to delete the twenty-five cent fee deposited in the Highway Patrol Inspection Fund, due to the fact that it is not achieving its intended purpose.

In summary, the Oversight Division recommends the Missouri State Highway Patrol, Division of Motor Vehicle Inspections, consider the following actions to improve the efficiency and effectiveness of the inspection program:

- Increasing covert inspections and reinspecting vehicles at inspection stations by MVI staff or observing the mechanics' reinspection of the vehicles;
- Decreasing the frequency of inspection station visits by the MVI Division;
- Tracking the patrol car miles and personal miles driven by each inspector to allow for efficient assignment of the patrol vehicles; and

 Requiring motor vehicle inspections after vehicles are involved in accidents.

In addition, the Oversight Division recommends the General Assembly consider the following legislative actions:

- Statutory changes to allow for the permanent revocation of stations and inspector mechanics from the MVI program who display a continued disregard for the MVI rules and regulations;
- Statutory changes to allow consistent dates to be used for rebuilding vehicles without a license and the salvage dealer licensing period; and
- Statutory change to delete the twenty-five cent fee deposited in the Highway Patrol Inspection Fund.

We acknowledge the cooperation and assistance of staff of the Missouri Highway Patrol during the evaluation process.

Jeanne Jakrett, CPA

Director

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APPENDIX 1

January 12, 1999

This correspondence is in regard to the stated findings of the Legislative tive Research Committee, Oversight Division, following the committee's recent evaluation and review of the Missouri State Highway Patrol's Motor Vehicle Inspection Division. An exit interview was conducted on December 16, 1998, and a copy of the committee's final draft report was received by our organization on December 21, 1998. I appreciate this opportunity to express additional views and facts concerning the issues raised by the committee.

INSPECTORS

The committee suggests a decrease in frequency of inspection station visits by MVI inspectors. The committee states that if the frequency of station visits is decreased, a reduction in personnel would be possible.

First of all, I feel very strongly that any reduction in station visits by our inspectors would weaken the Motor Vehicle Inspection Program. Our goal is to contact each station every six weeks. If this contact period is changed, as the committee suggests, to visits two to four times per year, the accountability issues involved in the program would be adversely affected. Another consideration would be that if, for example, a station is only visited twice in a year, those two performance checks could be extremely time consuming due to the lengthy period of time between visits. These two examples alone would cause a gross disservice to the public and an unacceptable inconvenience to station owners.

The committee is correct in the fact that stations are kept in the rotation to be visited whether or not problems have been found in the past. As their own report states, however, MVI Division Special Order 23, contains the following, ". . . each station must be contacted at least once every six weeks and more frequently if the station is suspected of violating or has violated the law and regulations in the past. These visits should be made on an irregular basis." In essence, this already dictates what the committee is asking. Stations without past problems are not going to be checked as often as those with past problems.

Another factor which has not been taken into consideration when the reduction of manpower was suggested, is that of the current 69 inspectors who are referred to in the report, nine inspectors perform almost exclusively in the vehicle identification number examination program. Also, four inspectors have full-time supervisory duties and do not conduct station performance audits. Consequently, the number of Inspectors conducting station performance audits is already in the range of the number of inspectors to which the committee suggested the MVI Division be reduced. Also, at the current time, this number is performing an average of six visits to each station per year. The committee's request would have this same number perform two to four visits to each station per

year. The efficiency of the current MVI Division's performance is quite evident, and any reduction in the number of Inspectors would be at the expense and sacrifice of the other responsibilities performed by them. As previously stated, our inspectors perform school bus inspections, VIN examinations, supervisory functions, and other duties which do not appear to have been taken into consideration by the committee in their proposal to reduce manpower.

I do agree with the committee that covert inspections are a valuable tool in determining the quality of inspections. Our covert program recently increased from 10% to 15% the percentage of public inspection stations which are to have a covert inspection each year. I feel this addresses the committee's concern regarding the increase of covert inspections. Overt audits are a valuable tool, however, to ensure compliance. Overt station visits allow the opportunity for inspectors to discover potential problems before they perpetuate themselves. Problems may then be addressed in a timely manner through supervision, training, and suspension or revocation, when necessary. If a station is visited only two to four times yearly, obviously the potential problem areas would have a much greater chance to become more profound. Once again, I feel a reduction of inspectors, as the committee recommends, would only weaken the program in general, and cause problem areas to become more prolific.

The recommendation to mail supplies to inspection stations would lessen security and accountability for certain property. There would also be a certain trade-off in the cost area because of an increase in postage fees.

MILEAGE TRACKING

The MVI Division does track overall mileage driven by Inspectors, while conducting official business, for statistical purposes. Total reimbursable mileage is maintained by the Budget and Procurement Division, for each Inspector, through individual monthly expense reports, as was discussed with the committee. The committee expressed concern that inspectors being reimbursed for in excess of 15,000 miles/year should receive state vehicles to drive. A review of the individual expense reports indicates there were ten Inspectors reimbursed for mileage driven in excess of 15,000 miles during FY 98. The following are accumulated reimbursable miles driven by MVI Inspectors in excess of 15,000: eight between 15,000 and 18,000; one between 19,000 and 20,000; and one in excess of 24,000. There are 12 Patrol vehicles assigned to the MVI Division that are intended for various duties, including routine inspection station audits, transporting inspection equipment and multiple Inspectors for school bus inspections, traveling long distances for MVI related activities and training, and vehicle identification number examination away from the troop headquarters. The Patrol would have no objection to the committee's recommendation of providing Patrol vehicles to MVI Inspectors that are annually reimbursed for more than 15,000 miles, should sufficient funds be appropriated for the purchase and maintenance of these vehicles.

PERMANENT REVOCATION

The committee states that the statutes do not offer the superintendent of the Missouri State Highway Patrol the authority to permanently revoke the permit of an inspection station or the permit of an inspector/mechanic who has shown blatant and repeated disregard for the provisions of sections 307.350 to 307.390. The committee then states that legislative change would allow for the permanent revocation of station and inspector/mechanic permits. I would certainly not object to a revocation stipulation under the circumstances outlined in the committee's report. The permanent revocation of habitual violators of the inspection statutes is most appropriate.

INSPECTIONS - POST ACCIDENT

The committee states that the Missouri State Highway Patrol officers do not require motor vehicle inspections after vehicles are involved in accidents. Section 307.380, RSMo., states, "Every vehicle of the type required to be inspected upon having been involved in an accident and when so directed by a police officer must be inspected . . ." Our organization will consider this area and attempt to determine if additional parameters concerning this issue can be isolated and implemented.

SALVAGE LICENSE

A recommendation by the committee was made for a legislative change which would allow for consistent dates to be used for rebuilding vehicles without a license and the salvage dealer licensing period.

A change of this nature would clarify this situation and would be supported by our organization. Both situations being based on the calendar year would be an obvious solution.

HIGHWAY PATROL INSPECTION FUND

The committee points out that the Highway Patrol Inspection Fund, created by section 307.365, RSMo., was created to benefit the Highway Patrol; however, most of the funding is transferred to the State Road Fund. The committee report states that revenues from this fund have gone virtually unexpended by our department, consequently, the fee might be considered for deletion. I do want to stress that these funds are not unexpended by our department simply by choice. It is our understanding that due to appropriation and other statutory considerations, the revenue in this fund is not routinely expendable by our department.

CONCLUSION

Any comments made in this correspondence are not intended to imply that any member of the committee, or the committee as a whole, conducted their inquiry in anything but an unbiased, professional manner. Members of the Motor Vehicle Inspection Division found the members of the committee to be congenial, courteous, and open-minded during their interaction with them during the two and one/half month period the committee was at General Headquarters. Clarification and explanation of circumstances appear to be the most prevalent needs regarding some of the issues raised by the committee. I am in complete agreement with certain other issues the committee raised.

I am very proud of our Motor Vehicle Inspection Division and the fulfillment of its role in helping to make our roads in Missouri safer to travel. I feel certain the Division will continue to function to its most efficient potential.

Again, I appreciate the opportunity to express my views concerning the issues raised by the committee. Should you have questions regarding this, or any other matter, please feel free to contact me.

WELDON L. WILHOIT Superintendent