

REPORT OF THE

Modified Vehicle Joint Subcommittee

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA



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BACKGROUND

The present study was called for by the 1984 General Assembly in Senate Joint Resolution No. 61 sponsored by Senator Frank W. Nolen of Augusta County (see Appendix I). This resolution was the outgrowth of legislation which was considered by the 1983 Session of the General Assembly

In 1983, Delegates Frederick H. Creekmore, V. Thomas Forehand, Jr., W. Tayloe Murphy, John G. Dicks III, and Robert B. Ball, Sr., sponsored House Bill No. 477, a measure intended to guarantee that modifications to the suspensions of motor vehicles – particularly four-wheel-drive utility vehicles – did not render those vehicles unsafe for operation on the public highways.

Although the bill passed both houses, it was vetoed by the Governor, and no attempt was made to override the veto.

In his veto message, the Governor observed, "All parties concerned agree that there are safety problems with some of the modified vehicles operating on Virginia's highway." However, he felt that HB No. 477 would have imposed unnecessarily burdensome regulations on operators of modified vehicles, many of whom had incurred considerable expense in the process of making these modifications. The Governor also expressed his belief that insufficient opportunity had been afforded affected motor vehicle owners to comment on the legislation before the General Assembly. In an effort both to deal with questions of safety of these modified vehicles, and also to give concerned parties a chance to be heard, the Governor directed the Secretary of Public Safety, "to fully examine the issues raised by this legislation (HB 477) and to make recommendations to him [the Governor] in anticipation of the 1984 General Assembly Session.

In agreement with one of the recommendations made in the Secretary's report, Senate Joint Resolution No. 61 was offered to the 1984 Session of the General Assembly. It was the only legislation specifically derived from that report to be offered in 1984.

ACTIVITIES

Since the issues involved with the study had already been defined by more than a year's examination in the executive and legislative branches, it was not necessary for the Joint Subcommittee to spend a great deal of time in gathering data and familiarizing itself with the question. Following an organizational meeting and discussion with motor vehicle specialty equipment industry spokesman (Richmond, August 8, 1984), the Joint Subcommittee held one public hearing (Staunton, September 26, 1984), and a concluding work session (Richmond, November 14, 1984).

The members heard extensive testimony not only from spokesmen for manufacturers and installers of modification equipment, but also from law-enforcement personnel, state and local government officials, state safety inspectors and other technical experts, operators of modified vehicles, and individual concerned citizens. The group is satisfied that it has heard from an ample sampling of the persons and interests involved with this question to make the attached recommendations to the Governor and General Assembly.

FINDINGS

1. THERE IS INSUFFICIENT EVIDENCE TO CONCLUDE THAT MODIFIED VEHICLES ARE, PER SE, DANGEROUS TO THEIR OCCUPANTS OR TO OTHER MOTORISTS. The number of crashes involving these vehicles is small, and the data from those crashes which have occurred is sparse. Persons who have been broadly condemning these vehicles as "unsafe" have not been able to produce sufficient hard evidence to substantiate their claim to the Joint Subcommittee's satisfaction.

2. THERE ARE NO WIDELY RECOGNIZED, OBJECTIVE STANDARDS WHICH CAN BE EMPLOYED - BY STATE SAFETY INSPECTORS OR OTHERS - TO IMPARTIALLY AND EFFECTIVELY DETERMINE THE SAFETY OR DANGEROUSNESS OF MOST MODIFIED VEHICLES. Unlike such things as tire tread depth or brake lining thickness, there are no standards for tire size, lift kit installations, steering extensions, and the other elements of vehicle modification considered by this study. Consequently, it would not be feasible to require some kind of special inspection for these vehicles, since there are no standards for inspectors to go by.

3. ENFORCEMENT OF EXISTING LAWS BEARING ON THE OPERATION OF MODIFIED VEHICLES HAS BEEN CONFUSED, SPORADIC, AND NONUNIFORM. In some localities, law-enforcement agencies, including state police, have been interpreting existing state law (primarily Code § 46.1-282.1) so broadly as to exclude virtually all modified vehicles from the highways. In other jurisdictions, law-enforcement personnel have had no objections to the over-the-road operation of even fairly "radical" modified vehicles.

4. TESTS RECENTLY CONDUCTED BY THE SPECIALTY EQUIPMENT MANUFACTURERS ASSOCIATION (SEMA) COULD YIELD IMPORTANT INFORMATION. Various makes, models, sizes, and configurations of vehicles were tested under a variety of conditions, both with and without modifications. The results should yield reliable data on performance, safety, and other characteristics which have been unavailable hitherto. Such data could prove of value in the future, should Virginia find it necessary to regulate the modification of vehicles.

5. REDESIGN OF MOTOR VEHICLE ACCIDENT REPORT FORMS COULD CAUSE DATA RELATED TO THE SAFETY OF MODIFIED VEHICLES TO BE COLLECTED. One reason for the lack of reliable information on the relative safety or dangerousness of modified vehicles is that there are no "triggers" on accident report forms to cause the collecting of information on the modifications made to vehicles which become involved in accidents. If the Commissioner of the Department of Motor Vehicles were to redesign motor vehicle accident report forms to ask for this kind of information from law-enforcement officers, this lack of data could be remedied.

6. THE USE OF "BLOCKS" TO MODIFY FRONT-END SUSPENSIONS SHOULD BE PROHIBITED. Virtually every witness appearing before the Joint Subcommittee agreed that use of front-end "blocks" was unsafe. This unanimity included industry representatives, law-enforcement officials, state safety inspectors, and individual operators of modified motor vehicles.

7. AUXILIARY LAMPS OFTEN USED IN OFF-THE-ROAD COMPETITIONS BY MODIFIED VEHICLES SHOULD NOT BE PROHIBITED ON VEHICLES OPERATED OVER-THE-ROAD SO LONG AS THE LAMPS ARE COVERED AND NOT ILLUMINATED WHILE THE VEHICLES ARE OPERATING ON THE HIGHWAYS. Presently state law prohibits the equipping of over-the-road vehicles with any lighting devices not specifically permitted by law or regulation. Full observance of this requirement forces the removal of these lamps prior to over-the-road use of the vehicle on which they were installed. This places an excessive burden on the vehicle operator.

RECOMMENDATIONS

The sizes, colors, configurations, and capabilities of their motor vehicles are as much expressions of the individuality of Americans as their choices in clothes, music, occupations, or residences. The Joint Subcommittee very strongly feels that no class of motor vehicle should be "outlawed" or subjected to extraordinary state control unless there is clear and abundant evidence to show that that class of motor vehicle constitutes a danger either to the general motoring public or to the operators of those vehicles themselves.

In the course of the present study, the Joint Subcommittee has not been presented with that kind of evidence relative to motor vehicles with modified suspensions or steering mechanisms. Indeed, one of the study's earliest findings was that there is a considerable lack of hard data to substantiate the "feelings" that many people have that these vehicles are, somehow, unsafe.

This is not to say the group has been persuaded that there are no dangers associated with modified vehicles. Speaker after speaker spoke of the need to ensure that modifications were made using quality parts installed in the proper manner. But, beyond a consensus that use of "blocks" to modify front-end suspensions was inherently unsafe, there was no agreement on how one could determine the safety of parts or their installation.

Data which promises to enable concerned state agencies, notably the Transportation Safety Board, the Department of Motor Vehicles, and the Department of State Police, to formulate objective, verifiable, and uniform standards for modification parts and installations will probably become available from the SEMA tests of modified vehicles conducted in the summer and fall of 1984. Further data can be supplied if accident report forms are redesigned to elicit needed data. The affected state agencies should be asked to review the results of these tests, redesign these forms, analyze the data derived from the tests and reports, and report relevant findings and recommendations to the General Assembly for its action, as may be necessary.

In the meantime, operators of modified vehicles should be allowed to operate their vehicles over the road in all jurisdictions of the state under uniform requirements of law, in ways that do not endanger other motorists, free from sporadic harassment by law-enforcement personnel. The Joint Subcommittee proposes three resolutions and two bills (see Appendix II) which will cause the gathering of needed data and clarify, both for operators of modified vehicles and for law-enforcement personnel, what modified vehicle operators may do and what they may not do.

Respectfully submitted,

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Kevin G. Miller, Chairman

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William S. Moore, Jr., Vice Chairman

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Basil R. Belsches, Jr.

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APPENDIX I

SENATE JOINT RESOLUTION NO. 61

Creating the Modified Vehicle Joint Sub-committee.

WHEREAS, much concern continues to be expressed over the possible safety hazards that may be created by the alteration of a motor vehicle; and

WHEREAS, several states are considering the adoption of vehicle equipment standards developed by the national Vehicle Equipment Safety Commission; and

WHEREAS, many owners of vehicles with modified steering and suspension systems have invested substantial sums of money to effect the modifications; and

WHEREAS, modification of vehicles often renders such vehicles unsafe for operation on the highways of the Commonwealth; and

WHEREAS, there does not currently exist the capability within the Commonwealth's motor vehicle inspection program to differentiate between such safe and unsafe vehicles; and

WHEREAS, the Commonwealth is concerned with the protection of the public using the state's highways without unduly regulating the manner in which its citizens must equip and operate their motor vehicles; and

WHEREAS, there is an absence of definitive information regarding the effects on vehicle safety of such modifications; now therefore be it

RESOLVED by the Senate, the House of Delegates concurring, That there is hereby created the modified vehicle joint sub-committee. In the course of its study the sub-committee should consider whether it is feasible to develop a special motor vehicle inspection program to inspect and certify modifications made to such vehicles, with the cost of such a special program to be borne by the owners of such modified vehicles. The sub-committee should also consider and recommend appropriate legislation required to protect the public from unsafe modified vehicles.

The sub-committee shall consist of five members to be appointed as follows: two members of the House Committee on Roads and Internal Navigation, appointed by its Chairman; one member of the Senate Committee on Transportation, appointed by the Senate Privileges and Elections Committee; one representative of the Department of State Police Safety Division, appointed by the Speaker of the House of Delegates; and one citizen appointed by the Senate Privileges and Elections Committee.

The sub-committee shall conclude its study in time to submit any legislative recommendations to the 1985 Session of the General Assembly.

The direct and indirect costs of this study are estimated to be \$7,000.

APPENDIX II

(Recommended Legislation)

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend and reenact § 46.1-267 of the Code of Virginia, relating to lights on motor vehicles; exceptions; penalties.

Be it enacted by the General Assembly of Virginia:

1. That § 46.1-267 of the Code of Virginia is amended and reenacted as follows:

§ 46.1-267. Other permissible and required lights; exceptions; penalty.—Any motor vehicle may be equipped with ~~not to exceed~~ *no more than* two fog lamps, one passing lamp, one driving lamp, two side lamps of not more than six candlepower; interior light of not more than fifteen candlepower; vacant or destination signs and one steady-burning, white lamp for the nighttime illumination of exterior advertising, emitting a diffused light of such an intensity as not to project a glaring or dazzling light on vehicles operated as public carriers; and signal lamps.

Only those vehicles listed in paragraph (a) of § 46.1-226 and paragraph (a) or paragraph (a1) of § 46.1-267 and school buses may be equipped with flashing, blinking or alternating red or red and white emergency lights of a type approved by the Superintendent.

Vehicles used for the principal purpose of towing or servicing disabled vehicles or in constructing, maintaining and repairing highways or utilities on or along public highways, vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways for use only when performing such duties and hi-rail vehicles may be equipped with flashing, blinking or alternating amber warning lights of a type approved by the Superintendent, but such lights on hi-rail vehicles shall be activated only when such vehicles are operated on railroad rails; ~~provided, however, that~~ vehicles used by individuals for emergency snow removal purposes shall ~~also~~ be allowed to use such amber warning lights during such snow removal operation.

High intensity amber lights, as prescribed by the Superintendent, shall be required to be used by any vehicle which is engaged in the towing of a manufactured housing unit and shall also be required on the upper rear end of such unit being towed.

(a) A member of any fire department, volunteer fire company or volunteer rescue squad may equip one vehicle owned by the member with no more than two flashing or steady-burning red or red and white lights of a type approved by the Superintendent, for use by members only in answering emergency calls.

(a1) The Newport News Shipbuilding and Drydock Company may equip vehicles used by security personnel with flashing, blinking, or alternating red or red and white emergency lights of a type approved by the Superintendent.

Any person violating any of the provisions of this section shall be guilty of a *Class 1* misdemeanor.

(b) Blue lights, steady or flashing, of a type approved by the Superintendent shall be reserved for civil defense vehicles, publicly or privately owned.

Unless such lighting device is both covered and not illuminated, no motor vehicle shall be operated on any highway which is equipped with any lighting device other than lamps required or permitted in this article or required or approved by the Superintendent or required by the federal Department of Transportation shall be operated on any highway in this Commonwealth .

SENATE JOINT RESOLUTION NO.....

Requesting the Transportation Safety Board, the Commissioner of the Department of Motor Vehicles, and the Superintendent of the Department of State Police to take certain actions in connection with the safety of motor vehicles with modified steering mechanisms and suspensions.

WHEREAS, increasing numbers of vehicles with modified steering mechanisms and suspensions are being operated on the highways of the Commonwealth; and

WHEREAS, there is an increasing concern that these modified vehicles might constitute a danger both to their operators and occupants and to other motorists; and

WHEREAS, Senate Joint Resolution No. 61, agreed to by the 1984 Session of the General Assembly, requested a joint subcommittee of the Senate Committee on Transportation and the House Committee on Roads and Internal Navigation to study the matter of the safety of these modified vehicles; and

WHEREAS, although the joint subcommittee concluded that modified vehicles could be operated "over the road" in safety, it also found, that the technology to verify the safety (or dangerousness) is rapidly changing; and

WHEREAS, that joint subcommittee, more particularly, found that it might be both desirable and feasible, in the future, to require modified vehicles to meet objective standards developed as the result of recent tests of modified vehicles conducted by the Specialty Equipment Manufacturers Association (SEMA); now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commissioner of the Department of Motor Vehicles and the Superintendent of the Department of State Police are requested to monitor the results of the SEMA tests of modified vehicles to determine whether the results of those tests make it desirable and feasible to provide for some form of safety inspection of modified vehicles; and, be it

RESOLVED FURTHER, That the Transportation Safety Board is requested to bring to the attention of the Senate Committee on Transportation and the House Committee on Roads and Internal Navigation any facts, conditions, information, or suggestions which come to the Board's attention and which the Board feels bear upon the adequacy of the law concerning the operation of modified vehicles on the highways.

SENATE JOINT RESOLUTION NO.....

Requesting the Commissioner of the Department of Motor Vehicles to redesign motor vehicle accident report forms.

WHEREAS, information about motor vehicle accidents is collected and analyzed in order to determine the causes of accidents and reduce their number and seriousness; and

WHEREAS, in recent years there has been an increase in the number of vehicles being operated with oversize tires and modified steering and suspensions; and

WHEREAS, questions have been raised about the safety of such vehicles; and

WHEREAS, such questions are difficult to answer because of the paucity of relevant data on accidents in which modified vehicles are involved; and

WHEREAS, one reason for this dearth of data is that motor vehicle accident report forms do not elicit information on modifications made to vehicles involved in accidents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Commissioner of the Department of Motor Vehicles is hereby requested to redesign motor vehicle accident report forms to cause persons using the forms to (i) supply data on the tire size and modifications, if any, made to the suspensions and steering mechanisms of motor vehicles involved in accidents, (ii) indicate whether the vehicles were two-wheel-drive or four-wheel-drive vehicles, and (iii) comment on the degree, if any, to which the accident was caused, or its seriousness affected, by these factors.

SENATE JOINT RESOLUTION NO.....

Expressing the sense of the General Assembly on the applicability of bumper height limitations to certain utility vehicles.

WHEREAS, Virginia Code § 46.1-282.1 limits the degree to which the suspensions of passenger vehicles may be modified; and

WHEREAS, this limitation applies only to passenger vehicles, and does not apply to trucks; and

WHEREAS, it is desirable that the provisions of this section be interpreted and enforced uniformly by law-enforcement personnel throughout the Commonwealth; and

WHEREAS, law-enforcement personnel have not, however, been uniformly interpreting and enforcing this section insofar as utility vehicles are concerned; now, therefore, be it

RESOLVED by the Senate of Virginia, the House of Delegates concurring, That it is the sense of the General Assembly that, for the purposes of Virginia Code § 46.1-282.1, utility vehicles such as Ford "Broncos," Chevrolet "Blazers," American Motors "Jeeps" and "Cherokees," and International "Scouts" should be considered trucks, and not passenger vehicles, regardless of whether they may be registered as trucks or not, and regardless of whether they are being used as trucks or not.

SENATE BILL NO. HOUSE BILL NO.

A BILL to amend the Code of Virginia by adding a section numbered 46.1-282.2, relating to modification of motor vehicle front-end suspensions by means of lift blocks.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.1-282.2 as follows:

§ 46.1-282.2. Modification of front-end suspension by use of lift blocks.—No motor vehicle whose front-end suspension has been modified by the use of lift blocks shall be operated upon any highway in this Commonwealth.