

# MACHINISTS AUTOMOTIVE TRADES

## DISTRICT LODGE 190

8201 Capwell Drive, Oakland, CA 94621 (510) 632-3661 Fax (510) 632-4171

JAMES H. BENO, Directing Business Representative

April 2, 2015

Honorable Richard Gordon  
Assemblymember, California State Assembly  
State Capitol, Room 3013  
Sacramento, CA 95814

**Re: AB 287 (Gordon)**

**Position: OPPOSE**

Dear Assemblymember Gordon:

The International Association of Machinists and Aerospace Workers represent more than 7,000 skilled automotive technicians in the State of California. Many of them are employed at auto dealerships where they perform important repairs that require considerable training and expertise, including safety recall repairs.

We regret that we must oppose legislation that you are authoring, AB 287, which would allow auto dealers to sell unsafe, recalled used cars to consumers, jeopardizing their safety and the safety of their passengers and all who share the roads, if the dealers merely provide information about the safety recall to consumers, instead of ensuring that the cars are repaired and safe to drive before they leave the car lot. It would also allow rental car companies to rent unrepaired, unsafe vehicles to the public with “disclosure” – condoning practices that the rental car industry itself has overwhelmingly rejected as contrary to public safety and in violation of their own voluntary best practices.

The only exceptions would be the tiny percentage of safety recalls when the auto manufacturer has, in its sole discretion, chosen to warn its customers not to drive their car, pending safety recall repairs – a very costly and rare occurrence, typically involving providing individualized towing and loaner / rental cars to all affected customers; or when the recalled vehicle is of the same brand as a franchised new car dealership.

Particularly now, when millions of unsafe, recalled used cars are flooding the automotive marketplace, and there are sometimes lengthy delays in the availability of parts for repairs and shortages of skilled automotive technicians at franchised car dealerships, this measure threatens to put the motoring public at even greater risk. For example, due to parts shortages, it may take months before cars recalled due to exploding air bags that turn into projectiles can be made safe. Meanwhile California car dealers could knowingly and deliberately sell unlimited numbers of vehicles with air bags that are prone to exploding in a minor fender-bender, causing blindness, other serious injuries, or death. For the first time, that would be perfectly legal.

While the bill would require auto manufacturers to provide loaners or rental cars to consumers who attempt to obtain safety recall repairs, there is no requirement that those loaners or rental cars be any safer. They could also have an unrepaired safety recall due to the same lethal safety defect, a different safety defect, or multiple recalls / safety defects.

For decades, California has had a number of state laws on the books aimed at protecting used car buyers from such practices, such as those that prohibit dealers from violating express or implied warranties, engaging in fraud (concealing a material fact), engaging in false advertising, or engaging in bait-and-switch; plus if injuries or fatalities occur as a result of the dealer's malfeasance, the potential of facing claims for reckless endangerment, negligence, or strict liability. Those provisions are necessary in order to protect the public, and if anything, they need to be strengthened, since the dealer's dangerous practices continue to occur.

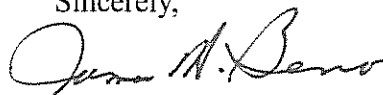
Unfortunately, instead of improving protections for used car buyers, AB 687 would weaken existing law, and give dealers who engage in these prohibited practices a new "safe harbor" under state law. In short, AB 287 would protect unscrupulous auto dealers, at the expense of consumers and workers.

Selling an unsafe, recalled product at retail is not allowed for any other consumer product sold in the United States, and certainly should not be allowed for the single most deadly consumer product, in terms of fatalities and injuries – particularly among children, teenagers, and otherwise healthy young adults.

Instead of weakening the law, California should strengthen it, and encourage dealers to hire more skilled, hard-working automotive technicians to perform safety recall repairs. We were proud to support legislation in California, SB 686 (Jackson), that would have created a bright-line prohibition against dealers selling, renting, or loaning unsafe recalled used cars to consumers. We project that passage would have created at least 1,000 new jobs for skilled automotive technicians, performing safety recall repairs. That is a much better solution than allowing car dealers to put the public in jeopardy.

Thank you for your consideration of our views. Should you or your staff have any questions regarding our position, please do not hesitate to contact me.

Sincerely,



James H. Beno  
Directing Business Representative  
District Lodge 190

cc: Assemblymembers Eggman, Stone, Jones, and Wilk  
Manny S. Leon, Senior Consultant, Assembly Committee on Transportation  
Anderson, N.A.C.  
Broad  
Brandon, A.D.  
DL 190 E. Bd.