

Carol (“Cally”) Houck, Mother of Raechel and Jacqueline Houck
Consumers for Auto Reliability and Safety
Advocates for Highway and Auto Safety
Consumer Action
Consumer Federation of America
Consumers Union
International Association of Machinists and Aerospace Workers
National Association of Consumer Advocates
National Consumers League
Trauma Foundation
U.S. Public Interest Research Group

July 13, 2015

Honorable Claire McCaskill
United States Senate
730 Hart Senate Office Building
Washington, DC 20510

RE: McCaskill Amendment 1 to S. 1732, the Comprehensive Transportation and Consumer Protection Act of 2015: SUPPORT

Dear Senator McCaskill:

The above-listed consumer and auto safety organizations, labor organization, and Carol (“Cally”) Houck, Mother of Raechel and Jacqueline Houck, urge adoption of the McCaskill Amendment 1 to S. 1732, the Comprehensive Transportation and Consumer Protection Act of 2015. We greatly appreciate your leadership in championing auto safety and this important measure.

This amendment is vitally necessary in order to ensure that it does not become legal, under federal law, for a rental car company to knowingly and deliberately rent unsafe, recalled vehicles to the American public with impunity.

This amendment would substitute the rental car provision introduced by Senator Thune, which we understand is supported by some auto manufacturers and auto dealers who rent and / or loan vehicles to the public, with the legislation we have been supporting for years, the Raechel and Jacqueline Houck Safe Rental Car Act of 2015, S. 1173 / H.R. 2198. The Act is named for two sisters, Raechel and Jacqueline Houck, ages 24 and 20, who were killed near Santa Cruz, California, by an unsafe recalled rental car. It is sponsored by Senators Schumer, Blumenthal, Boxer, Casey, Feinstein, Gillibrand, Nelson, and McCaskill.

To their credit, all of the major rental car companies, including Hertz, Enterprise, Avis, National, Dollar-Thrifty, and Alamo, plus the American Car Rental Association, and many smaller rental car companies, have repeatedly and publicly confirmed that they do not rent or sell recalled cars, except for scrap, unless they have been repaired.

What is more, those rental car companies and the American Car Rental Association have been actively working with our organizations, and with Cally Houck, Raechel and Jacqueline Houck's

mother, to urge members of Congress to support the Act. With an amendment to clarify that the Act does nothing to change existing law regarding manufacturers' obligations to compensate rental car companies for lost revenue caused by having to ground unsafe recalled cars, pending repairs, General Motors also announced its support of the Act.

However, the Act is needed in order to prevent more tragedies, such as the one that claimed the life of Jewel Brangman in a recalled 2001 Honda Civic with a faulty Takata air bag, from occurring in unrepaired recalled rental cars. One of the major public benefits of the Act is that it would be enforceable by the National Highway Traffic Safety Administration, which would gain new authority to crack down on rental car companies that violate the law, as it now has over auto dealers who violate the law against selling unrepaired recalled new cars. In some instances, NHTSA has issued fines to punish new car dealers who engaged in such practices – without having to wait for a fatality or injury in order to act – helping deter other new car dealers from engaging in similar practices, and helping prevent needless tragedies.

While it is already illegal under various state laws and a whole body of case law for rental car companies to knowingly or negligently rent or sell unsafe, unrepaired recalled vehicles to the public, it is important for NHTSA to be able to take a more active role in policing the safety of the rental car marketplace. The U.S. Department of Transportation and NHTSA have repeatedly requested that Congress grant them the same authority over recalled rental cars that the agency has over recalled new cars.

No one should have to worry that a rental car company is handing them the keys to a car with a known safety defect that has led the manufacturer to issue a safety recall. With or without “disclosure.” Among other reasons, many safety defects pose a serious risk not only to individual renters, but also their families and other passengers, as well as other motorists, pedestrians, and bicyclists who share the roads. For example, if the defect involves a risk of fire, it may put dozens of lives, businesses, and homes in jeopardy.

S 1173 is a measure that is long overdue. Thank you again for championing this important, lifesaving measure. We strongly urge its adoption.

Sincerely,

Carol (“Cally”) Houck, Mother of Raechel and Jacqueline Houck
Consumers for Auto Reliability and Safety
Advocates for Highway and Auto Safety
Consumer Action
Consumer Federation of America
Consumers Union
International Association of Machinists and Aerospace Workers
National Association of Consumer Advocates
National Consumers League
Trauma Foundation
U.S. Public Interest Research Group