



June 6, 2018

The Honorable Barbara A. L'Italien, Senate Chair  
The Honorable Tackey Chan, House Chair  
Joint Committee on Consumer Protection and Professional Licensure  
24 Beacon Street  
Boston, Massachusetts 02133

Dear Chairpersons L'Italien and Tackey:

The Center for Auto Safety writes today to express serious concerns regarding the consequences of Senate Bill (S.) 146. The Center, co-founded in 1970 by Ralph Nader and Consumers Union, is an independent, non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy for our members and all drivers, passengers, and pedestrians nationwide. Despite the significant dangers presented by recalled vehicles, this bill includes a provision allowing dealers to sell used cars with unrepaired recalls. The bill does not require the recalls be fixed, no matter how deadly, but merely that a consumer be notified about the unrepaired defect instead of fixing it. Why would any state encourage such behavior?

This bill's timing could not be worse when it comes to consumer safety. The National Highway Traffic Safety Administration has recently recorded multiple years of record numbers of recalls, including over 50 million in 2015 and 2016, each. Today, according to most estimates, there are close to 60 million unrepaired recalled cars in the U.S. These recalls include vehicles with exploding Takata airbag inflators which have resulted in at least 23 deaths worldwide, GM ignition switch failures which have resulted in at least 170 deaths in the U.S., and hundreds of other less-publicized defects posing significant threats to public safety.

A pillar of federal and state recall authority is the ability to remove unsafe products from the stream of commerce. For example, it is illegal to sell recalled food, recalled pharmaceuticals, or recalled children's toys. Federal law currently prohibits the sale of new vehicles subject to an unrepaired recall. It is also illegal for rental car companies to rent a vehicle with unrepaired recalls. Conversely, S. 146 paves the way for defective and dangerous products to be unleashed onto Massachusetts roads. Unlike many other products, a defective automobile is especially dangerous because the risks are not limited to the direct consumer, but to all persons on the road. Drivers, passengers, and pedestrians in Massachusetts would thus be subjected to unnecessary risks by this bill.

Twice as many used cars as new cars are sold every year in the United States. Critically, Massachusetts residents with limited economic resources are the most likely purchasers of used cars. It is illogical to encourage the sale of a dangerous car to those in the absolute worst position to have the time to get these repairs. Rather, Massachusetts should insist that dealers, who can repair recalled vehicles at no cost because recall repairs are free of charge under federal law, are required to ensure that their used cars are in a safe condition prior to sale.

The purchase of a second-hand car should not mean that the buyer, and everyone else on the road, deserves second rate safety protections.

Thank you for your consideration,

Jason Levine  
Executive Director, Center for Auto Safety