



July 10, 2019

The Honorable Representative Daniel J. Hunt
The Honorable Senator Marc Pacheco
Massachusetts State House
24 Beacon Street
Boston, MA 02133

Dear Representative Hunt and Senator Pacheco:

The Center for Auto Safety writes today to express serious concerns regarding the unintended consequences of House Bill (HB) 262 and Senate Bill (SB) 179. 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 unrepaired recalled vehicles being responsible for deaths and injuries, these bills essentially bless the selling of used cars with unrepaired recalls to consumers with nothing more than a warning. Shockingly the bills do not require the recalls be fixed, no matter how deadly. Why would any state encourage such behavior?

The timing of these bills 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, there are an estimated 70 million unrepaired recalled cars in the U.S. These recalls include vehicles with exploding Takata airbag inflators which have resulted in at least 24 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 equally significant threats to public safety.

A pillar of federal and state consumer protections is the removal of 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, HB262 and SB179 pave the way for defective and dangerous products to be unleashed onto Massachusetts roads. Unlike many other products, a defective car 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 these bills.

While these bills contain a promising provision, which if enacted would prohibit a manufacturer from coercing a licensed dealer into selling an unsafe used vehicle, the provisions of the bill allowing the sale of such a vehicle with disclosure instead of repair undercut the value of anti-coercion measures.

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, particularly when these repairs are free of charge to any owner (including the dealers) prior to the 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