

**Carol “Cally” Houck
Ojai, CA**

**Memorandum in SUPPORT
June 4, 2019**

**S 6059 (Thomas) / A 5194 (DenDekker)
Relates to safety recalls on used motor vehicles**

As the parent of two beautiful, talented, precious daughters who were killed by an unrepaired recalled car, I am writing to urge all Members of the New York Legislature to please vote AYE for S 6059 and A 5194, as currently amended, to help spare other families from suffering the immeasurable losses my family and I have suffered, and continue to suffer to this day, due to a defective recalled car.

I applaud Senator Thomas and Assemblymember DenDekker for their leadership in authoring S 6059 and A 5194, to enhance existing protections under state laws and improve public safety. Whether a car is new or used, if it is subject to a federal safety recall, it is unsafe, and unfit to be sold to consumers as personal, family transportation.

My beloved daughters Raechel and Jacqueline were only 20 and 24 when they were killed by a recalled Chrysler PT Cruiser with a faulty steering hose that leaked fluid and caused an under-hood fire and loss of steering control. The car crossed over the median, colliding head-on with an 18-wheeler.

Chrysler recalled the car months before the crash, but the rental car company failed to get it fixed before renting it to Raechel and Jackie. After more than 5 years of legal battles, Enterprise admitted 100% liability and a jury awarded \$15 million in compensatory damages, under state laws against negligence and wrongful death.

The same state laws also apply to car dealers who engage in the same reckless practices, putting lives at risk. However, arbitration clauses often make it difficult or impossible for individual consumers to hold wrongdoers accountable.

Like some unscrupulous auto dealers, despite facing civil liability under existing state laws, rental car companies continued to rent out unsafe vehicles, second-guessing the manufacturers and National Highway Traffic Safety Administration about the risks. I was determined that my daughters would not have died in vain, and that “rental car roulette” had to stop.

Working closely with Consumers for Auto Reliability and Safety, Senators Schumer, Gillibrand, Boxer, and McCaskill, and Representatives Capps and Schakowsky, and other members of Congress, I advocated for passage of the Raechel and Jacqueline Houck Safe Rental Car Act.

At first, the rental car companies were vehemently opposed. But eventually, faced with growing public awareness about their reckless practices, the rental car industry (with the exception of Rent-a-Wreck) supported the legislation and asked to be regulated by the National Highway Traffic Safety Administration. That Act, named in memory of my daughters, was signed into law by President Obama in 2015.

Under the Act, rental car companies (including auto dealerships) with fleets of 35 or more vehicles are prohibited from renting, loaning, or selling recalled used cars unless and until the safety recall repairs have been performed. The Act can be enforced by NHTSA, which has the authority to fine the rental car companies, even if no one has suffered damages or been injured or killed. That additional layer of enforcement helps protect the public, preventing more tragedies from happening.

Similarly, Senator Thomas and Assemblymember DenDekker's pro-consumer, pro-safety legislation will significantly enhance existing protections available under state laws, and provide an important new tool for the Attorney General and other law enforcement agencies to use, to crack down on unscrupulous car dealers that persist in breaking state laws and endangering the public.

The bills would also increase the penalties for engaging in such reckless conduct, in an action brought on behalf of the People of New York, from \$1,000 to \$5,000 per violation. That increase is quite reasonable, and yet it should suffice to help deter dealers from endangering lives.

It is particularly important for the Attorney General and other public law enforcement agencies to be able to effectively enforce the law, because forced arbitration clauses in auto purchase contracts commonly bar individuals from being able to pursue justice in an open court of law, leaving existing state consumer protection laws difficult for victims and surviving family members to enforce.

No other family should have to suffer such a horrendous loss, like I have in losing my precious daughters, because a professional, licensed car dealer neglected to get the free repairs.

I strongly urge you to please vote AYE for S 6059 and A 5194, as currently amended, to help stop the cycle of dangerous, defective recalled used cars being re-sold to consumers, without getting the free safety recall repairs done first.

Sincerely,

Cally Houck