



POLICY & ACTION FROM CONSUMER REPORTS

July 15, 2015

U.S. Senate Committee on Commerce, Science, and Transportation
Washington, D.C. 20510

Dear Senator:

Consumers Union, the public policy and advocacy arm of Consumer Reports, writes regarding today's markup of S. 1732, the Comprehensive Transportation and Consumer Protection Act of 2015, which is sponsored by Senator Thune. We appreciate the work undertaken by all Committee members to advance motor vehicle safety. However, we have several major concerns with S. 1732, and must oppose it as written. We urge you to support amendments that would address these concerns.

First, S. 1732 would allow rental car companies to merely notify consumers that a car is under an open safety recall, rather than ensuring the car is fixed before renting it out. This provision would effectively reduce the level of safety provided to most consumers, as all major rental companies and many smaller ones have publicly pledged that they do not rent a recalled car unless it has been repaired. Instead of placing consumers at risk, the Committee should pass S. 1173, the Raechel and Jacqueline Houck Safe Rental Car Act, which Consumers Union has endorsed and which would make current voluntary industry practices a requirement under federal law. We urge you to show your support for the requirements of S. 1173 in a vote that Senator McCaskill may request on the measure.

Second, S. 1732 includes inadequate funding and tools for the National Highway Traffic Safety Administration (NHTSA). While recent auto safety crises revealed significant faults in NHTSA's ability to collect safety data, analyze trends, and identify defects, a major underlying cause of the agency's problems is that its operations and research budget has been chronically underfunded. NHTSA's Office of Defects Investigation, for example, has just 50 employees responsible for identifying safety defects in more than 265 million passenger cars on our roads – fewer than it had in 2002, despite an ever-increasing workload.

Moreover, S. 1732 does not address several ways in which existing law hinders NHTSA's work. The bill does not increase the agency's maximum civil penalty – which is capped at \$35 million regardless of the severity of violations – and does not give the agency the tools it needs to speed up recalls and repairs when a company refuses to do so voluntarily. The bill also keeps it legal for auto dealers to sell defective used cars to consumers before they are repaired.

To address these issues, we urge you to support the amendment by Senator Blumenthal, along with Senators Nelson and Markey, to replace the vehicle safety subtitle of S. 1732 with the text of S. 1743, the Motor Vehicle Safety Act of 2015. We understand that separate amendments may be offered to enhance NHTSA's authority to issue penalties and prevent the sale or lease of recalled used cars. If offered, we urge you to support these amendments as well.

Lastly, S. 1732 does not meaningfully improve truck safety, which can affect all drivers and passengers on our highways. Truck crash fatalities have increased 17% and truck crash injuries have increased 28% over the last four years. To replace the inadequate truck safety provisions in S. 1732, we urge you to support the substitute amendment that will be offered by Senator Nelson, which includes the vital truck safety reforms of S. 1739, the Truck Safety Act, introduced last week by Senator Booker.

Thank you for your time and attention to these important issues.

Sincerely,



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