

United States Senate

WASHINGTON, DC 20510

October 8, 2014

Mr. David J. Friedman
Deputy Administrator
National Highway Traffic Safety Administration
1200 New Jersey Ave. SE, West Building
Washington, DC 20590

Dear Mr. Friedman:

We share the National Highway Traffic Safety Administration's (NHTSA) desire to see legislation enacted that ensures open safety recalls are repaired on rental cars before a consumer gets behind the wheel.

Along with Senators Schumer and others, we have introduced legislation that would require rental companies to ground cars subject to safety recall until the safety defect that led to the recall has been remedied. Former Administrator David Strickland testified before the Senate Subcommittee on Consumer Protection, Product Safety, and Insurance in May of last year to express the agency's favorable views on S. 921, the Raechel and Jacqueline Houck Safe Rental Car Act. Since that time, on September 16, 2014, we introduced a slightly modified version of that legislation, S. 2819, to reflect changes agreed to by one automotive manufacturer, General Motors.

At a September 16, 2014 hearing before the Subcommittee on Consumer Protection, Product Safety, and Insurance, a witness representing the Alliance of Automobile Manufacturers (Alliance) testified that despite the support of one of the association's largest member companies, the Alliance remains opposed to the modified legislation, S. 2819, in its current form. The Alliance was asked to suggest language it could support. That suggested language is enclosed.

We request that the agency provide views and analysis of the Alliance proposal, particularly in comparison to S. 2819 and the agency's own proposals to require the grounding of rental cars subject to open safety recall. The agency should provide this feedback by October 27, 2014 so it can be included in the record for the September 16, 2014 hearing.

Thank you for your prompt attention to this matter.

Sincerely,



Claire McCaskill
United States Senator



Barbara Boxer
United States Senator

Enclosure

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3 **To amend title 49, United States Code, to prohibit rental of motor vehicles under a safety**
4 **recall because of a defect related to motor vehicle safety or noncompliance with an**
5 **applicable motor vehicle safety standard until the renter is notified of the defect or**
6 **noncompliance, and for other purposes.**

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8 *Be it enacted by the Senate and House of Representatives of the United States of America in*
9 *Congress assembled,*

10 **A BILL**

11 **SEC. 1. RENTAL CAR SAFETY**

12 (a) IN GENERAL. – Section 30120 of title 49, United States Code is amended by adding at
13 the end the following:

14 “(k) LIMITATION ON RENTAL OF MOTOR VEHICLES.—

15 “(1) A rental car company may not rent a motor vehicle that is the subject of a
16 notification of a defect or noncompliance under section 30118(b) or section 30118(c) of this
17 title until –

18 “(A) the rental car company clearly and conspicuously notifies the renter in
19 writing, of each notification of a defect or noncompliance received by the rental car
20 company that is applicable to the motor vehicle, including each preredemptive precaution
21 recommended by the manufacturer in the notification, if any; and

22 “(B) the renter acknowledges, in writing the receipt of the notification under
23 subparagraph (A).

24 “(2) Paragraph (1) shall not apply if –

25 “(A) the defect or noncompliance is remedied under section 30120 of this title
26 before the motor vehicle is rented; or

1 “(B) notification of the defect or noncompliance is required under section
2 30118(b), but enforcement of the order is set aside in a civil action to which Section
3 30121(d) applies.

4 “(3) Notwithstanding paragraph (1), in the event that the notification required by Section
5 30118(b) or 30118(c) contains precautionary advice to refrain from driving the motor vehicle
6 until the specified remedy is completed, the rental company may not rent the motor vehicle
7 until the vehicle is remedied.

8 “(4) NONAPPLICATION.—This subsection does not apply to any motor vehicle with a gross
9 vehicle weight rating of more than 10,000 pounds.

10 “(5) DEFINITIONS.—In this subsection, the following definitions apply:

11 “(A) the term “rental company” means a person who –

12 “(1) is in the business of offering for rent motor vehicles without a driver; and

13 “(2) uses for rental purposes a fleet of 5 or more motor vehicles.

14 “(B) the term “rent” means to grant possession and enjoyment of a motor vehicle without
15 a driver to a person in return for the payment of compensation for the use and enjoyment of
16 that motor vehicle for a term of less than 4 months.

17 **SEC. 2: COORDINATION WITH OTHER LAWS.**

18 Compliance by a rental company with Section 30120(k) of title 49, United States Code
19 shall not give rise to a cause of action or liability under the laws of the United States or of any
20 State or political subdivision thereof for damages related to the commercial loss of use of the
21 covered rental vehicles pending completion of the recall remedy prescribed in the notice to
22 owners.