



July 3, 2019

Docket Management Facility  
U.S. Department of Transportation  
1200 New Jersey Avenue SE  
West Building Ground Floor, Room W12-140  
Washington, DC 20590

Submitted electronically via [www.regulations.gov](http://www.regulations.gov)

**RE: Agency Information Collection Activity; Notice and Request for Comments;  
State Notification to Consumers of Motor Vehicle Recall Status;  
Docket Number. NHTSA–2019-0027**

The Center for Auto Safety (Center) appreciates the opportunity to comment on the Department of Transportation's plans to create a funding opportunity for any interested state to receive federal funds for the purpose of increasing consumer awareness of open safety recalls and increasing the repair rate of those recalled vehicles.

The Center, founded in 1970 and headquartered in Washington, D.C., is a membership-driven non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy. The issue of recalls and recall repairs has figured prominently in the Center's 49-year history, as the organization was an early advocate for making recall repairs available at no charge to consumers and encourages the use of multiple means to notify consumers about open safety recalls.

The Center is fully supportive of this funding opportunity and agrees the proposed collection of information is necessary for the Department's ability to fulfill its statutory mission of keeping consumers safe on the road. The Center encourages the Department to publicize the funding opportunity in a manner which will maximize state applications.

## **Recalls**

It is axiomatic that recalls are only conducted because of a safety defect or a violation of a Federal Motor Vehicle Safety Standard. Unfortunately, there are tens of millions of vehicles impacted by recalls every year in the United States, yet approximately 1 in 3 do not have these recall repairs completed, based on NHTSA's most

recent “Vehicle Safety Recall Completion Rates Report” to Congress.<sup>1</sup> This 67% completion rate leaves many millions of vehicles on the road, subject to safety recalls. Some have projected this number to be as high as 70 million.<sup>2</sup>

In addition to the highly publicized Takata exploding airbag inflator recall, recent years have seen faulty ignition switches, non-deploying airbags, vehicles with roll-away risk, and vehicles prone to catching on fire all recalled. In each instance far too many of these vehicles remain on the road. In far too many instances, these unrepaired recalls create the possibility of tragedy if not repaired.

## **Notification**

Current federal regulations at 49 CFR Parts 573 and 577 require manufacturers conducting a recall to send a notice by first class mail to each person registered as the owner of a given vehicle where those names and addresses are reasonably ascertainable by the manufacturer. As the average age of cars on the road is close to 12 years, it is common for a non-original owner to be in possession of a vehicle which has been subject to a recall. In such an instance, notification through the state Vehicle Administration authority, particularly for non-original owners of vehicles may prove an effective secondary measure for reaching owners of vehicles with uncompleted recalls. This very request for comment notes that NHTSA believes “such efforts will ultimately reduce the risk of a crash or injury due to a safety defect.”<sup>3</sup>

Another method, which was mandated by law in the FAST Act, was for NHTSA to “prescribe a final rule revising the regulations for manufacturer’s recall for a defect relating to motor vehicle safety or a noncompliance with a federal motor vehicle safety standard. Requires any recall to include notification by electronic means in addition to notification by first class mail.”<sup>4</sup> This required rule has yet to be promulgated, thus denying another opportunity to reach consumers regarding their recalled vehicle.

## **Maryland Pilot Program**

In 2017, the Department of Transportation and NHTSA awarded a grant to the Maryland Department of Transportation Motor Vehicle Administration (MVA) for the purpose of developing a pilot program to notify consumers of open recalls at the time of registering their vehicle. As Secretary Chao said at the time: “Recalls are serious. Recall repairs are completely free to the consumer. This first-in-the-nation grant will serve as an example to the rest of the country as we continue to work across government to reach

---

<sup>1</sup> NHTSA, *Vehicle Safety Recall Completion Rates Report* (May 2017), [https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13376-recall\\_completion\\_rates\\_rtc-tag\\_final.pdf](https://www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13376-recall_completion_rates_rtc-tag_final.pdf)

<sup>2</sup> Consumer Federation of America, *Over 70 Million Vehicles on the Road with Open Recalls*, (Sept. 18, 2018), [https://consumerfed.org/press\\_release/over-70-million-vehicles-on-the-road-with-open-recalls/](https://consumerfed.org/press_release/over-70-million-vehicles-on-the-road-with-open-recalls/)

<sup>3</sup> 84 Fed. Reg. 19993.

<sup>4</sup> FAST Act, P.L. 114-94, Section 24104 (2015).

consumers in new and creative ways with potentially life-saving information about their vehicles.”<sup>5</sup>

The two-year pilot program grant provided \$222,300 to the MVA for the purpose of setting up a system by which the state would be able to find open recalls on all motor vehicles registered in the state in order to provide notification of the recall, and the nature of the recall, to the owner during registration.

On the one-year anniversary of starting the program the MVA released data indicating that “more than 150,000 Marylanders have resolved vehicle safety recall issues over the past year.”<sup>6</sup>

While the Center looks forward to seeing more details about the data provided by the MVA, the value of the program in using state motor vehicle administrations as an additional means of notifying consumers about open safety recalls is clear.

## Conclusion

Unfortunately, defects happen in vehicles. Too often, these defects have been deadly. Yet, identifying the defect, determining a remedy, and issuing a recall is still only half the battle. Ensuring recall repairs are completed is among the most important steps that can be taken for vehicle safety for everyone on the road. One of the steps for increasing recall completions is employing multiple means to contact the current owner, or lessee, to make sure they know about the danger they are putting themselves and their family in by operating an unsafe vehicle. Moreover, far too many individuals do not realize these repairs are free of charge to the consumer.

The Center for Auto Safety supports this funding opportunity and would encourage all states, and the District of Columbia, to apply.

Sincerely,



Jason Levine  
Executive Director

---

<sup>5</sup> U.S. DOT and Maryland MVA Collaborate to Improve Recall Remedy Rates, NAT’L HIGHWAY TRAFFIC SAFETY ADMIN. (Oct. 27, 2017), <https://www.nhtsa.gov/press-releases/us-dot-and-maryland-mva-collaborate-improve-recall-remedy-rates>

<sup>6</sup> MDOT MVA Marks First Anniversary of Vehicle Recall Safety Notice Program, MD. DEPT. OF TRANSP. MOTOR VEHICLE ADMIN. (Apr. 4, 2019), <http://www.mva.maryland.gov/about-mva/press-releases/2019/MDOT%20MVA%20Marks%20First%20Anniversary%20of%20Vehicle%20Recall%20Safety%20Notice%20Program>