



December 20, 2021

Andrew S. Johnston, Executive Secretary
Maryland Public Service Commission
William Donald Schaefer Tower
6 St. Paul St., 16th Floor
Baltimore, MD 21202

**Comments in Favor of Proposed Amendments to Regulation .16 under COMAR 20.90.02
Taxicabs — Control and Operation & Regulation .11 under COMAR 20.95.01 General**

The Center for Auto Safety (Center) is writing today to urge the Maryland Public Service Commission (PSC) to approve the proposed revisions to Code of Maryland Regulations (COMAR) 20.90.02.16 and COMAR 20.95.01.11 to better protect Maryland residents and visitors from the potentially deadly dangers of recalled motor vehicles for hire.

Motor vehicles are only recalled when there is a safety defect or a vehicle is in violation of a Federal Motor Vehicle Safety Standard. Unrepaired recalled vehicles are a direct contributor to crashes that kill and injure innocent victims. It is important to note that the National Highway Traffic Safety Administration (NHTSA) considers every recall to be a serious safety threat, and recalls are never undertaken for cosmetic reasons. Yet, under current regulations, potentially thousands of Maryland residents and visitors are unknowingly, and unnecessarily, exposed to deadly risks from unrepaired vehicles every day.

The Center, the nation's premier independent, non-profit consumer advocacy organization dedicated to improving vehicle safety, quality, and fuel economy, submits this comment on behalf of our members and all drivers, passengers, and pedestrians who live in, or visit, Maryland. In December 2019, we contacted Christopher Koermer, Director of the PSC's Transportation Division, to urge him to protect your citizens. We suggested that the state of Maryland could easily address the hidden risk faced by consumers using vehicle for hire services by requiring an annual check against the federal recall database as part of the annual inspection requirements for taxi owners or Transportation Network Operators (TNO).

In a report on December 23, 2019, *CBS This Morning* called attention to this issue in large cities across the country, and interviewed Cally Houck of California. Ms. Houck lost both of her daughters in a violent crash after a recalled power steering hose broke, starting a fire in their rental car.¹ Ms. Houck bravely stated: "It's not fair for the unsuspecting public." She also said, in

¹ Kris Van Cleve, *Many taxi companies in U.S. aren't required to fix cabs after safety recalls*, CBS This Morning, (Dec. 23, 2019), <https://www.cbsnews.com/news/safety-recalls-many-taxi-companies-in-us-not-required-to-fix-cabs/>

referencing her children who had been killed: "You don't get over it. What you do is you get through it, and it remains with you until you die. It never goes away," she said.

Parents should never have to experience the pain Ms. Houck described, which is why we urge the PSC to immediately approve the revisions to COMAR 20.90.02.16 and COMAR 20.95.01.11 as proposed.

The proposal strikes a compromise between our initial request that all recalls be repaired prior to vehicles accepting passengers and concerns raised by industry stakeholders that any Code changes allow sufficient time for recall repairs to be made based on the availability of the repair. Accordingly, both 20.90.02.16 and 20.95.01.11 would require that upon original licensure, and annually thereafter, based on a form created by the PSC, for hire vehicle owners may not operate or permit the operation of their vehicle if it has open safety recalls. Both sections also provide a 90-day grace period if repairs are not immediately available.

Today, there are over 53 million cars with open recalls across the country. These recalls include exploding Takata airbags, which have caused at least 37 deaths and General Motors vehicles with faulty ignition switches, which have caused at least 174 deaths. Many of these unsafe vehicles, and vehicles like them, continue to operate unrepaired on Maryland roads. There is no reason that a consumer expecting safety from a commercially licensed and inspected vehicle for hire should be subject to such an avoidable risk.

Independent studies found that one in six taxis has open recalls in DC, and one in three taxis in the cities of Seattle, New York City, Tampa, and Houston.² Similar data has been found when looking at TNOs.³ The proposed revisions to the Code would make repairing these dangerous vehicles a prerequisite to operation, greatly improving taxi and TNO recall repair rates, and significantly reducing their risk to everyone on the road in Maryland.

In conclusion, vehicles for hire with open recalls pose a serious, but preventable, safety risk for drivers, passengers, and pedestrians in Maryland. The Center for Auto Safety urges the PSC to approve the revisions to COMAR 20.90.02.16 and COMAR 20.95.01.11 and thus continue the state's leadership in this vital public safety area.

Thank you for your attention to this important matter.

² Whitney Wild, *1 in 6 DC Taxis Have Open Recalls and Warnings are Regularly Ignored*, WUSA9 (May 9, 2018), <https://www.wusa9.com/article/news/local/dc/1-in-6-dc-taxis-have-open-recalls-and-warnings-are-regularly-ignored/65-548809101> (finding that one in six DC taxis has open recalls, based on a review of 5,400 VINs); Danielle Leigh, *Could Your Next Cab, Uber, or Lyft be Unsafe?*, THV11 (Nov. 24, 2016), <https://www.thv11.com/article/news/investigations/could-your-next-cab-uber-or-lyft-be-unsafe/354771686> (Seattle, New York City, Tampa, and Houston).

³ See Ryan Felton, *1 in 6 Uber and Lyft Cars Have Open Safety Recalls, Consumer Reports' Study Suggests*, CONSUMER REP. (Aug. 16, 2019), <https://www.consumerreports.org/ride-hailing/uber-and-lyft-cars-have-open-safety-recalls/> (finding that almost one in four New York City taxis has open recalls, based on a review of 32,000 VINs).