

Report to Congress:
Rental Truck “Safety Recall Remedy Report”



Prepared by the
U.S. Department of Transportation
National Highway Traffic Safety Administration
December 2017

This report is submitted in response to the request by Congress under the new transportation reauthorization bill, the Fixing America’s Surface Transportation Act (FAST Act). The FAST Act authorizes funds for Federal-aid highways, highway-safety programs, transit programs, and other purposes.

CONTENTS

- I. EXECUTIVE SUMMARY**
- II. INTRODUCTION**
- III. BACKGROUND**
- IV. METHODOLOGY AND APPROACH**
- V. RENTAL TRUCK COMPANY SAFETY RECALL MANAGEMENT**
 - a. Existing Policies for Safety Recalls**
 - b. Rental Policies for Trucks under Outstanding Recall**
 - c. Distinguishing Factors between Safety Recalls**
 - d. Resale of Rental Trucks under Outstanding Safety Recall**
- VI. RENTAL TRUCK COMPANY RECALL PROCESSES**
 - a. Processes for Disseminating Safety Recall Notices**
 - b. Processes for Flagging Recalled Rental Trucks**
 - c. Enforcement of Recall Policies**
 - d. Reporting Potential Defects to NHTSA**
- VII. SUMMARY OF KEY FINDINGS**
- VIII. RECOMMENDATIONS**

I. EXECUTIVE SUMMARY

The Fixing America's Surface Transportation Act (FAST Act) required the National Highway Traffic Safety Administration (NHTSA), an operating administration within the Department of Transportation, to evaluate the completion of safety recall remedies on rental trucks. NHTSA mailed a General Order¹ to six major rental truck companies in November 2016.² Five of these companies were identified in the Federal Motor Carrier Safety Administration (FMCSA) 2014 Rental Truck Safety report and NHTSA also added Ryder System, Inc., for a total of six companies.³

This Order requested, among other things, those companies to supply information about their policies and procedures governing the completion of safety recalls affecting their rental trucks—including whether the companies would rent a truck under an outstanding safety recall (i.e., a safety recall that has not yet been remedied). The Order also requested information about whether those companies distinguish between safety recalls with respect to severity, size of the affected population, or other factors, and how those companies manage the recall process for their respective rental locations.

From the responses to the Order, NHTSA learned that only four of the six companies have documented policies relating to their safety recall processes. Separately, four of the six companies reported that they would not rent a truck under an outstanding safety recall, while two companies would rent a truck under an open recall, depending on their perceived assessment of

¹ A copy of the General Order is provided in Appendix A.

² Recipients of NHTSA's General Order were Avis Budget Group, Enterprise Holdings Inc., Hertz Global Holdings, Inc., Penske Truck Leasing Co., L.P., Ryder System, Inc., and U-Haul International, Inc.

³ FMCSA's 2014 Rental Truck Safety Study Report: <https://www.fmcsa.dot.gov/mission/policy/rental-truck-safety-study-report>

the safety risk. In a similar vein, five companies reported they would not sell a rental truck (e.g., when retiring inventory) under an outstanding safety recall, while the remaining company may do so—depending on the safety risk it assigns to the recall. All six rental truck companies have processes in place for electronically identifying recalled trucks in their fleet and disseminating recall information to their rental locations.

The FAST Act requests NHTSA to provide, in conjunction with this report, “any recommendations for legislation that the Secretary determines to be appropriate.” NHTSA does not propose any legislative changes at this time.

NHTSA provides four policy recommendations for the rental truck industry to ensure their recall processes are well-documented and their rental locations are educated about their respective company’s policies. NHTSA recommends rental truck companies quickly identify recalled trucks in internal software systems, and that no trucks are rented, leased, or sold if under an outstanding safety recall. In addition, NHTSA recommends rental truck companies share safety concerns with NHTSA so that potential defects can be quickly identified and trucks are recalled as appropriate.

II. INTRODUCTION

On December 4, 2015, President Obama signed into law the Fixing America’s Surface Transportation Act (FAST Act).⁴ This bill provides long-term funding for Federal-aid highways, highway-safety programs, transit programs, and other purposes.

⁴ Pub. L. 114–94 (2015).

Section 24109 of the FAST Act, “Rental Car Safety”, requires the Secretary of Transportation to evaluate the completion of safety recall remedies that rental companies complete on rental trucks within their fleet and submit those findings in a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives. Specifically, subsection (g) provides:

(g) STUDY.— (1) ADDITIONAL REQUIREMENT.—Section 32206(b)(2) of the Moving Ahead for Progress in the 21st Century Act (Public Law 112–141; 126 Stat. 785) is amended—

- (A) in subparagraph (E), by striking “and” at the end;
- (B) by redesignating subparagraph (F) as subparagraph (G); and
- (C) by inserting after subparagraph (E) the following: “(F) evaluate the completion of safety recall remedies on rental trucks; and”.

(2) REPORT.—Section 32206(c) of such Act is amended—

- (A) in paragraph (1), by striking “subsection (b)” and inserting “subparagraphs (A) through (E) and (G) of subsection (b)(2)”;
- (B) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,
- (C) by striking “REPORT. Not later” and inserting the following: “(c) REPORTS.—
“(1) INITIAL REPORT.—Not later”; and
- (D) by adding at the end the following: “(2) SAFETY RECALL REMEDY REPORT.—
Not later than 1 year after the date of the enactment of the ‘Raechel and Jacqueline Houck Safe Rental Car Act of 2015’, the Secretary shall submit a report to the congressional committees set forth in paragraph (1) that contains—
“(A) the findings of the study conducted pursuant to subsection (b)(2)(F); and

“(B) any recommendations for legislation that the Secretary determines to be appropriate.”.

The Moving Ahead for Progress in the 21st Century Act (“MAP-21” and referenced in the Fast Act directive cited above) required the Secretary of Transportation to conduct a “Rental Truck Accident Study.” This study required an evaluation of rental truck crashes, fatalities and injuries, as well as cost estimates on property damage and assessments on rental truck maintenance programs⁵. MAP-21 defined “rental truck” as a motor vehicle with a gross vehicle weight rating of between 10,000 and 26,000 pounds that is made available for rental by a rental truck company⁶. Section 24109 of the FAST Act amended MAP-21 by including the evaluation of safety recalls affecting rental trucks.

NHTSA has prepared this report in response to this directive.

III. BACKGROUND

NHTSA administers safety recalls in accordance with the Motor Vehicle Safety Act (the “Safety Act”). Safety recalls are conducted when manufacturers of motor vehicles or motor vehicle equipment determine that a safety defect is present in the manufacturer’s product or that the product does not conform to minimum safety standards.⁷

The Safety Act restricts motor vehicle dealers from delivering to owners new vehicles under outstanding safety recalls.⁸ Generally, only once a safety recall is remedied can a manufacturer’s

⁵See FMCSA’s 2014 Rental Truck Safety Study Report (July 2014), *available at* <https://www.fmcsa.dot.gov/mission/policy/rental-truck-safety-study-report>.

⁶ Pub. L. 112-141, 32206 (2012).

⁷ 49 U.S.C. § 30118 also authorizes the Secretary of Transportation to decide when a motor vehicle or motor vehicle equipment contains a safety defect or a noncompliance with a minimum safety standard.

⁸ 49 U.S.C. § 30120(i).

dealership deliver a new vehicle to an owner under sale or lease. Section 24109 of the Fast Act extended a similar provision to include certain rental vehicles⁹ with outstanding safety recalls; however, a vehicle may be rented (but not leased or sold) in cases where the remedy is unavailable and a temporary alteration is made to the vehicle that eliminates the safety risk posed by the defect or noncompliance.¹⁰ Once a remedy becomes available, the vehicle may not be rented until it is remedied.

While the Fast Act covers the vast majority of rental vehicles (e.g., passenger cars, light trucks, sports utility vehicles), it does not cover larger rental vehicles such as rental trucks with a gross vehicle weight rating (GVWR) of 10,000 pounds or more.

IV. METHODOLOGY AND APPROACH

It is important to note that the scope of this report focuses on rental truck company recall policies and procedures. However, recall-remedy completion metrics for heavy-duty truck recalls are far more complex. While light-vehicle manufacturers are responsible for any safety issues with a vehicle regardless of the original equipment manufacturer (e.g., the vehicle manufacturer conducts a recall for an engine issue, frame issue, lighting issue, etc.), heavy-duty trucks are very different with respect to their manufacture and recall responsibilities. Safety recalls affecting heavy-duty trucks may originate from a chassis manufacturer, a second-stage manufacturer which produces elements of the truck body, an engine manufacturer, or any manufacturer that may fabricate an accessory for a completed truck. In addition, heavy-duty trucks are often custom applications specially fabricated for a specific fleet. As such, safety recalls that might

⁹ Section 24109 limited this provision to rental vehicles with a gross vehicle weight rating for 10,000 pounds or less.

¹⁰ 49 U.S.C. § 30120(i)(3)(C); Pub. L. 114-94, 24109 (2015).

apply to one fleet of vehicles may not apply to a similar fleet of vehicles owned by a different operator—making any comparison very difficult. Also, determining which safety recalls apply to a given fleet operator is nearly impossible, as this is not information required to be provided to the agency.

Notwithstanding these difficulties in assessing recall completion rates for rental truck fleets, NHTSA reviewed safety recall policies and procedures that rental truck companies apply to their fleets to evaluate the potential rental and sale of trucks under outstanding safety recalls.

To obtain the necessary information for this report, NHTSA mailed a General Order to the following rental truck companies on November 9, 2016: Avis Budget Group; Enterprise Holdings Inc.; Hertz Global Holdings, Inc.; Penske Truck Leasing Co., L.P.; Ryder System, Inc.; and U-Haul International, Inc.

The Order requested, among other things: that the companies supply their policies or procedures regarding the completion of safety recalls for rental trucks, including information about whether they would rent a truck under an outstanding safety recall; information from the companies about whether they distinguish between recalls with respect to severity, size of the affected population, or other factors; information from the companies about whether they would sell, or otherwise transfer ownership, of rental trucks under an outstanding safety recall; and that the companies detail how they manage recall notifications from vehicle manufacturers and disseminate that information to their rental truck locations.

Some companies requested their responses be given confidential treatment under the Freedom of Information Act, 5 U.S.C. § 552(b) as constituting confidential business information. Without making a determination as to whether and to what extent that information is entitled to such

treatment, NHTSA has accommodated those requests in this report by referring to companies by generic names (e.g., Company A, Company B, etc.) instead of their corporate names.

V. RENTAL TRUCK COMPANY SAFETY RECALL MANAGEMENT

a. Existing Policies for Safety Recalls

NHTSA requested that each rental truck company produce any existing policy or procedure regarding the company’s management of safety recalls. Table 1, shown below, denotes companies that had existing recall policies on file as of November 2016:

Table 1

Existing Policies for Safety Recalls on File as of November 2016

Rental Truck Company	Recall Policy on File	No Recall Policy on File
Company A		X
Company B	X	
Company C	X	
Company D	X	
Company E	X	
Company F		X

Four of the six companies had recall policies in place in November 2016, and submitted those written policies to NHTSA. All companies generally task one central office with receiving recall notifications and entering that information into a central, online database utilized by their various rental locations nationwide. Companies typically transmit remedy instructions, as well as track recall-campaign performance, through these systems.

Company B has had its recall policy in place since 2005 with no material change. Company C did not state when their recall policy was first implemented, but last revised the policy in

September 2016—though the change was unrelated to its handling of safety recalls. Company D had a recall policy in place at least as far back as 2010, and last revised its recall policy in January 2012. Company E’s recall policy has been in place since 2009 and was last revised in June 2016.

Company A responded with multiple policies that have been in place since at least 2007. However, these policies address maintenance and safety in very broad terms and do not specifically identify the inclusion of safety recalls in its processes. Like the other companies, Company A manages recalls through a central office and shared database, although it is not clear when it transmits recall information to its rental locations. Company A did not clarify whether it immediately notifies its rental locations when it learns of a recall, or if it waits until a remedy program is available.

Similar to Company A, Company F does not have a formal policy in place that addresses safety recalls. Company F does describe “procedures in place” for ensuring rental trucks are quickly identified and prohibited from rental until the recall remedy is applied—but no written policy outlining these procedures was submitted to NHTSA.

b. Rental Policies for Trucks under Outstanding Recall

NHTSA asked each rental truck company if it would rent a truck under an outstanding safety recall. While each company has different processes in place, most—but not all—made clear they would not allow the rental of a truck under an outstanding recall. Table 2 denotes each company’s position:

Table 2

Policies for the Rental of Recalled Trucks

Rental Truck Company	Recalled Trucks Can Be Rented	No, Recalled Trucks Cannot Be Rented
Company A	X	
Company B	X	
Company C		X
Company D		X
Company E		X
Company F		X

As shown above, Companies C, D, E, and F will only rent a truck under an outstanding recall after the truck has received the recall remedy. This policy is typically implemented via an electronic “hold” on the identified vehicles in the company’s central database.

Company A determines whether to rent a truck under an outstanding recall based on the nature of the recall and “the degree an imminent hazard could result in an injury.” Similarly, Company B stratifies recalls into categories based on the severity. Certain categories will “park” a rental truck (i.e., not allow the trucks to be rented) until the recall remedy is applied. But Company B may not consider some safety recalls urgent, and may rent trucks under such a recall until the truck is remedied at the next scheduled maintenance interval.

c. Distinguishing Factors between Safety Recalls

NHTSA requested that each rental truck company describe how, if at all, it distinguishes between recalls with respect to severity, size of the affected population, or any other factors. The agency sought to learn whether certain variables, such as the perceived risk to safety or the number of units recalled, might influence how a rental truck company manages a recall among its rental truck fleet. Table 3 illustrates how each company responded to this question:

Table 3

Distinguishing Factors Used to Manage Safety Recalls

Rental Truck Company	Recall Size is Considered	Recall Severity is Considered	All Recalls Are Treated Equally
Company A		X	
Company B		X	
Company C			X
Company D			X
Company E	X		
Company F			X

The nature of the recall determines Company A’s actions. Based on “the degree an imminent hazard could result in an injury,” Company A may “ground” the trucks (i.e., not allow the trucks to be rented). Company B described three categories of severity it utilizes to manage recalls or other fleet service actions. “A Campaigns” are where the rental truck must be immediately remedied or it will be “grounded” until it can be remedied. These campaigns are largely expedited, and a special project manager is assigned to the campaign to ensure the recall is quickly addressed and closely managed until all affected trucks are remedied. “B Campaigns” are considered less severe (but can include NHTSA safety recalls as well as non-safety matters) and are queued until the rental truck’s next preventative maintenance inspection. “C Campaigns” are non-safety related, involving issues such as making customer-requested component changes to a fleet, or changing a customer’s decals.

Company C recognizes two types of product campaigns. The first relates to non-safety related product-improvement matters, including operational efficiencies, emissions, or perhaps applying a required decal to the vehicle. The second campaign type relates to safety matters, including NHTSA safety recalls. Company C noted that its safety standards are never lower than the

vehicle manufacturer's standards and, as such, the Company may choose to "ground" a rental truck even when a manufacturer does not require such an action.

Company E previously treated long-term truck rentals differently in the event of a safety recall, but did not provide further explanation to the agency. However, the Company did note that, since June 1, 2016, it treats all rental trucks the same in the event of a safety recall. In addition, the Company's process to electronically "flag" rental trucks under recall depends on the number of trucks affected. The Company flags recalled trucks within twenty-four hours unless more than 5,000 trucks are affected—in which case, the Company may require up to forty-eight hours to fully flag all affected trucks.

Companies D and F do not make any distinctions among safety recalls, and treat all recalls equally.

d. Resale of Rental Trucks under Outstanding Safety Recall

NHTSA asked each rental truck company if it maintains a policy for completing recall remedies on rental trucks before selling or otherwise transferring ownership of those trucks. The agency also requested any policy to inform the prospective purchaser of a rental truck under an open safety recall if the company allows such a sale. NHTSA requested copies of any such policies, as well as any changes made to those policies going back to 2005. Table 4 (shown below) reflects the company responses:

Table 4**Policies for Selling Trucks under Open Safety Recall**

Rental Truck Company	Will Sell a Truck under an Open Recall	Will Allow Transfer of Salvaged Trucks under an Open Recall
Company A		X
Company B	X	X
Company C		?
Company D		
Company E		X
Company F		

Company A “do[es] not sell trucks with outstanding recalls.” While not providing a policy in support of this statement, the Company did note that the only exception to this would be an inoperable vehicle with a salvaged title. Company A’s policies addressing maintenance and inspection procedures did not mention any process for selling rental trucks under an outstanding safety recall or transferring rental trucks with salvaged titles.

Company B produced a policy titled “Used Vehicle Out-Service and Sale Process,” which outlines the Company’s process for readying rental trucks for sale. Company B follows “A Campaign” procedures (see Section V.c., above) regardless of whether the truck is in the active fleet or is being held for sale. The only exception to this is when an “A Campaign” applies to a vehicle sold for scrap, in which case the recall may remain outstanding. Company B will sell a rental truck subject to a “B Campaign” (which can include NHTSA safety recalls). In these cases, the campaign is noted on the truck’s out-service form. Company B also transfers vehicles in “as-is” condition, as well as “verified” vehicles, where a “less robust out service repair process is applied.” However, Company B did not elaborate on whether it presented outstanding safety recall information to the buyer of such vehicles.

Company C requires all safety recalls be remedied before a vehicle is sold. The company provided this policy to the agency. This policy was marked as “Last Reviewed: 09/12/16.” Company C did not clarify its policy governing the transfer of vehicles with a salvaged title.

Company D has had a policy in place since 2010 to ensure it sells no rental trucks under an outstanding safety recall. The Company provided this policy to the agency. This policy was updated in 2012 so that no vehicles sold or disposed were under an open safety recall. Of note, Company D includes in its policy instruction that it must provide vehicle manufacturers a list of recalled vehicles that are no longer in the Company’s possession (so the manufacturer’s owner records can be updated and the correct owner identified).

Company E’s policy regarding the sale and transfer of its rental trucks has been in place since at least January 2011. The Company provided this policy to the agency. Company E’s policy does not allow the sale of a rental truck under an outstanding recall until the recall has been remedied. The policy only allows the sale of a vehicle if its title is branded “Junk,” “Parts Only,” or “Scrap.” From May 2012 through May 2016, certain recalled vehicles under an outstanding safety recall could be sold through distributor/wholesale channels, though the recall was required to be disclosed to the buyer. Company E’s policy was updated in May 2016 to disallow the sale of any such vehicles with open recalls unless they are branded “Junk,” “Parts Only,” or “Scrap.”

All of Company F’s rental trucks must be remedied of open safety recalls prior to sale or transfer of ownership. However, the Company did not provide any written policy to the agency in support of this policy.

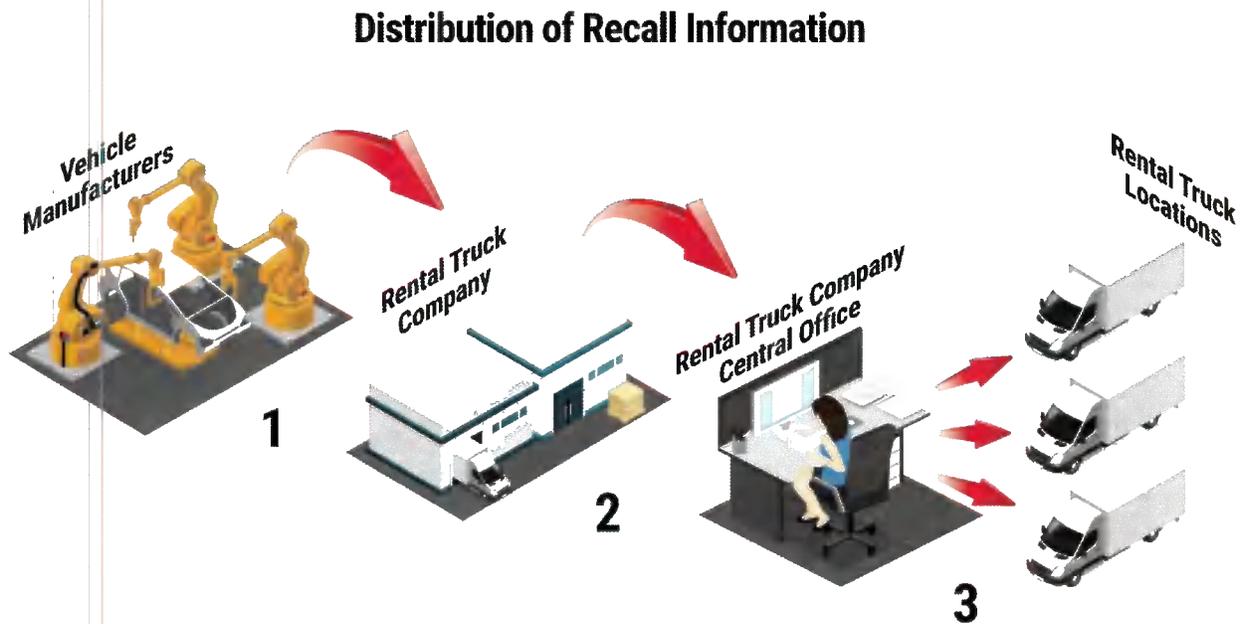
VI. RENTAL TRUCK COMPANY RECALL PROCESSES

a. Processes for Disseminating Safety-Recall Notices

NHTSA requested each rental truck company detail how it receives, distributes, and manages recall notifications and other recall-related information from vehicle manufacturers. The agency sought to learn if notifications were sent to multiple rental truck locations, if these notifications were distributed by a central company location, and any other process associated with the distribution of recall information.

Each of the six companies described a very similar process for the distribution of safety-recall notices. Figure 1 (shown below) generally outlines that process:

Figure 1



1. The rental truck company receives recall information (including Vehicle Identification Numbers (VINs) of recalled trucks) from vehicle manufacturers.

- Some companies receive mail and email recall notifications from manufacturers.

- One company sends a list of its rental truck VINs to the respective manufacturers each week to keep informed about new safety recalls.
- Another company receives VIN electronic files directly from the manufacturers.

2. Generally, each rental truck company has an established central office that manages recall notifications and the distribution of those notifications.

3. These central locations typically manage the safety recall in a shared database. The companies follow the below processes:

- Company A uploads a recall technical bulletin (including instructions for completing the recall remedy) into the central computer-based maintenance system. These bulletins are available to technicians when a rental truck enters a repair facility.
- Company B enters recall information, including repair practices, into its central intranet system which all rental locations utilize. The Company automatically notifies all of its facilities through the intranet system or the system used by the maintenance shop.
- Company C assigns a warranty specialist to review the recall notification. The specialist creates a unique bulletin that includes the manufacturer's repair process. The Company's system then automatically updates the recalled truck's "maintenance profile" with the recall information. The profile is subsequently forwarded to a maintenance manager for recall completion.
- Upon receipt of a recall notice, Company D identifies the affected vehicles in its central system to prevent the rental or sale of the recalled vehicles.

- Company E electronically flags affected trucks in the centralized computer system. This process notifies rental locations not to rent the vehicle until repairs are made per the manufacturer’s remedy instructions. The electronic flag also alerts branch personnel if they attempt to rent the vehicle. The Company also sends an electronic “advisory transmission” to all rental branches and relevant personnel.
- Company F processes a “hard hold” of trucks affected by a recall in the central rental system, which prevents the rental of those trucks until the recall remedy is applied.

b. Processes for Flagging Recalled Rental Trucks

NHTSA requested each rental truck company describe its policy for “flagging” or otherwise marking rental trucks as under a safety recall. The agency sought to discern which companies electronically flag recalled trucks rather than simply forwarding recall notices to individual rental locations.

Each company has a process in place for electronically flagging individual rental trucks subject to a recall. Most of these processes are summarized above (see Section VI.a.), although some companies provided the following additional information regarding their electronic flagging process:

- Company B noted that, in addition to flagging vehicles in its central intranet system, each rental organization reviews a daily shop report that includes the status of each vehicle (e.g., rented, ready to rent, or requiring maintenance).
- Company C noted that its policy does not “address speed of identification, though aspects of the [redacted] system are automated.” Presumably, this could allow a recalled rental

truck to go un-flagged for an indeterminate length of time. While not specified in Company C's response, it appears possible that rental trucks may not be flagged in the system until a remedy bulletin (provided by the manufacturer) is entered into the system.¹¹

- Company E further specified that its process for electronically flagging rental trucks occurs within twenty-four hours of receiving notice from the manufacturer—except that it may take up to forty-eight hours if the number of affected trucks exceeds 5,000.

While each company maintains a policy or process for electronically flagging recalled trucks in their systems, the timeline each company follows is not always clear. At some companies (A, D, E, and F) the electronic flagging process begins when the company first receives notice about the recall from the manufacturer. This indicates that little time elapses between receipt of the recall information and the electronic flagging of the rental truck. However, other companies (B and C) may first require remedy instructions before electronically flagging recalled trucks, or there might be some other delay with the electronic flagging of recalled trucks.

c. Enforcement of Recall Policies

NHTSA requested that each company detail how it enforces its policies governing safety recalls and the application of recall remedies to its rental truck fleet. Of interest was any analysis or review of recall performance and whether the companies audit their locations for any vulnerabilities or weaknesses in the completion of safety recalls.

¹¹ In many cases, a recall remedy might not be available when a recall is first announced or recall notifications are first issued. Company C did not clarify if recalled trucks are flagged when the Company first receives notification, or when the company also receives a remedy bulletin from the manufacturer.

- Company A monitors recall completion rates each day and performs audits on the repair facilities to ensure compliance with the Company's repair programs.
- Company B's rental facilities are graded daily, weekly, monthly, and yearly on their performance ensuring trucks are remedied within 180 days (by the next maintenance service) for non-"A Campaigns." The rental facilities are tracked via scorecards that track performance which are reviewed regularly during performance reviews and considered in compensation and incentives.
- Company C's maintenance managers receive weekly reports and regional, area, or district managers conduct weekly meetings to review progress. Should a rental location exhibit poor performance by not promptly completing recall campaigns, they may be placed on an "Action Plan." However, the Company provided no details about this Action Plan.
- Company D utilizes its central Fleet Information System to track the weekly completion progress for all active recalls. A trend report is distributed weekly detailing the total number of recalled units as well as the number of remedied units. However, it is not clear who receives this trend report or how this information is used to enforce the Company's recall policy.
- Company E's local rental management team utilizes a tool to monitor recall flags. Also, a group that is not associated with the rental operations team uses internal audit processes at least once yearly to ensure the Company's recall processes are effective.
- Company F generates a daily report that is reviewed by the Vice President of the Truck Fleet and the Company's field maintenance staff. This report tracks the number of units recalled as well as their repair status. The report also alerts the maintenance and fleet teams to any undue delay in completing recall remedies.

d. Reporting Potential Defects to NHTSA

Finally, NHTSA asked each rental truck company whether they subscribed to NHTSA’s recall subscription service¹² and, if so, whether dedicated personnel are assigned to receive notifications from the service. The agency also asked each company whether it has a policy for reporting safety concerns to NHTSA. Table 5, shown below, provides each company’s responses:

Table 5

Policies Related to NHTSA’s Recall Service and Reporting Safety Concerns

Rental Truck Company	Subscribes to NHTSA’s Recall Subscription Service	Dedicated Personnel to Receive NHTSA Recall Alerts?	Reports Safety Concerns to NHTSA
Company A	Yes	No	No
Company B	Yes	Yes	No
Company C	Yes	Yes	No
Company D	Yes	Yes	No
Company E	Yes	Yes	No
Company F	No	No	No

All rental truck companies, with the exception of Company F, subscribe to NHTSA’s recall subscription service. Companies B through E specified that they have dedicated personnel in place to receive and review new recall notifications from NHTSA’s service. Company A stated that it subscribes to the service.

No company has ever reported a safety concern to NHTSA, and no company has a policy to do so. Company B did clarify, however, that should it ever identify a safety concern before a

¹² A user may subscribe to the recall notification service at <https://www-odi.nhtsa.dot.gov/nhtsa/subscriptions>.

manufacturer, it would report that concern to NHTSA. All six companies report safety concerns directly to the manufacturer.

VII. SUMMARY OF KEY FINDINGS

NHTSA has identified the following as key information gleaned from its review of rental truck company policies and procedures governing recalled rental trucks:

- Not all of the queried rental truck companies have documented policies on file that specifically address safety recalls (or could not produce such policies to NHTSA). Two of the six queried companies were unable to produce written policies that reference safety recalls.
- Not all of the queried rental truck companies preclude the rental of trucks under an outstanding safety recall. Two of the six queried companies distinguish safety recalls based on the perceived risk to safety and will only “ground” rental trucks in certain cases.
- Five of the six queried rental truck companies will not sell a rental truck under an open safety recall. Only two rental truck companies disallow the transfer of trucks with a salvaged title (e.g., designated “Junk” or “Scrap” or something similar).
- Each queried rental truck company has a method for electronically flagging recalled trucks in a central database. While four companies are quick to apply these electronic flags, two companies did not clearly explain how quickly they typically flag recalled trucks.
- Each queried rental truck company has a method for tracking recall completion and ensuring the enforcement of its safety recall management practices.

- Five of the six queried rental truck companies subscribe to NHTSA’s email-based recall subscription service. However, none of the companies have a practice of reporting safety concerns to the agency; rather, safety concerns are transmitted only to the vehicle manufacturer.

VIII. RECOMMENDATIONS

Section 24109 of the FAST Act directs the Secretary of Transportation to provide, in conjunction with this report, “any recommendations for legislation that the Secretary determines to be appropriate.”

NHTSA does not propose any legislative changes at this time.

NHTSA does recommend that rental truck companies implement the following policies to improve the effectiveness of rental truck safety recalls:

1. Rental truck companies should issue clear and updated policies and procedures for their rental locations that specifically address safety recall processes. Only some rental truck companies include such provisions in their current policies. Recall policies should have clear instructions and specific guidance on how rental locations should execute safety recalls (not simply address maintenance-related items broadly) and rental locations should ensure trucks are only rented according to company policy. Rental location staff should receive appropriate training to understand their company’s recall policy and adhere to it.
2. Rental truck companies should ensure their trucks are electronically “flagged” as soon as the company is notified of a safety recall by the vehicle manufacturer, and that such

information is communicated as expeditiously as possible to field representatives and rental locations. Companies should electronically flag trucks as soon as a recall notice that includes the VINs of the affected vehicles is received—not only when a remedy is developed and a repair bulletin becomes available.

3. Rental truck companies should revise their recall policies (or create such a policy if one does not exist) to prohibit the rental, lease, or sale of rental truck under an outstanding safety recall. Companies should undertake other associated measures, including utilizing screening software to prevent the rental, lease, or sale of a rental truck under an outstanding safety recall.
4. Rental truck companies should include in their recall policies a mechanism to share safety concerns with NHTSA. The agency's Office of Defects Investigation ("ODI") regularly works with manufacturers and large fleet organizations to ensure potential safety defects are quickly identified and recalled as appropriate, and NHTSA believes that involving rental truck companies in this effort would significantly promote safety on America's roadways.

Appendix A

**UNITED STATES DEPARTMENT OF TRANSPORTATION
NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION**

1200 New Jersey Avenue, SE
West Building, W41-326
Washington, DC 20590

In re:)
)
Rental truck recall completion)
)

GENERAL ORDER DIRECTED TO TRUCK RENTAL COMPANIES

To:

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2727 North Central Ave
Phoenix, AZ 85004

This General Order is issued by the Secretary of Transportation pursuant to 49 U.S.C. § 30166(g)(1)(A) and 49 C.F.R. §§ 510.7 and 510.8, and pursuant to a delegation of authority to the Chief Counsel of the National Highway Traffic Safety Administration (“NHTSA”), an Operating Administration of the United States Department of Transportation. 49 C.F.R. §§ 1.95, 501.8(d).

Under the Fixing America’s Surface Transportation Act (“FAST Act”), the Secretary of Transportation, through NHTSA, is required to conduct a study of rental truck recall completion. Pub. L. No. 114–94, § 24109(g) (2015). To provide NHTSA with relevant information, this General Order demands that Avis Budget Group; Enterprise Holdings Inc.; Hertz Global Holdings, Inc.; Penske Truck Leasing Co., L.P.; Ryder System, Inc.; and U-Haul International, Inc. (individually “Rental Truck Company” and collectively “Rental Truck Companies”) respond to this General Order.

Each Rental Truck Company’s response to this General Order must be provided by **November 23, 2016**. Each Rental Truck Company’s response must be signed under oath, *i.e.*, accompanied by an affidavit signed by a responsible officer of the Rental Truck Company, stating that he/she has undertaken and directed an inquiry reasonably calculated to assure that the answers and production of documents are complete and correct, that he/she has caused the documents of the Rental Truck Company to be searched diligently for information and documents responsive to this General Order and produced them to NHTSA, and that the answers provided to NHTSA respond completely and correctly to this General Order. 49 U.S.C. §

30166(g)(1)(A); 49 C.F.R. § 510.7. Failure to respond fully or truthfully to this General Order may result in a referral to the United States Department of Justice for a civil action to compel responses, and may subject the Rental Truck Company to civil penalties of up to up to \$21,000 per day, up to a maximum penalty of \$105,000,000 for a related series of daily violations. 49 U.S.C. §§ 30163(a)(1), 30165(a)(3); 49 C.F.R. § 578.6(a)(3). Falsifying or withholding information in response to this General Order may also lead to criminal penalties of a fine or imprisonment of up to 15 years, or both. 49 U.S.C. § 30170(a)(1).

DEFINITIONS

To the extent used in this General Order, the following definitions apply:

1. **“Rental Truck Company,” “you,” and “your”** means each Rental Truck Company to which this General Order is directed and all of its officers and employees, whether assigned to its principal offices or any of its field or other locations, including all of its divisions, subsidiaries (whether or not incorporated) and affiliated enterprises and all of their headquarters, regional, zone, and other offices and their employees, and all agents, contractors, consultants, attorneys, and law firms, and other persons engaged directly or indirectly (*e.g.*, employee of a consultant) by or under the control of the Rental Truck Company (including all business units and persons previously referred to).
2. **“Describe”** means to provide, with respect to any act, occurrence, transaction, event, statement, communication, or conduct (hereinafter, collectively, “act”), all facts concerning any such act including but not limited to a description of each act, and the date, the location, and the names and addresses of all persons involved.
3. **“Document(s)”** is used in the broadest sense of the word under Rule 34 of the Federal Rules of Civil Procedure and shall mean all written, printed, typed, recorded, or graphic

matter of every kind, nature, and description, however produced or reproduced, whether draft or final, original or reproduction, signed or unsigned, electronic or hard copy, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, instant messages, text messages, agendas, memoranda, minutes, notes, summaries, reports, voicemails, films, photographs, recordings of any type, transcripts, contracts, agreements, purchase or sales orders, specifications, drawings, diagrams, diaries, journals, logs, desk calendars, interoffice communications, reports, studies, bills, checks, income statements, balance sheets, books of account, ledgers and other financial records, and all information generated by or stored by computer, including without limitation, electronic writings, records, files, reports, hard drives, backup data, removable computer storage media (such as flash drives, tapes, disks, and cards), printouts, document image files, web pages, databases, spreadsheets, software, and digital recordings, or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access. Any document, record, graph, chart, film or photograph originally produced in color must be provided in color.

4. **“Policy”** means any general principle(s) that guides decision making, whether formal or informal, written or unwritten.

5. **“Procedure(s)”** means any specific method(s) or course(s) of action, whether formal or informal, written or unwritten.

6. **“Recall(s)”** means a recall under 49 U.S.C. §§ 30118–30120.

7. **“Recall notice(s)”** or **“recall notification(s)”** means a notice pursuant to 49 U.S.C. § 30119.

8. “**Recall remedy(ies)**” means any action(s) to repair a vehicle or other action(s) pursuant to 49 U.S.C. § 30120 to address a defect relating to motor vehicle safety or a failure to comply with an applicable motor vehicle safety standard.

9. “**Rental Truck(s)**” means any motor vehicle with a Gross Vehicle Weight Rating of 10,000 pounds to 26,000 pounds that is made available for rental to the public or for private use.

10. **Other terms.** To the extent that it is used in this General Order, the term “Gross Vehicle Weight Rating” has the same meaning as found in 49 C.F.R. § 571.3(b). To the extent that they are used in this General Order, the terms “defect” and “motor vehicle safety” have the same meaning as found in 49 U.S.C. § 30102(a)(2).

INSTRUCTIONS

1. Your response to the General Order shall be submitted to the Office of the Chief Counsel (NCC-100), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue SE, Washington, DC 20590, or, alternatively, via electronic mail to stephen.hench@dot.gov. If you email your response, the total size of any individual email, including attachments, must not exceed 20MB. Compressed files, such as .zip files, will not be accepted.

2. Please repeat the applicable request verbatim above your response. After your response to each request, identify the source of the information and indicate the last date the information was gathered.

3. When documents are produced and the documents would not, standing alone, be self-explanatory, the production of documents shall be supplemented and accompanied by explanation. Please also be reminded that where a document responsive to a request is not in the

English language, both the original document and an English translation of the document must be produced.

4. All documents shall be produced electronically on a compact disc(s) or via email(s) (as provided in paragraph 1 of these instructions), as described below, in a common format (*e.g.*, Word or PDF).

- a. Hard copy documents shall be imaged in PDF format to the extent they are not already in a common format. They shall be provided as multi-page PDFs with document level optical character recognition (“OCR”).
- b. Electronically Store Information (“ESI”) shall be converted to multi-page PDFs and produced along with document level OCR/extracted text.
- c. You shall produce an index that lists the title of each document produced and the request to which it corresponds.

5. You are required to respond to every request listed in this General Order, including subparts. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you cannot respond to any specific request or subpart(s) thereof, please state the reason why you are unable to do so. If you are unable to respond because you do not have all or any of the precise information needed to respond, provide an estimate. If, on the basis of attorney–client, attorney work product, or other privilege, you do not submit one or more requested documents or items of information in response to this General Order, you must provide a privilege log identifying each document or item withheld, and stating the date, subject or title, name and position of the person(s) from, and the person(s) to whom it was sent, and the name and position of any other recipient (to include all carbon copies or blind

carbon copies), the nature of that information or material, and the basis for the claim of privilege and why that privilege applies.

6. The response to this General Order, including any documents produced, must be submitted in duplicate, together with a copy of any confidentiality request, to this office by the deadline above.

7. If you claim that any of the information or documents provided in response to this General Order constitutes confidential material within the meaning of 5 U.S.C. §§ 552(b)(4) or 552(b)(6), or is protected from disclosure pursuant to 18 U.S.C. § 1905 or other applicable law, then you must submit supporting information together with the materials that are the subject of the confidentiality request, in accordance with 49 C.F.R. Part 512, to the Office of Chief Counsel (NCC-100), National Highway Traffic Safety Administration, West Building, W41-326, 1200 New Jersey Avenue SE, Washington, DC 20590. A copy of your request for confidential treatment and accompanying materials shall be sent by electronic mail to Stephen Hench (stephen.hench@dot.gov).

8. As used herein, the singular includes the plural; the plural includes the singular. The masculine gender includes the feminine and neuter genders; and the neuter gender includes the masculine and feminine genders. "And" as well as "or" shall be construed either disjunctively or conjunctively, to bring within the scope of this General Order all responses that might otherwise be construed to be outside its scope. "Each" shall be construed to include "every" and "every" shall be construed to include "each." "Any" shall be construed to include "all" and "all" shall be construed to include "any." The use of a verb in any tense shall be construed as the use of the verb in a past or present tense, whenever necessary to bring within the scope of the requests all responses which might otherwise be construed to be outside its scope.

REQUESTS

1. State whether you have a policy or procedure regarding completion of repairs or other recall remedies for recalls affecting your Rental Trucks, including but not limited to whether a Rental Truck may be rented prior to having a recall remedy completed and whether a prospective renter is informed when a Rental Truck is subject to a recall but has not yet had the recall remedy completed.

- a. For each policy and procedure, describe it in detail, and produce a copy of it.
- b. For each policy and procedure that has changed during the period 2005 to the present, identify and describe: what changes were made; why those changes were made; and when those changes were made.

2. With respect to recalls affecting your Rental Trucks, state whether you distinguish between recalls with respect to severity, size of the affected population, and/or other factors. If so, describe those distinctions, how they are made, and, if at all, how the factors influence or change whether and/or how quickly you disseminate information to your rental facilities about a particular recall or require application of the recall remedy to the affected Rental Trucks.

3. State whether you have a policy or procedure regarding completion of recall remedies on Rental Trucks before selling or otherwise transferring ownership of those trucks, including but not limited to whether a Rental Truck may be sold or ownership transferred prior to having a recall remedy completed, and whether a prospective purchaser or transferee is informed when a Rental Truck is subject to a recall but has not yet had the recall remedy completed.

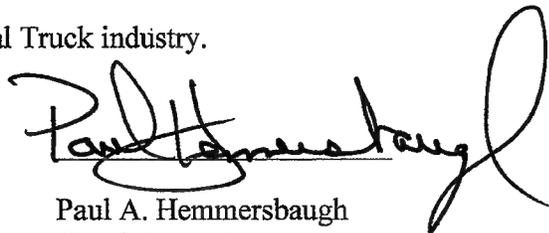
- a. For each policy and procedure, describe it in detail, and produce a copy of it.

- b. For each policy and procedure that has changed during the period 2005 to the present, identify and describe: what changes were made; why those changes were made; and when those changes were made.
4. Describe how you receive and manage recall notifications and other information from vehicle manufacturers regarding recalls affecting Rental Trucks, including but not limited to whether recall notifications are received by multiple locations, or received at one location and then distributed.
5. Describe how you inform and educate your rental locations and personnel about recalls to ensure that Rental Trucks affected by recalls are identified and receive a recall remedy.
6. State whether you “flag,” note, or otherwise identify Rental Trucks subject to a recall, and if so, whether you have a policy and/or procedure for how quickly those Rental Trucks are identified. If you have such a policy and/or procedure, describe that policy and/or procedure in detail, and produce a copy of it.
7. Describe how you enforce your policies and procedures for applying recall remedies to Rental Trucks subject to a recall, including but not limited to whether you review your performance with respect to recalls, and/or identifying vulnerabilities or weaknesses within your Rental Truck Company or your rental locations regarding the performance of recalls affecting its Rental Trucks.
8. State whether you subscribe to NHTSA’s recall notification service,¹ and whether you have personnel dedicated to receive recall notifications from that service.
9. State whether you report safety concerns to NHTSA when and if you learn of safety concerns (from your rental locations, renters, or otherwise) and, if so, whether you have a policy or procedure for doing so.

¹ A user may subscribe to the recall notification service at <http://www-odi.nhtsa.dot.gov/subscriptions/index.cfm>.

- a. If you report safety concerns to NHTSA, describe how you report those concerns (*e.g.*, through an owner complaint form available online at www.safercar.gov, calling NHTSA's toll-free hotline at 1-888-327-4236, or other means).
 - b. If you report safety concerns to NHSTA, state whether you have personnel designated to do the reporting, or whether the reporting is performed at the discretion of individual staff.
 - c. For each policy and procedure, describe it in detail, and produce a copy of it.
 - d. For each policy and procedure, identify and explain any minimum criteria or other factors you have for reporting a safety concern to NHTSA (*e.g.*, a certain number of complaints on an issue, your assessment of the risk involved, *etc.*).
10. Separately for each year from 2005 to the present, state:
- a. The number of unique Rental Trucks you rented; and
 - b. The number of Rental Trucks you sold or otherwise transferred ownership.
11. Provide any additional information or documents that you believe would assist with NHTSA's understanding of how you view and manage recalls affecting your Rental Trucks, or with respect to recall completion in the Rental Truck industry.

Dated: November 9, 2016



Paul A. Hemmersbaugh
Chief Counsel