

How safe is your rental car?

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(Photo: Dan MacMedan, USA TODAY)

In recent years more and more car owners have been affected by manufacturer recalls on critical automotive components. But what if a recall doesn't affect the car you own, but instead affects the car you're renting?

The good news is the [Raechel and Jacqueline Houck Safe Rental Car Act of 2013](http://beta.congress.gov/bill/113th-congress/senate-bill/921) (<http://beta.congress.gov/bill/113th-congress/senate-bill/921>) can remedy this situation by ensuring rental fleets comply with recall notices. The bad news is this law is floundering in Congress: [GovTrack's prognosis](http://www.govtrack.us/congress/bills/113/s921) (<http://www.govtrack.us/congress/bills/113/s921>) is not good, citing only a 14% chance of being enacted. And in the meantime, it can be hard for renters to determine what a rental firm's policy is on recalled vehicles.

A tragic watershed

The bill—which has bipartisan support in Congress—is named for two sisters, 24-year-old Raechel Houck and 20-year-old Jacqueline, who were killed in a grisly accident in 2004 when the Chrysler PT Cruiser they rented from Enterprise [caught fire](http://usatoday30.usatoday.com/MONEY/usaedition/2012-02-21-inside-rental-cars_ST_U.htm) (http://usatoday30.usatoday.com/MONEY/usaedition/2012-02-21-inside-rental-cars_ST_U.htm) due to a power steering fluid malfunction. The Houcks were the fourth renters of that vehicle after the recall was announced.

During the ensuing legal battle that resulted in a \$15 million settlement for the Houck family, a gaping hole in the consumer safety net was exposed. In testimony [captured on camera](http://abcnews.go.com/topics/business/companies/dollar-thrifty-automotive.htm) (<http://abcnews.go.com/topics/business/companies/dollar-thrifty-automotive.htm>), an Enterprise employee admitted there was no corporate policy requiring that recalled vehicles should be held back from the public. (For the record, Enterprise has since posted a [statement](http://aboutus.enterprise.com/statement.html) (<http://aboutus.enterprise.com/statement.html>) announcing its "formal support for federal legislation" on this issue.)

The proposed law itself has been neatly summarized thusly: "Authorizes a rental company that receives a notification (approved by the National Highway Traffic Safety Administration [NHTSA]) from the manufacturer of a covered rental vehicle about any equipment defect, or noncompliance with federal motor vehicle safety standards, to rent or sell the vehicle or equipment only if the defect or noncompliance is remedied." Simple enough.

To their credit, most major rental firms have offered support, including Alamo, Avis, Budget, Dollar, Enterprise, Hertz, National and Thrifty. But according to the nonprofit organization [Consumers for Auto Reliability and Safety](http://www.carconsumers.org/saferentalcaract.htm) (<http://www.carconsumers.org/saferentalcaract.htm>) (C.A.R.S.), the pushback against the bill has come from auto manufacturers and auto dealers.

Unfortunately, there is a long and troubling history of recalled vehicles changing hands prior to the implementation of proper repairs. In 2011, one year after auto manufacturers recalled more vehicles than in any other previous year, the U.S. Government Accountability Office released a [detailed report](http://www.gao.gov/assets/320/319702.html) (<http://www.gao.gov/assets/320/319702.html>) on vehicle recalls and focused on the lack of clear guidance and conformity among car rental firms, stating "the rental car companies noted that notification letters rarely provide guidance as to whether the vehicle can continue to be operated." And just last month *The New York Times* reported several major consumer organizations asked the Federal Trade Commission to investigate CarMax for such practices.

For renters of recalled vehicles, the lack of a federal law has meant it's caveat emptor on many recall notices. In Congressional testimony last year, former NHTSA Administrator David Strickland summed it up: "Currently, there is no prohibition on rental car companies renting vehicles that are under a recall, but have not yet been remedied."

How do rental firms respond?

In recent years some high-profile recalls have generated responses from the rental industry. For example, after Toyota made front page news with its infamous stuck gas pedal debacle, major U.S. rental firms announced that affected Toyotas and Pontiacs were being [pulled from their fleets](http://content.usatoday.com/communities/driveon/post/2010/01/hertz-joins-avis-and-enterprise-in-halting-rentals-of-toyota-subject-to-recall/1#.U88I5RZhPwI) (<http://content.usatoday.com/communities/driveon/post/2010/01/hertz-joins-avis-and-enterprise-in-halting-rentals-of-toyota-subject-to-recall/1#.U88I5RZhPwI>). But not all safety-critical recalls generate that type of media coverage, and in many cases it's up to consumers to be proactive.

What's more, the rental industry—like the airline industry—can be lacking when it comes to transparently providing consumers with essential data. Consider Hertz. If you enter "recall" into the search function on the rental giant's website, you'll generate [an update](http://www.hertz.com/rentacar/customer-support/index.jsp?targetPage=faqsRightNow.jsp&search=recall) (<http://www.hertz.com/rentacar/customer-support/index.jsp?targetPage=faqsRightNow.jsp&search=recall>) about not being charged for returning a recalled car to a different location, but no information on recalled cars themselves. However, if you back out of the site and use a third-party search engine such as Google, you'll find a helpful and detailed [Hertz Vehicle Recall Procedure](http://www.hertz.com/rentacar/misc/index.jsp?targetPage=vehrecallpolicy.jsp) (<http://www.hertz.com/rentacar/misc/index.jsp?targetPage=vehrecallpolicy.jsp>), which includes a comprehensive Q&A for customers.

For Avis, the site map doesn't provide any information on this topic. But a Google search provides an April 2012 [warning on Avis.com](http://www.avis.com/car-rental/content/display.ac?contentId=safety-recalls-US_en-030452) (http://www.avis.com/car-rental/content/display.ac?contentId=safety-recalls-US_en-030452) about the recall of 10,000 2012 Ford Focus sedans. There's also an [undated update](http://www.avis.com/car-rental/content/display.ac?contentId=toyota-recall-US_en-017517&ICID=hp-s4-toyotarecall) (http://www.avis.com/car-rental/content/display.ac?contentId=toyota-recall-US_en-017517&ICID=hp-s4-toyotarecall) that all recalled Toyotas have been repaired and returned to service.

Among other major U.S. rental firms, the search functionality varies, but there can be valuable information buried within some of their sites:

- Alamo. A [pledge](http://aboutus.alamo.com/statement.html) (<http://aboutus.alamo.com/statement.html>) on the company's site states Alamo will not rent, sell or wholesale recalled vehicles.
- Budget. As with sister company Avis, there is no info on recalled vehicles on Budget's site map.
- Dollar/Thrifty. Although both sister firms have pledged not to rent recalled cars, there is a dearth of information about this issue on both websites.
- Enterprise. An [online FAQ](http://www.enterpriseholdings.com/press-room/faqs) (<http://www.enterpriseholdings.com/press-room/faqs>) addresses recalled cars, and like its sister companies Alamo and National, the firm states it will not rent, sell or wholesale such vehicles.
- National. A search through National's [press releases](http://www.enterpriseholdings.com/press-room/press-releases) (<http://www.enterpriseholdings.com/press-room/press-releases>) indicates a flurry of releases from early 2010 concerning the Toyota recall, but nothing since.

There's one other consideration, which I detailed here back in 2010 with "[Rental car companies emulate airlines, embrace added fees](http://usatoday30.usatoday.com/travel/experts/mcgee/2010-06-09-rental-car-fees_N.htm)" (http://usatoday30.usatoday.com/travel/experts/mcgee/2010-06-09-rental-car-fees_N.htm). Roadside assistance from a rental company is an a la carte option in many cases now, not a consumer's right. So theoretically a rented car with a defect can cost a renter—at least in the short term.

What you can do

You can be proactive about ensuring you rent a car that hasn't been flagged by the manufacturer or government for a recall.

- Check the rental firm's website for any notices about recalled models in the fleet. As noted above, use a third-party search engine to hone your research.
- The National Highway Traffic Safety Administration (NHTSA) provides a comprehensive online database of [motor vehicle recalls](http://www.recalls.gov/nhtsa.html) (<http://www.recalls.gov/nhtsa.html>) dating back to the 1949 model year. NHTSA also provides information on recalls of tires, equipment, child safety seats and school buses. In addition, drivers who suspect potential safety defects can report such incidents via the site.
- Don't assume the car you book is the car you will pick up at the rental facility. First, many rental companies offer multiple models within a given class. Second, it's not uncommon to be given an unrequested upgrade if a given class is not available.
- The rental industry can classify the same model inconsistently, such as a Focus being a "compact" at one rental firm and an "intermediate" at another rental firm. If you're concerned about a given model's safety record, when you're signing off at the rental counter make sure you know the specific model you're receiving—and watch for fine print promising an "or similar" vehicle.
- If you would like to offer support for the Raechel and Jacqueline Houck Safe Rental Car Act, GovTrack provides an easy link so [you can weigh in](http://www.govtrack.us/congress/bills/113/s921) (<http://www.govtrack.us/congress/bills/113/s921>).

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