COMMITTEE ON
ENERGY & COMMERCE
CHAIRMAN FRANK PALLONE, JR.

MEMORANDUM

July 24, 2019

To: Subcommittee on Consumer Protection and Commerce Members and Staff

Fr: Committee on Energy and Commerce Staff

Re: Hearing on "Legislation to Make Cars in America Safer"

On **Wednesday, July 24, 2019, at 10:30 a.m. in room 2322 of the Rayburn House Office Building**, the Subcommittee on Consumer Protection and Commerce will hold a legislative hearing entitled, "Legislation to Make Cars in America Safer."

I. BACKGROUND

Despite new safety technology, the number of vehicle-related fatalities has been relatively stagnant over the past few years. The National Safety Council estimates that vehicle-related fatalities—including traffic and non-traffic—exceeded 40,000 in both 2017 and 2018, which represents a steep increase after a downward trend between 2005 and 2014.[1] Nearly 4.6 million people in the United States were injured in motor vehicle traffic crashes in 2018.[2] A 2015 report by the National Highway Traffic Safety Administration (NHTSA) estimated the annual economic cost of traffic crashes at $242 billion, and the total value of societal harm from motor vehicle crashes in 2010 was $836 billion.[3]

[1] National Safety Council, *Injury Facts: Motor Vehicle* (injuryfacts.nsc.org/motor-vehicle/overview/introduction/) (accessed May 14, 2019). Non-traffic deaths are those that occur in parking lots, private roads, and driveways.

[2] *Id*.

[3] National Highway Traffic Safety Administration, *The Economic and Societal Impact of Motor Vehicle Crashes, 2010 (Revised)* (May 2015) (crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812013).

II. LEGISLATION

A. H.R. 3593, the "Hot Cars Act of 2019"

Heatstroke is one of the leading causes of non-crash-related fatalities among children.[4] It can occur when a child is left or becomes trapped in a vehicle and the temperature in the car rises causing core body temperature to rise.[5] Since 1998, 802 children have died from vehicular heatstroke in the United States.[6] The number of deaths peaked last year at 52, and 21 children have already died this year.[7] Technologies that alert drivers to check the backseat for children, pets, or others exist, however they are not yet widely available.[8]

Reps. Ryan (D-OH), King (R-NY), and Schakowsky (D-IL) introduced H.R. 3593, the "Hot Cars Act of 2019," on June 28, 2019. This legislation would require the U.S. Department of Transportation (DOT) to issue a final rule within two years of enactment requiring vehicles to be equipped with a system that can detect and alert the driver to the presence of a child or occupant in a rear seat of a vehicle after the engine is shut off. The bill would also require DOT to contract with an independent party to study retrofitting existing passenger motor vehicles with technology to address the problem of occupants left unattended in such vehicles. The report would be submitted to the Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation within 180 days of the issuance of the rule described above. A version of this bill passed the House in 2017 as part of H.R. 3388, the "SELF DRIVE Act."

B. H.R. 3145, the "Protecting Americans from the Risks of Keyless Ignition Technology (PARK IT) Act"

Keyless ignition systems, in which a driver merely pushes a button to start or turn off a car, now come standard in more than half of all new vehicles sold in the United States. While these features may add an additional layer of convenience for the driver, they may also pose additional risks. Since 2006, more than three dozen people have died of carbon monoxide

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[4] National Highway Traffic Safety Administration, *Child Safety* (www.nhtsa.gov/road-safety/child-safety#35941) (accessed May 15, 2019).

[5] National Highway Traffic Safety Administration, *Help! Too Many Children Are Dying in Hot Cars* (www.nhtsa.gov/save-kids-stop-heatstroke) (accessed May 15, 2019).

[6] Noheatstroke.org, *Heatstroke Deaths of Children in Vehicles* (May 13, 2019) (noheatstroke.org/index.htm).

[7] KidsandCars.org, *Heatstroke* (www.kidsandcars.org/how-kids-get-hurt/heat-stroke/) (accessed May 15, 2019).

[8] *Could New Technology Help Prevent Hot Car Deaths?*, NBC News (June 22, 2016) (www.nbcnews.com/tech/innovation/could-new-technology-help-prevent-hot-car-deaths-n597191).

poisoning from a keyless-ignition vehicle that was inadvertently left running in a garage.[9] Further, while vehicles with traditional keys prevent a driver from removing the key if the vehicle is not in park, consumers are reporting that drivers can turn off and exit a keyless ignition vehicle without the car in park, increasing the risk of a vehicle rollaway. NHTSA proposed a rule to address these safety issues in 2011, but the rulemaking has yet to be completed.[10]

Reps. Schakowsky (D-IL), Soto (D-FL), Kennedy (D-MA), and Moulton (D-MA) introduced H.R. 3145, the "PARK IT Act of 2019," on June 5, 2019. This legislation would require the DOT to issue a final rule within two years of enactment requiring manufacturers to install technology in motor vehicles equipped with keyless ignitions that automatically shuts off the vehicle if the engine has idled for a period of time, consistent with the goal of preventing carbon monoxide poisoning. The legislation also directs the DOT to issue a final rule, within two years after enactment, requiring manufacturers to install technology to prevent movement of motor vehicles equipped with keyless ignitions when certain conditions are met, including if the motor vehicle is not in the park setting. Each rule would become effective on September 1 of the year that is one year after the date such rule is issued.

C. Impaired Driving Bills

Drunk driving is the number one cause of death on America's roadways.[11] More than 10,000 deaths—about 30 percent of all fatal crashes—are caused by drunk driving each year. That translates to almost 30 people dying in drunk-driving crashes every day or one person every 48 minutes in 2017.[12] The annual cost of alcohol-related crashes totals more than $44 billion.[13] The average drunk driver has driven drunk 80 times before a first arrest.[14]

In recent years, the rate of drug-impaired driving is on the rise, posing dangers to drivers, their passengers, and other road users. Between 2007 and 2016, the rate of fatally injured drivers testing positive for drugs has steadily increased, climbing from 25 percent to 42 percent of tested

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[9] *'Very Smart People,' but a Keyless Car's Downside Killed Them*, New York Times (June 28, 2019) (www.nytimes.com/2019/06/28/business/keyless-carbon-monoxide.html).

[10] National Highway Traffic Safety Administration, *Federal Motor Vehicle Safety Standards; Theft Protection and Rollaway Prevention*, 76 Fed. Reg. 77183 (Mar. 15, 2012) (proposed rule; extension of comment period).

[11] Mothers Against Drunk Driving, *Drunk Driving Impacts Every American. Every Day.* (www.madd.org/the-problem/) (accessed Mar. 7, 2019).

[12] National Highway Traffic Safety Administration, *Drunk Driving* (www.nhtsa.gov/risky-driving/drunk-driving#issue-alcohol-effects) (accessed Mar. 9, 2019).

[13] Centers for Disease Control and Prevention, *Impaired Driving: Get the Facts* (June 16, 2017) (www.cdc.gov/motorvehiclesafety/impaired_driving/impaired-drv_factsheet.html).

[14] Mothers Against Drunk Driving, *Sober to Start* (www.madd.org/the-solution/drunk-driving/ignition-interlocks/) (accessed Mar. 8, 2019).

victims.[15] In 2016, 1,064 fatally injured drivers tested positive for an opioid, a near twofold increase from 2006 levels.[16] Further, more than half of drug-positive fatally injured drivers tested positive for two or more drugs, while over 40 percent tested positive for alcohol.[17]

Researchers have found that marijuana negatively affects cognitive function, lane tracking, and psychomotor skills (e.g. reaction time and target detection).[18] Further, several studies have established a tie between the use of opioids and increased risk of motor vehicle crashes.[19] No relationship has been established, however, between the results of a drug test and the level of impairment, making it difficult to establish an impairment standard.[20]

Reps. McMorris Rodgers (R-WA) and McNerney (D-CA) introduced H.R. 3888, the "Impaired Driving Study Act of 2019," on July 23, 2019. This legislation directs NHTSA, in cooperation with other Federal agencies as appropriate, to conduct a study on ways in which the Administration can improve motor vehicle safety to address impaired driving, including alcohol, marijuana, and opioid-impaired driving. NHTSA is required to issue a report within two years, and biannually thereafter, detailing the research activities undertaken; progress of the research conducted; and the results of the study when completed.

Reps. Bucshon (R-IN) and Dingell (D-MI) introduced H.R. 3890, the "Combatting Impaired Driving Act of 2019," on July 23, 2019. This legislation authorizes DOT to provide funding for grants, pilot programs, demonstration projects, and innovative solutions to improve motor vehicle safety to address impaired driving, including alcohol, opioid, and marijuana-impaired driving. The legislation authorizes $7 million for Fiscal Year 2021 increasing to $10 million by Fiscal Year 2025.

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[15] National Highway Traffic Safety Administration, *Presence of Drugs in Drivers* (www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/13839-drugged_facts_flyer_101918_v8_002.pdf)

[16] Governors Highway Safety Association, *Drug-Impaired Driving* (www.ghsa.org/resources/DUID18) (accessed July 18, 2019).

[17] *Id*.

[18] National Highway Traffic Safety Administration, *Marijuana-Impaired Driving* (July 2017) (www.nhtsa.gov/sites/nhtsa.dot.gov/files/documents/812440-marijuana-impaired-driving-report-to-congress.pdf).

[19] Governors Highway Safety Association, *Drug-Impaired Driving* (www.ghsa.org/resources/DUID18) (accessed July 18, 2019).

[20] *Id*.

III. WITNESSES

The following witnesses have been invited to testify:

Cathy Chase
President
Advocates for Highway and Auto Safety

Susan Livingston
Daughter of Dr. James D. Livingston and Dr. Sherry H. Penney

Benjamin R. Nordstrom, M.D., Ph.D.
Executive Director
Responsibility.org