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**HOUSE BILL 1280**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Representative Wylie

AN ACT Relating to open motor vehicle safety recalls; adding a new section to chapter 46.32 RCW; adding a new section to chapter 46.16A RCW; creating a new section; and providing an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  This act requires an official motor vehicle inspection facility or licensed private inspection facility to provide written notice to the owner of a motor vehicle being inspected for all open safety recalls applicable to the motor vehicle at the time the motor vehicle is inspected. The recall notice must include a description of each open safety recall and a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances. This act requires the department of licensing to provide written notice to the owner of a motor vehicle, at the time a vehicle is registered or upon mailing a motor vehicle's registration renewal notice, of all open safety recalls applicable to the motor vehicle. The recall notice is to include a description of each open safety recall; a statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances; and a statement that, except in certain circumstances, the department of licensing will not renew a registration certificate for the motor vehicle until each open safety recall is repaired.

Under this act, the owner is required to obtain the necessary repairs before the motor vehicle's next registration renewal and must self-attest to having obtained such repairs annually, for the life of the recall. The director of the department of licensing is required to deny an application for registration renewal if the open safety recalls have not been remedied by the next registration renewal except if certain exemptions apply.

Nothing in this act may alter the liability of any motor vehicle manufacturer or motor vehicle dealer approved by a manufacturer to repair an open safety recall. This act limits the liability of certain individuals for acts or omissions related to open safety recall notices provided pursuant to the provisions of this act, except in cases of gross negligence.

NEW SECTION. **Sec.**  A new section is added to chapter 46.32 RCW to read as follows:

(1) During a motor vehicle inspection, an official inspection facility, or licensed private inspection facility, shall check information made available by the national highway traffic safety administration to determine whether the motor vehicle being inspected is subject to an open safety recall. If the vehicle is subject to one or more open safety recalls, the official inspection facility or licensed private inspection facility, shall provide the owner of the motor vehicle, at the time of inspection, written notice of all open safety recalls applicable to the motor vehicle. The recall notice must include the following:

(a) A description of each open safety recall; and

(b) A statement that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120.

(2) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(3) The director and director's designees, for the purposes of discharging their duties pursuant to this section, and a private inspection facility or its owner and employees are not liable to any person for any act or omission related to the open safety recall notice provided pursuant to this section, except for cases of gross negligence.

(4) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

NEW SECTION. **Sec.**  A new section is added to chapter 46.16A RCW to read as follows:

(1)(a) The department shall, before issuing a motor vehicle registration or mailing a motor vehicle registration renewal notice, check information made available by the national highway traffic safety administration to determine whether the motor vehicle is subject to an open safety recall. For a vehicle that is subject to one or more open safety recalls, the department shall provide the owner of the motor vehicle written notice of all open safety recalls applicable to the motor vehicle. The recall notice must be provided at the time the vehicle is registered as well as be included in the registration renewal notice. The renewal notice must include the following:

(i) A description of each open safety recall;

(ii) A statement that each open safety recall may be repaired by a motor vehicle dealer approved by the manufacturer of the motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C. Sec. 30120; and

(iii) A statement that, except as provided in subsection (3) of this section, the department may not renew a registration certificate for a motor vehicle unless each open safety recall is repaired in compliance with the provisions of subsection (2) of this section.

(b) The department shall send a notice to consumers between 50 and 80 calendar days before the expiration of their registration listing open safety recalls that need to be remedied in order to reregister their vehicle.

(2) Notwithstanding any provision of law, after an owner of a motor vehicle receives notice that the motor vehicle is subject to one or more open safety recalls pursuant to subsection (1) of this section, the owner must obtain the necessary repairs before the motor vehicle's next registration renewal and must self-attest to having obtained such repairs annually, for the life of the recall. The director shall deny an application for registration renewal for any motor vehicle that has failed to receive repairs necessary to remedy an open safety recall within the time period established by this section.

(3) The director may not deny an application for registration renewal for a motor vehicle that has failed to receive repairs necessary to remedy an open safety recall if any of the following exemptions apply:

(a) The motor vehicle manufacturer has not made a remedy available;

(b) The necessary replacement parts are not readily available to the manufacturer's state dealer network to remedy the open safety recall;

(c) The owner is required to make paid repairs to the motor vehicle that are necessary to enable the application of the remedy;

(d) The owner has installed aftermarket modifications that prevent the application of the remedy; or

(e) The director determines that there were circumstances beyond the control of the owner or undue hardship that prevented the owner from remedying the open safety recall.

(4) Nothing in this section alters the liability of any motor vehicle manufacturer or motor vehicle dealer approved by the manufacturer to repair an open safety recall.

(5) For the purposes of this section, "open safety recall" means a safety-related recall, for which notification by a manufacturer is required to be provided under 49 U.S.C. Secs. 30118 and 30119, that necessitates repairs or modifications to a motor vehicle by an authorized motor vehicle dealer. "Open safety recall" does not include: Recalls related to defects or failures to comply with requirements relating to labeling or notification in a motor vehicle's owner's manual; or recalls where the remedy is for the manufacturer to repurchase the motor vehicle or otherwise provide financial compensation to the owner of the motor vehicle.

NEW SECTION. **Sec.**  This act takes effect July 1, 2024.

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