
SUBSTITUTE SENATE BILL 5504

State of Washington

68th Legislature

2023 Regular Session

By Senate Transportation (originally sponsored by Senators Saldaña, Llias, Valdez, and C. Wilson)

READ FIRST TIME 02/24/23.

1 AN ACT Relating to open motor vehicle safety recalls; adding a
2 new section to chapter 46.32 RCW; adding a new section to chapter
3 46.16A RCW; creating a new section; and providing an effective date.

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

5 NEW SECTION. **Sec. 1.** This act requires an official motor
6 vehicle inspection facility or licensed private inspection facility
7 to provide written notice to the owner of a motor vehicle being
8 inspected for all open safety recalls applicable to the motor vehicle
9 at the time the motor vehicle is inspected. The recall notice must
10 include a description of each open safety recall and a statement that
11 each open safety recall may be repaired by certain motor vehicle
12 dealers at no cost to the owner, except in certain circumstances.
13 This act requires the department of licensing to provide written
14 notice to the owner of a motor vehicle, at the time a vehicle is
15 registered or upon mailing a motor vehicle's registration renewal
16 notice, of all open safety recalls applicable to the motor vehicle.
17 The recall notice is to include a statement that each open safety
18 recall may be repaired by certain motor vehicle dealers at no cost to
19 the owner, except in certain circumstances.

1 Nothing in this act may alter the liability of any motor vehicle
2 manufacturer or motor vehicle dealer approved by a manufacturer to
3 repair an open safety recall.

4 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.32
5 RCW to read as follows:

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

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

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

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

24 (3) For the purposes of discharging their duties pursuant to this
25 act, a private inspection facility or its owner and employees are not
26 liable to any person for any act or omission related to the open
27 safety recall notice provided pursuant to this section, except for
28 cases of gross negligence.

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

1 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16A

2 RCW to read as follows:

3 (1)(a) The department shall, before issuing a motor vehicle
4 registration or mailing a motor vehicle registration renewal notice,
5 check information made available by the national highway traffic
6 safety administration to determine whether the motor vehicle is
7 subject to an open safety recall. For a vehicle that is subject to
8 one or more open safety recalls, the department shall provide the
9 owner of the motor vehicle written notice of all open safety recalls
10 applicable to the motor vehicle. The recall notice must be provided
11 at the time the vehicle is registered as well as be included in any
12 registration renewal notices sent to consumers by the department. The
13 renewal notice must include a statement that the vehicle has one or
14 more open safety recalls that may be repaired by a motor vehicle
15 dealer approved by the manufacturer of the motor vehicle at no cost
16 to the owner of the motor vehicle, except as provided in 49 U.S.C.
17 Sec. 30120.

18 (b) The department shall include as part of any reminder notices
19 sent to consumers before the expiration of their registration a
20 notice that their vehicle has one or more open safety recalls and
21 that each open safety recall may be repaired by a motor vehicle
22 dealer approved by the manufacturer of the motor vehicle at no cost
23 to the owner of the motor vehicle, except as provided in 49 U.S.C.
24 Sec. 30120.

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

28 (3) The director and director's designees including, pursuant to
29 RCW 46.01.140, county auditors, agents, and subagents, for the
30 purposes of discharging their duties pursuant to this act are not
31 liable for any act or omission related to the provision of an open
32 safety recall notice and are immune from any related civil suit or
33 action, consistent with RCW 46.01.310.

34 (4) For the purposes of this section, "open safety recall" means
35 a safety-related recall, for which notification by a manufacturer is
36 required to be provided under 49 U.S.C. Secs. 30118 and 30119, that
37 necessitates repairs or modifications to a motor vehicle by an
38 authorized motor vehicle dealer. "Open safety recall" does not
39 include: Recalls related to defects or failures to comply with
40 requirements relating to labeling or notification in a motor

1 vehicle's owner's manual; or recalls where the remedy is for the
2 manufacturer to repurchase the motor vehicle or otherwise provide
3 financial compensation to the owner of the motor vehicle.

4 NEW SECTION. **Sec. 4.** This act takes effect July 1, 2024.

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