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**SUBSTITUTE SENATE BILL 5504**

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

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

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 statement that each open safety recall may be repaired by certain motor vehicle dealers at no cost to the owner, except in certain circumstances.

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.

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) For the purposes of discharging their duties pursuant to this act, 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 any registration renewal notices sent to consumers by the department. The renewal notice must include a statement that the vehicle has one or more open safety recalls that 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.

(b) The department shall include as part of any reminder notices sent to consumers before the expiration of their registration a notice that their vehicle has one or more open safety recalls and 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 including, pursuant to RCW 46.01.140, county auditors, agents, and subagents, for the purposes of discharging their duties pursuant to this act are not liable for any act or omission related to the provision of an open safety recall notice and are immune from any related civil suit or action, consistent with RCW 46.01.310.

(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.**  This act takes effect July 1, 2024.

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