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## Transportation Committee

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### HB 1280

**Brief Description:** Addressing open motor vehicle safety recalls.

**Sponsors:** Representative Wylie.

#### Brief Summary of Bill

- Requires motor vehicle inspectors to provide the owner of an inspected vehicle with written notice of open safety recalls.
- Requires the Department of Licensing (DOL) to check whether a vehicle is subject to an open safety recall, and provide written notice to the vehicle owner as part of the vehicle registration process.
- Requires the vehicle owner to undertake any repairs required by an open safety recall, and prevents the DOL from registering a vehicle where the required repairs have not been undertaken, except in certain specified circumstances.
- Provides that the DOL and motor vehicle inspectors are not liable for any act or omission related to an open safety recall, except in cases of gross negligence.

**Hearing Date:** 1/25/23

**Staff:** David Munnecke (786-7315).

#### **Background:**

##### Vehicle Registration.

Vehicles, unless specifically exempt, must be registered with the state to be operated on public roadways. It is unlawful for a person to operate any vehicle, unless specifically exempt, on

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public highways in Washington without a current and proper vehicle registration. Vehicle registrations are issued by the Department of Licensing (DOL), county auditors or other agents, or subagents as appointed by the DOL, and are typically valid for one year from the date of purchase. Registrations are indicated with dated license tabs that are placed in a designated area on the vehicle license plate.

#### Motor Vehicle Inspection.

Before accepting an application for a certificate of title, a certificate of vehicle inspection by the Washington State Patrol is required if the vehicle:

- was declared a total loss or salvage vehicle;
- has been rebuilt after the certificate was returned to the DOL;
- is from another state, was a total loss or salvage, and does not have a valid registration from the other state;
- is being titled for the first time and is an assembled vehicle or subject to ownership in doubt; or
- has a vehicle identification number (VIN) that has been altered, obliterated, removed, or is otherwise absent.

The inspection must verify that the VIN is genuine and agrees with the number shown on the certificate of title and registration certificate. As part of the inspection, a VIN specialist must ensure that all major component parts used for the reconstruction of a salvage or rebuilt vehicle were obtained legally.

#### Motor Vehicle Safety Recalls.

Under federal law, the National Highway Traffic Safety Administration (NHTSA) has the authority to issue vehicle safety standards and to require manufacturers to recall vehicles that have safety-related defects or do not meet these federal safety standards. A recall is issued when a manufacturer or the NHTSA determines that a vehicle, equipment, car seat, or tire creates an unreasonable safety risk or fails to meet the minimum safety standards. Manufacturers are required to fix the problem by repairing it, replacing it, offering a refund, or repurchasing the vehicle.

#### **Summary of Bill:**

All motor vehicle inspectors are required to determine and provide the owner of an inspected vehicle with written notice of any open safety recalls, as defined in applicable federal law. The notice must include:

- a description of each open safety recall; and
- a statement that open safety recalls must be repaired by a motor vehicle dealer approved by the manufacturer at no cost to the vehicle owner, except as provided by federal law.

The director and designees and certain motor vehicle inspectors are not liable for any act or omission related to an open safety recall notice, except in the case of gross negligence.

Prior to issuing a motor vehicle registration or mailing a motor vehicle registration renewal notice, the Department of Licensing (DOL) is required to determine whether a vehicle is subject to an open safety recall, as defined in applicable federal law, and provide written notice to the vehicle owner as part of the vehicle registration process. The notice must include:

- a description of each open safety recall;
- a statement that open safety recalls must be repaired by a motor vehicle dealer approved by the manufacturer at no cost to the vehicle owner, except as provided by federal law; and
- a statement that, unless certain exemptions apply, the DOL may not register a vehicle where the required repairs have not been undertaken.

The vehicle owner is required to undertake any repairs required by an open safety recall, as defined in applicable federal law, prior to the motor vehicle's next registration renewal and must self-attest to having obtained the repairs annually for the life of the recall.

The DOL may not register a vehicle where repairs required by an open safety recall, as defined in applicable federal law, have not been undertaken, except in the following circumstances:

- the motor vehicle manufacturer has not made a remedy available;
- the necessary replacement parts are not readily available to the manufacturer's dealer network;
- the owner is required to make paid repairs to the motor vehicle that are necessary to enable the application of the remedy;
- the owner has installed aftermarket modifications that prevent the application of the remedy; or
- 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.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect on July 1, 2024.