

HOUSE BILL REPORT

SSB 5504

As Reported by House Committee On:
Transportation

Title: An act relating to open motor vehicle safety recalls.

Brief Description: Addressing open motor vehicle safety recalls.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Saldaña, Lias, Valdez and Wilson, C.).

Brief History:

Committee Activity:

Transportation: 3/30/23, 4/4/23 [DPA].

**Brief Summary of Substitute Bill
(As Amended By Committee)**

- Requires the Department of Licensing 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.
- Directs motor vehicle inspectors to provide the owner of an inspected vehicle with written notice of open safety recalls.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass as amended. Signed by 28 members: Representatives Fey, Chair; Donaghy, Vice Chair; Paul, Vice Chair; Timmons, Vice Chair; Barkis, Ranking Minority Member; Hutchins, Assistant Ranking Minority Member; Low, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Berry, Bronoske, Chapman, Cortes, Dent, Doglio, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Mena, Orcutt, Ramel, Ramos, Taylor, Volz, Walsh and Wylie.

Staff: David Munnecke (786-7315).

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

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 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 (WSP) 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 Amended Bill:

Vehicle Registration.

Prior to issuing a motor vehicle registration or mailing a motor vehicle registration renewal notice, the DOL is required to determine whether a vehicle is subject to an open NHTSA 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 statement that the vehicle has one or more open safety recalls; 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.

Vehicle Inspections.

All motor vehicle inspectors are required to determine and provide the owner of an inspected vehicle with written notice of any open NHTSA 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.

Liability.

The DOL director and director's designees including, county auditors, agents, and subagents, 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. The Chief of the WSP and the Chief's designees 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. Certain private motor vehicle inspectors are not liable for any act or omission related to an open safety recall notice, except in cases of gross negligence.

Amended Bill Compared to Substitute Bill:

The amended bill adds the Chief of the WSP and the Chief's designees to the individuals who are not liable for any act or omission related to the provision of an open safety recall notice and are provided immunity from any related civil suit or action.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Amended Bill: The bill takes effect on July 1, 2024.

Staff Summary of Public Testimony:

(In support) This bill is a variation of House Bill 1280, and it would protect Washington drivers and support Vision Zero. This bill reduces the cost of implementation to a one-time cost of \$180,000, by scaling the bill back to simply require notification of open safety recalls. The response rate on such recalls has been found to go up with any contact.

Honda is required to notify owners when there is a safety recall, and the biggest challenge is notifying the secondary owners. Currently, 1.2 million vehicles in Washington have an open safety recall,

Programs such as the one in this bill have been created in other states, and auto manufacturers are asking for assistance in completing these safety recalls. There is also federal funding available to assist with the creation of a connection to the federal database regarding open safety recalls, which was funded by the auto manufacturers.

A repair to a given vehicle would close the safety recall on that vehicle.

(Opposed) None.

(Other) The county auditors appreciate the changes to the bill to include liability protection and remove the registration hold.

Persons Testifying: (In support) Tom McBride and Craig Orlan, American Honda Motor Company.

(Other) Brenda Chilton, Washington State Association of County Auditors.

Persons Signed In To Testify But Not Testifying: None.