

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5504

Chapter 440, Laws of 2023

68th Legislature
2023 Regular Session

MOTOR VEHICLE SAFETY RECALLS—NOTICES

EFFECTIVE DATE: July 1, 2024

Passed by the Senate April 18, 2023
Yeas 47 Nays 1

DENNY HECK

President of the Senate

Passed by the House April 10, 2023
Yeas 96 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Approved May 11, 2023 10:08 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5504** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 11, 2023

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5504

AS AMENDED BY THE HOUSE

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

By Senate Transportation (originally sponsored by Senators Saldaña, Liiias, 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) (a) The chief of the Washington state patrol and the chief of
25 the Washington state patrol's designees, for the purposes of
26 discharging their duties pursuant to this act are not liable for any
27 act or omission related to the provision of an open safety recall
28 notice and are immune from any related civil suit or action.

29 (b) For the purposes of discharging their duties pursuant to this
30 act, a private inspection facility or its owner and employees are not
31 liable to any person for any act or omission related to the open
32 safety recall notice provided pursuant to this section, except for
33 cases of gross negligence.

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

1 requirements relating to labeling or notification in a motor
2 vehicle's owner's manual; or recalls where the remedy is for the
3 manufacturer to repurchase the motor vehicle or otherwise provide
4 financial compensation to the owner of the motor vehicle.

5 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.16A
6 RCW to read as follows:

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

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

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

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

38 (4) For the purposes of this section, "open safety recall" means
39 a safety-related recall, for which notification by a manufacturer is

1 required to be provided under 49 U.S.C. Secs. 30118 and 30119, that
2 necessitates repairs or modifications to a motor vehicle by an
3 authorized motor vehicle dealer. "Open safety recall" does not
4 include: Recalls related to defects or failures to comply with
5 requirements relating to labeling or notification in a motor
6 vehicle's owner's manual; or recalls where the remedy is for the
7 manufacturer to repurchase the motor vehicle or otherwise provide
8 financial compensation to the owner of the motor vehicle.

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

Passed by the Senate April 18, 2023.

Passed by the House April 10, 2023.

Approved by the Governor May 11, 2023.

Filed in Office of Secretary of State May 11, 2023.

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