

HOUSE No. 470

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas P. Walsh

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to vehicle recalls.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/11/2021</i>

HOUSE No. 470

By Mr. Walsh of Peabody, a petition (accompanied by bill, House, No. 470) of Thomas P. Walsh for legislation relative to vehicle recalls. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2466 OF 2019-2020.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to vehicle recalls.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7A of chapter 90 of the General Laws, as appearing in the 2018
2 Official Edition, is hereby amended by inserting after the words “exhaust system.” in line 40, the
3 following sentence: - “Each inspection facility, while performing the vehicle inspection, shall
4 provide notice of any open manufacture recalls in a form and manner prescribed by the registrar
5 under section 7A 1/2.”

6 SECTION 2. Chapter 90 of the General Laws is hereby amended by adding, after
7 Section 7A, the following new section:-

8 Section 7A 1/2. (a) As used in this section, the following words shall, unless the context
9 clearly requires otherwise, have the following meanings:-

10 “Open Recall”, means a safety related recall for which notification by a manufacturer has
11 been provided under Title 49 of the United States Code, section 30119, except for a defect or
12 failure to comply with a requirement relating to labeling or notification in an owner’s manual.

13 “Registration”, means the registration, renewal or transfer of registration of a motor
14 vehicle.

15 “non-remedied recalled vehicle”, means a vehicle subject to an open recall and which has
16 not been remedied by the manufacturer thereof as required under Title 49 of the United States
17 Code, section 30120.

18 (b) Notice of an open recall provided by the inspection facility to the owner or lessee of a
19 vehicle shall specify that: (i) the vehicle contains a non-remedied safety defect, and a description
20 of the defect; (ii) a motor vehicle franchise dealer of the manufacturer shall remedy such defect
21 free of charge; and (iii) except as provided in subsections (c) and (d), no extension of the
22 registration will be issued without the remedy of the defect.

23 (c) In the event registration of a vehicle with an open recall for which replacement parts
24 are unavailable is presented to the registrar, the registrar may provide registration of the non-
25 remedied recalled vehicle until such parts become available. The final registration under this
26 subsection may be granted beginning on the date on which the owner or lessee of the vehicle
27 applies for registration and said replacement parts have become available.

28 (d) If the owner or lessee fails to remedy an open recall within the twelve-month period
29 due to circumstances beyond the control of the owner or lessee or as a result of undue hardship,
30 the registrar may issue an additional six-month renewal.

31 (e) Nothing in this section shall alter the liability of any manufacturer or motor vehicle
32 franchise dealer under common law.

33 (f) Neither the commonwealth nor an inspection facility or its owner, operator,
34 employees or third party vendors that provide or support the systems or operations thereof, shall
35 be liable to any person for any act or omission related to the provision of safety recall
36 information under this section or section 7A.