

SENATE No. 220

The Commonwealth of Massachusetts

PRESENTED BY:

John C. Velis

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:

John C. Velis

DISTRICT/ADDRESS:

Hampden and Hampshire

SENATE No. 220

By Mr. Velis, a petition (accompanied by bill, Senate, No. 220) of John C. Velis for legislation relative to vehicle recalls. Consumer Protection and Professional Licensure.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 245 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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. Chapter 90 of the General Laws, as appearing in the 2020 Official Edition,
2 is hereby amended by inserting, after Section 7A, the following new section:-

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

5 “Open recall”, means a safety related recall for which notification by a manufacturer has
6 been provided under Title 49 of the United States Code, section 30119, that necessitates repairs
7 or modifications to the vehicle be performed by an authorized dealer; provided, however, shall
8 not apply to: (i) recalls related to defects or failures to comply with requirements relating to
9 labeling or notifications in an owner’s manual; or (ii) recalls where the remedy is for the

10 manufacturer to repurchase the vehicle or otherwise provide financial compensation to the
11 vehicle owner.

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

14 (b) The registry of motor vehicles shall, prior to issuing a motor vehicle registration or
15 mailing a motor vehicle registration renewal notice, check information made available by the
16 National Highway Traffic Safety Administration to determine whether the motor vehicle is
17 subject to an open recall. For a vehicle that is subject to one or more open recalls, the Registrar
18 shall provide the owner of the motor vehicle written notice of all open recalls applicable to the
19 motor vehicle. The recall notice shall be provided at the time the vehicle is registered, except that
20 for registration renewals, the recall notice shall be included in the registration renewal notice.

21 The recall notice shall include: (i) a description of each open recall; (ii) a statement that
22 each open recall may be repaired by a motor vehicle dealer approved by the manufacturer of the
23 motor vehicle at no cost to the owner of the motor vehicle, except as provided in 49 U.S.C.
24 section 30120; and (iii) a statement that, except as provided in subsection (d), the Registrar shall
25 not issue a registration certificate for a motor vehicle until each open recall is repaired in
26 compliance with the provisions of subsection (c).

27 (c) Notwithstanding any provision of law to the contrary, after an owner of a motor
28 vehicle receives notice that the motor vehicle is subject to one or more open recalls pursuant to
29 subsection (b), the owner shall obtain the necessary repairs before the motor vehicle’s next
30 registration renewal. It shall be the responsibility of the owner to submit proof, in a manner
31 determined by the Registrar, that the repairs needed to address all open recalls have been made.

32 The Registrar shall deny an application for registration renewal for any motor vehicle that has
33 failed to receive repairs necessary to remedy an open recall within the time period established by
34 this section.

35 (d) The Registrar shall not deny the registration of a motor vehicle subject to an open
36 recall if any of the following exemptions occurs:

37 (i) the vehicle manufacturer has not made a remedy available;

38 (ii) the necessary replacement parts are not readily available to the manufacturer's state
39 dealer network to remedy the recall;

40 (iii) the vehicle requires repairs that are not covered by a recall in order to enable the
41 application of the remedy;

42 (iv) the customer has installed aftermarket modifications that prevent the application of
43 the remedy; or

44 (v) the Registrar determines that there were circumstances beyond the control of the
45 owner or undue hardship that prevented the consumer from having the recall remedied.

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