

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 323

By: Coleman

AS INTRODUCED

An Act relating to motor vehicles; defining terms; requiring Service Oklahoma to provide a list of open recalls for vehicles with motor vehicle registration; requiring repairs before renewal of registration; providing for contents of notice; allowing Service Oklahoma to deny renewal for registration if motor vehicle owner does not remedy recalls in notice; allowing for extensions under certain conditions; providing for protection against certain liability; providing for codification; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12-103 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Director" means the Director of Service Oklahoma; and
2. "Open recall" means a safety recall applicable to a specific motor vehicle, according to information made available by the

1 National Highway Traffic Safety Administration, that has not been  
2 repaired.

3 B. Service Oklahoma shall, prior to issuing a motor vehicle  
4 registration or mailing a motor vehicle registration renewal notice,  
5 check information made available by the National Highway Traffic  
6 Safety Administration to determine whether the motor vehicle is  
7 subject to an open recall. For a vehicle that is subject to one or  
8 more open recalls, Service Oklahoma shall provide the owner of the  
9 motor vehicle written notice of all open recalls applicable to the  
10 motor vehicle. The recall notice shall be provided at the time the  
11 vehicle is registered, except that for registrational renewals, the  
12 recall notice shall be included in the registration renewal notice.  
13 The recall notice shall include the following:

14 1. A description of each open recall;

15 2. A statement that each open recall may be repaired by a motor  
16 vehicle dealer approved by the manufacturer of the motor vehicle at  
17 no cost to the owner of the motor vehicle, except as provided in 49  
18 U.S.C., Section 30120; and

19 3. A statement that, except as provided in subsection D or E of  
20 this section, Service Oklahoma shall not issue a registration  
21 certificate for a motor vehicle until each open recall is repaired  
22 in compliance with the provision of subsection C of this section.

23 C. Notwithstanding any provision of law, after an owner of a  
24 motor vehicle receives notice that the motor vehicle is subject to  
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1 one or more open recalls pursuant to subsection B of this section,  
2 the owner shall obtain the necessary repairs before the motor  
3 vehicle's next registration renewal. It shall be the responsibility  
4 of the owner to submit proof, in a manner determined by the  
5 Director, that the repairs needed to address all open recalls have  
6 been made. The Director shall deny an application for registration  
7 renewal for any motor vehicle that has failed to receive repairs  
8 necessary to remedy an open recall within the time period  
9 established by this section.

10 D. The Director shall extend for six-month intervals, the  
11 registration of a motor vehicle subject to an open recall for which  
12 parts or equipment to repair the open recall are unavailable.

13 E. The Director may, at the Director's discretion, extend the  
14 registration of a motor vehicle subject to an open recall for a  
15 period not to exceed one six-month period if the owner of the motor  
16 vehicle fails to repair the motor vehicle due to circumstances  
17 beyond the control of the owner or due to undue hardship.

18 F. Nothing in this section shall alter the liability under law  
19 of any motor vehicle manufacturer or motor vehicle dealer approved  
20 by the manufacturer to repair an open recall.

21 G. The Director, employees, or licensed operators within  
22 Service Oklahoma who are designated by the Director, for the  
23 purposes of discharging their duties pursuant to this section, shall  
24 not be liable to any person for any act or omission related to the

1 open recall notice provided pursuant to this section, except for  
2 cases of gross negligence.

3 SECTION 2. This act shall become effective November 1, 2023.

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