

1 **SENATE FLOOR VERSION**

2 February 14, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 323

6 By: Coleman

7 An Act relating to motor vehicles; defining terms;
8 allowing Service Oklahoma to provide a list of open
9 recalls for vehicles with motor vehicle registration
10 and notify certain vehicle owners; providing for
11 contents of notice; providing for protection against
12 certain liability; providing for codification; and
13 providing an effective date.

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

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

18 A. As used in this section:

19 1. "Director" means the Director of Service Oklahoma; and

20 2. "Open recall" means a safety-related recall, for which

21 notification by a manufacturer is required to be provided by federal
22 law, that necessitates repairs or modification to a motor vehicle by
23 an authorized motor vehicle dealer. For purposes of this section
24 open recall shall not include:

1 a. recalls related to defects or failures to comply with
2 requirements relating to labeling or notification in a
3 motor vehicle owner's manual, or

4 b. recalls where the remedy is for the manufacturer to
5 repurchase the motor vehicle or otherwise provide
6 financial compensation to the owner of the vehicle.

7 B. Service Oklahoma may, prior to 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 recall. For a vehicle that is subject to one or
12 more open recalls, Service Oklahoma may provide the owner of the
13 motor vehicle written notice of all open recalls applicable to the
14 motor vehicle. The recall notice may be provided at the time the
15 vehicle is registered, except that for registrational renewals, the
16 recall notice may be included in the registration renewal notice.

17 The recall notice shall include the following:

18 1. A description of each open recall; and

19 2. A statement that each open recall may be repaired by a motor
20 vehicle dealer approved by the manufacturer of the motor vehicle at
21 no cost to the owner of the motor vehicle, except as provided in 49
22 U.S.C., Section 30120.

1 C. Nothing in this section shall alter the liability under law
2 of any motor vehicle manufacturer or motor vehicle dealer approved
3 by the manufacturer to repair an open recall.

4 D. The Director, employees, or licensed operators within
5 Service Oklahoma who are designated by the Director, for the
6 purposes of discharging their duties pursuant to this section, shall
7 not be liable to any person for any act or omission related to the
8 open recall notice provided pursuant to this section, except for
9 cases of gross negligence.

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

11 COMMITTEE REPORT BY: COMMITTEE ON AERONAUTICS AND TRANSPORTATION
12 February 14, 2023 - DO PASS AS AMENDED BY CS

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