
HOUSE BILL 1280

State of Washington

68th Legislature

2023 Regular Session

By Representative Wylie

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 description of each open safety
18 recall; a statement that each open safety recall may be repaired by
19 certain motor vehicle dealers at no cost to the owner, except in
20 certain circumstances; and a statement that, except in certain
21 circumstances, the department of licensing will not renew a

1 registration certificate for the motor vehicle until each open safety
2 recall is repaired.

3 Under this act, the owner is required to obtain the necessary
4 repairs before the motor vehicle's next registration renewal and must
5 self-attest to having obtained such repairs annually, for the life of
6 the recall. The director of the department of licensing is required
7 to deny an application for registration renewal if the open safety
8 recalls have not been remedied by the next registration renewal
9 except if certain exemptions apply.

10 Nothing in this act may alter the liability of any motor vehicle
11 manufacturer or motor vehicle dealer approved by a manufacturer to
12 repair an open safety recall. This act limits the liability of
13 certain individuals for acts or omissions related to open safety
14 recall notices provided pursuant to the provisions of this act,
15 except in cases of gross negligence.

16 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.32
17 RCW to read as follows:

18 (1) During a motor vehicle inspection, an official inspection
19 facility, or licensed private inspection facility, shall check
20 information made available by the national highway traffic safety
21 administration to determine whether the motor vehicle being inspected
22 is subject to an open safety recall. If the vehicle is subject to one
23 or more open safety recalls, the official inspection facility or
24 licensed private inspection facility, shall provide the owner of the
25 motor vehicle, at the time of inspection, written notice of all open
26 safety recalls applicable to the motor vehicle. The recall notice
27 must include the following:

28 (a) A description of each open safety recall; and

29 (b) A statement that each open safety recall may be repaired by a
30 motor vehicle dealer approved by the manufacturer of the motor
31 vehicle at no cost to the owner of the motor vehicle, except as
32 provided in 49 U.S.C. Sec. 30120.

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

36 (3) The director and director's designees, for the purposes of
37 discharging their duties pursuant to this section, and a private
38 inspection facility or its owner and employees are not liable to any
39 person for any act or omission related to the open safety recall

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

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

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

15 (1)(a) The department shall, before issuing a motor vehicle
16 registration or mailing a motor vehicle registration renewal notice,
17 check information made available by the national highway traffic
18 safety administration to determine whether the motor vehicle is
19 subject to an open safety recall. For a vehicle that is subject to
20 one or more open safety recalls, the department shall provide the
21 owner of the motor vehicle written notice of all open safety recalls
22 applicable to the motor vehicle. The recall notice must be provided
23 at the time the vehicle is registered as well as be included in the
24 registration renewal notice. The renewal notice must include the
25 following:

26 (i) A description of each open safety recall;
27 (ii) A statement that each open safety recall may be repaired by
28 a motor vehicle dealer approved by the manufacturer of the motor
29 vehicle at no cost to the owner of the motor vehicle, except as
30 provided in 49 U.S.C. Sec. 30120; and

31 (iii) A statement that, except as provided in subsection (3) of
32 this section, the department may not renew a registration certificate
33 for a motor vehicle unless each open safety recall is repaired in
34 compliance with the provisions of subsection (2) of this section.

35 (b) The department shall send a notice to consumers between 50
36 and 80 calendar days before the expiration of their registration
37 listing open safety recalls that need to be remedied in order to
38 reregister their vehicle.

1 (2) Notwithstanding any provision of law, after an owner of a
2 motor vehicle receives notice that the motor vehicle is subject to
3 one or more open safety recalls pursuant to subsection (1) of this
4 section, the owner must obtain the necessary repairs before the motor
5 vehicle's next registration renewal and must self-attest to having
6 obtained such repairs annually, for the life of the recall. The
7 director shall deny an application for registration renewal for any
8 motor vehicle that has failed to receive repairs necessary to remedy
9 an open safety recall within the time period established by this
10 section.

11 (3) The director may not deny an application for registration
12 renewal for a motor vehicle that has failed to receive repairs
13 necessary to remedy an open safety recall if any of the following
14 exemptions apply:

15 (a) The motor vehicle manufacturer has not made a remedy
16 available;

17 (b) The necessary replacement parts are not readily available to
18 the manufacturer's state dealer network to remedy the open safety
19 recall;

20 (c) The owner is required to make paid repairs to the motor
21 vehicle that are necessary to enable the application of the remedy;

22 (d) The owner has installed aftermarket modifications that
23 prevent the application of the remedy; or

24 (e) The director determines that there were circumstances beyond
25 the control of the owner or undue hardship that prevented the owner
26 from remedying the open safety recall.

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

30 (5) For the purposes of this section, "open safety recall" means
31 a safety-related recall, for which notification by a manufacturer is
32 required to be provided under 49 U.S.C. Secs. 30118 and 30119, that
33 necessitates repairs or modifications to a motor vehicle by an
34 authorized motor vehicle dealer. "Open safety recall" does not
35 include: Recalls related to defects or failures to comply with
36 requirements relating to labeling or notification in a motor
37 vehicle's owner's manual; or recalls where the remedy is for the
38 manufacturer to repurchase the motor vehicle or otherwise provide
39 financial compensation to the owner of the motor vehicle.

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

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