

SSB 5504 - H COMM AMD
By Committee on Transportation

ADOPTED 04/10/2023

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** This act requires an official motor
4 vehicle inspection facility or licensed private inspection facility
5 to provide written notice to the owner of a motor vehicle being
6 inspected for all open safety recalls applicable to the motor vehicle
7 at the time the motor vehicle is inspected. The recall notice must
8 include a description of each open safety recall and a statement that
9 each open safety recall may be repaired by certain motor vehicle
10 dealers at no cost to the owner, except in certain circumstances.
11 This act requires the department of licensing to provide written
12 notice to the owner of a motor vehicle, at the time a vehicle is
13 registered or upon mailing a motor vehicle's registration renewal
14 notice, of all open safety recalls applicable to the motor vehicle.
15 The recall notice is to include a statement that each open safety
16 recall may be repaired by certain motor vehicle dealers at no cost to
17 the owner, except in certain circumstances.

18 Nothing in this act may alter the liability of any motor vehicle
19 manufacturer or motor vehicle dealer approved by a manufacturer to
20 repair an open safety recall.

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

23 (1) During a motor vehicle inspection, an official inspection
24 facility, or licensed private inspection facility, shall check
25 information made available by the national highway traffic safety
26 administration to determine whether the motor vehicle being inspected
27 is subject to an open safety recall. If the vehicle is subject to one
28 or more open safety recalls, the official inspection facility or
29 licensed private inspection facility, shall provide the owner of the
30 motor vehicle, at the time of inspection, written notice of all open

1 safety recalls applicable to the motor vehicle. The recall notice
2 must include the following:

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

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

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

11 (3) (a) The chief of the Washington state patrol and the chief of
12 the Washington state patrol's designees, for the purposes of
13 discharging their duties pursuant to this act are not liable for any
14 act or omission related to the provision of an open safety recall
15 notice and are immune from any related civil suit or action.

16 (b) For the purposes of discharging their duties pursuant to this
17 act, a private inspection facility or its owner and employees are not
18 liable to any person for any act or omission related to the open
19 safety recall notice provided pursuant to this section, except for
20 cases of gross negligence.

21 (4) For the purposes of this section, "open safety recall" means
22 a safety-related recall, for which notification by a manufacturer is
23 required to be provided under 49 U.S.C. Secs. 30118 and 30119, that
24 necessitates repairs or modifications to a motor vehicle by an
25 authorized motor vehicle dealer. "Open safety recall" does not
26 include: Recalls related to defects or failures to comply with
27 requirements relating to labeling or notification in a motor
28 vehicle's owner's manual; or recalls where the remedy is for the
29 manufacturer to repurchase the motor vehicle or otherwise provide
30 financial compensation to the owner of the motor vehicle.

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

33 (1) (a) The department shall, before issuing a motor vehicle
34 registration or mailing a motor vehicle registration renewal notice,
35 check information made available by the national highway traffic
36 safety administration to determine whether the motor vehicle is
37 subject to an open safety recall. For a vehicle that is subject to
38 one or more open safety recalls, the department shall provide the
39 owner of the motor vehicle written notice of all open safety recalls

1 applicable to the motor vehicle. The recall notice must be provided
2 at the time the vehicle is registered as well as be included in any
3 registration renewal notices sent to consumers by the department. The
4 renewal notice must include a statement that the vehicle has one or
5 more open safety recalls that may be repaired by a motor vehicle
6 dealer approved by the manufacturer of the motor vehicle at no cost
7 to the owner of the motor vehicle, except as provided in 49 U.S.C.
8 Sec. 30120.

9 (b) The department shall include as part of any reminder notices
10 sent to consumers before the expiration of their registration a
11 notice that their vehicle has one or more open safety recalls and
12 that each open safety recall may be repaired by a motor vehicle
13 dealer approved by the manufacturer of the motor vehicle at no cost
14 to the owner of the motor vehicle, except as provided in 49 U.S.C.
15 Sec. 30120.

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

19 (3) The director and director's designees including, pursuant to
20 RCW 46.01.140, county auditors, agents, and subagents, for the
21 purposes of discharging their duties pursuant to this act are not
22 liable for any act or omission related to the provision of an open
23 safety recall notice and are immune from any related civil suit or
24 action, consistent with RCW 46.01.310.

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

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

36 Correct the title.

EFFECT: Provides the Washington State Patrol with immunity from civil action for acts or omissions related to the provision of open safety recall notices.

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