

ASSEMBLY, No. 5469

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MARCH 15, 2021

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

SYNOPSIS

Requires notice of motor vehicle safety recalls upon inspection and registration of motor vehicle; requires repair of motor vehicle subject to recall.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning motor vehicle safety recalls and supplementing
2 Title 39 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. a. As used in this section, the following words shall have the
8 following meaning, unless the context clearly requires otherwise:

9 “Chief administrator” means the Chief Administrator of the New
10 Jersey Motor Vehicle Commission;

11 “Commission” means the New Jersey Motor Vehicle
12 Commission; and

13 “Open recall” means a safety recall applicable to a specific
14 motor vehicle, according to information made available by the
15 National Highway Traffic Safety Administration, that has not been
16 repaired.

17 b. During a motor vehicle inspection, an official inspection
18 facility, or licensed private inspection facility, shall check
19 information made available by the National Highway Traffic Safety
20 Administration to determine whether the motor vehicle being
21 inspected is subject to an open recall. If the vehicle is subject to
22 one or more open recalls, the official inspection facility, or licensed
23 private inspection facility, shall provide the owner of the motor
24 vehicle, at the time of inspection, written notice of all open recalls
25 applicable to the motor vehicle. The recall notice shall include the
26 following:

27 (1) a description of each open recall; and

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

32 c. Nothing in this section shall alter the liability under common
33 law of any motor vehicle manufacturer or motor vehicle dealer
34 approved by the manufacturer to repair an open recall.

35 d. The chief administrator and employees of the commission
36 who are designated by the chief administrator, for the purposes of
37 discharging their duties pursuant to this section, and a private
38 inspection facility or its owner and employees shall not be liable to
39 any person for any act or omission related to the open recall notice
40 provided pursuant to this section, except for cases of gross
41 negligence.

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43 2. a. As used in this section, the following words shall have
44 the following meaning, unless the context clearly requires
45 otherwise:

46 “Chief administrator” means the Chief Administrator of the New
47 Jersey Motor Vehicle Commission;

1 “Commission” means the New Jersey Motor Vehicle
2 Commission; and

3 “Open recall” means a safety recall applicable to a specific
4 motor vehicle, according to information made available by the
5 National Highway Traffic Safety Administration, that has not been
6 repaired.

7 b. The New Jersey Motor Vehicle Commission shall, prior to
8 issuing a motor vehicle registration or mailing a motor vehicle
9 registration renewal notice, check information made available by
10 the National Highway Traffic Safety Administration to determine
11 whether the motor vehicle is subject to an open recall. For a vehicle
12 that is subject to one or more open recalls, the commission shall
13 provide the owner of the motor vehicle written notice of all open
14 recalls applicable to the motor vehicle. The recall notice shall be
15 provided at the time the vehicle is registered, except that for
16 registration renewals, the recall notice shall be included in the
17 registration renewal notice. The recall notice shall include the
18 following:

19 (1) a description of each open recall;

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

24 (3) a statement that, except as provided in subsection d. or e. of
25 this section, the commission shall not issue a registration certificate
26 for a motor vehicle until each open recall is repaired in compliance
27 with the provisions of subsection c. of this section.

28 c. Notwithstanding any provision of law to the contrary, after
29 an owner of a motor vehicle receives notice that the motor vehicle
30 is subject to one or more open recalls pursuant to subsection b. of
31 this section, the owner shall obtain the necessary repairs before the
32 motor vehicle’s next registration renewal. It shall be the
33 responsibility of the owner to submit proof, in a manner determined
34 by the chief administrator, that the repairs needed to address all
35 open recalls have been made. The chief administrator shall deny an
36 application for registration renewal for any motor vehicle that has
37 failed to receive repairs necessary to remedy an open recall within
38 the time period established by this section.

39 d. The chief administrator shall extend for six-month intervals,
40 the registration of a motor vehicle subject to an open recall for
41 which parts or equipment to repair the open recall are unavailable.

42 e. The chief administrator may, at the chief administrator’s
43 discretion, extend the registration of a motor vehicle subject to an
44 open recall for a period not to exceed one six-month period if the
45 owner of the motor vehicle fails to repair the motor vehicle due to
46 circumstances beyond the control of the owner or due to undue
47 hardship.

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

4 g. The chief administrator and employees of the commission
5 who are designated by the chief administrator, for the purpose of
6 discharging their duties pursuant to this section, shall not be liable
7 to any person for any act or omission related to the open recall
8 notice provided pursuant to this section, except for cases of gross
9 negligence.

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11 3. This act shall take effect on the first day of the seventh
12 month after enactment, but the Chief Administrator of the New
13 Jersey Motor Vehicle Commission may take any administrative
14 action in advance as shall be necessary for the timely
15 implementation of this act.

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18 STATEMENT

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20 This bill requires an official motor vehicle inspection facility or
21 licensed private inspection facility to provide written notice to the
22 owner of a motor vehicle being inspected of all open recalls
23 applicable to the motor vehicle at the time the motor vehicle is
24 inspected. The recall notice is to include a description of each open
25 recall and a statement that each open recall may be repaired by
26 certain motor vehicle dealers at no cost to the owner, except in
27 certain circumstances.

28 The bill requires the New Jersey Motor Vehicle Commission
29 (commission) to provide written notice to the owner of a motor
30 vehicle, at the time a vehicle is registered or upon mailing a motor
31 vehicle's registration renewal notice, of all open recalls applicable
32 to the motor vehicle. The recall notice is to include a description of
33 each open recall; a statement that each open recall may be repaired
34 by certain motor vehicle dealers at no cost to the owner, except in
35 certain circumstances; and a statement that, except in certain
36 circumstances, the commission will not issue a registration
37 certificate for the motor vehicle until each open recall is repaired.

38 Under the bill, the owner is required to obtain the necessary
39 repairs before the motor vehicle's next registration renewal. The
40 Chief Administrator of the commission is required to deny an
41 application for registration renewal if the open recalls have not been
42 remedied by the next registration renewal.

43 The chief administrator is required to extend for six-month
44 intervals, the registration of a motor vehicle subject to an open
45 recall if the parts or equipment needed to repair the open recall are
46 unavailable. The chief administrator may also extend the
47 registration of a motor vehicle subject to an open recall for one six-
48 month period, if the owner of the motor vehicle fails to make the

1 required repairs due to circumstances beyond the control of the
2 owner or due to undue hardship.

3 Nothing in the bill is to alter the liability under common law of
4 any motor vehicle manufacturer or motor vehicle dealer approved
5 by a manufacturer to repair an open recall. The bill limits the
6 liability of certain individuals for acts or omissions related to open
7 recall notices provided pursuant to the provisions of the bill, except
8 in cases of gross negligence.

9 Under the bill, “open recall” means a safety recall applicable to a
10 specific motor vehicle, according to information made available by
11 the National Highway Traffic Safety Administration, that has not
12 been repaired.