



House of Representatives

General Assembly

File No. 402

January Session, 2023

Substitute House Bill No. 6654

House of Representatives, April 4, 2023

The Committee on Transportation reported through REP. LEMAR of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING NOTICE OF MOTOR VEHICLE SAFETY RECALLS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
2 section, "open recall" means a safety-related recall for which notification
3 by a manufacturer has been provided under 49 USC 30119, as amended
4 from time to time, that necessitates repairs or modifications to a motor
5 vehicle by an authorized motor vehicle dealer, but does not include a
6 recall related to defects or failures to comply with requirements relating
7 to labeling or notification in an owner's manual or a recall where the
8 remedy is for the manufacturer to repurchase the motor vehicle or
9 otherwise provide financial compensation to the owner of the motor
10 vehicle.

11 (b) During the course of performing repair work or changing the oil
12 or tires and tubes of a motor vehicle, a repairer or limited repairer
13 licensed in accordance with section 14-52 of the general statutes, or a
14 person, firm or corporation engaged in the business of changing the oil

15 or tires and tubes of a motor vehicle, shall check information made
16 available by the National Highway Traffic Safety Administration to
17 determine whether the motor vehicle being repaired or worked upon is
18 subject to an open recall. If the motor vehicle is subject to one or more
19 open recalls, the repairer, person, firm or corporation shall provide the
20 owner of the motor vehicle with written notice of each such open recall
21 at the time of such repair or work. The notice shall include a description
22 of each open recall and a statement that a motor vehicle dealer approved
23 by the manufacturer of the motor vehicle may repair or modify the
24 motor vehicle at no cost to the owner, except as provided in 49 USC
25 30120, as amended from time to time.

26 Sec. 2. Section 14-164b of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective October 1, 2023*):

28 For the purposes of this chapter, the following words and terms shall
29 be construed as follows, unless another meaning is clearly apparent
30 from the language or context:

31 (1) "Commissioner" means the Commissioner of Motor Vehicles.

32 (2) "Fleet" means a group of owned or leased motor vehicles subject
33 to emissions inspection pursuant to subsection (c) of section 14-164c
34 owned or leased by one person, firm, corporation, or governmental
35 entity.

36 (3) "Fleet emissions inspection station" means an inspection station
37 owned or leased by the owner or operator of a fleet and licensed by the
38 commissioner for conducting emission inspections of fleet vehicles.

39 (4) "Independent contractor" means any person, business, firm,
40 partnership, limited liability company or corporation with whom the
41 commissioner may enter into an agreement providing for the leasing,
42 construction, equipping, maintaining, staffing, management or
43 operation of official emissions inspection stations pursuant to this
44 chapter.

45 (5) "Official emissions inspection station" means an emissions

46 inspection facility approved by the commissioner, whether placed in a
47 permanent structure or in a mobile unit for conveyance among various
48 locations within this state, including any such facility located on the
49 premises of a licensed dealer or repairer, for the purpose of conducting
50 exhaust emissions inspections of all vehicles required to be inspected
51 pursuant to this chapter.

52 (6) "Open recall" has the same meaning as provided in section 1 of
53 this act.

54 ~~[(6)]~~ (7) "Twenty-five or more years old", when used with respect to
55 the age of a motor vehicle, means that the difference between the model
56 year of such motor vehicle and the current calendar year is twenty-five
57 or more.

58 Sec. 3. Subsection (b) of section 14-164c of the general statutes is
59 repealed and the following is substituted in lieu thereof (*Effective October*
60 *1, 2023*):

61 (b) (1) The Commissioner of Energy and Environmental Protection
62 shall consult with the Commissioner of Motor Vehicles and furnish the
63 commissioner with technical information, including testing techniques,
64 standards and instructions for emission control features and equipment.
65 The Commissioner of Energy and Environmental Protection shall
66 furnish the Commissioner of Motor Vehicles with emission standards
67 for all motor vehicles subject to the inspection and maintenance
68 requirements. Such standards shall be consistent with provisions of
69 federal law, if any, relating to control of emissions from the vehicles
70 concerned or any regulations adopted by the Commissioner of Energy
71 and Environmental Protection which implement the low-emission
72 vehicle and clean fuels regulations adopted by the state of California, as
73 amended. Such standards shall be periodically reviewed by the
74 Commissioner of Energy and Environmental Protection and revised, if
75 necessary, to achieve the objectives of the vehicle emission inspection
76 program.

77 (2) During the performance of an emissions inspection, an

78 independent contractor retained by the state in accordance with the
 79 provisions of subsection (e) of this section, or a licensed dealer or
 80 repairer authorized to perform inspections in accordance with the
 81 provisions of subsection (f) of this section, shall check information made
 82 available by the National Highway Traffic Safety Administration to
 83 determine whether the motor vehicle being inspected is subject to an
 84 open recall. If the motor vehicle is subject to one or more open recalls,
 85 the independent contractor, dealer or repairer shall provide the owner
 86 of the motor vehicle with written notice of each such open recall at the
 87 time of inspection. The notice shall include a description of each open
 88 recall and a statement that a motor vehicle dealer approved by the
 89 manufacturer of the motor vehicle may repair or modify the motor
 90 vehicle at no cost to the owner, except as provided in 49 USC 30120, as
 91 amended from time to time.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section
Sec. 2	October 1, 2023	14-164b
Sec. 3	October 1, 2023	14-164c(b)

Statement of Legislative Commissioners:

In Section 1(b), "such open recall may be repaired by" and "of the motor vehicle" were deleted and "may repair or modify the motor vehicle" was inserted for accuracy and clarity; and in Section 3(b)(2), "such open recall may be repaired by" and "of the motor vehicle" were deleted and "may repair or modify the motor vehicle" was inserted for accuracy and clarity.

TRA *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill requires certain repair businesses to check for open motor vehicle recalls and notify the vehicle owner as outlined in the bill, and does not result in a fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis

sHB 6654

AN ACT CONCERNING NOTICE OF MOTOR VEHICLE SAFETY RECALLS.

SUMMARY

This bill requires the following people to check information made available by the National Highway Traffic Safety Administration to determine whether a motor vehicle is subject to an open recall:

1. a licensed repairer or limited repairer, or a person, firm, or corporation engaged in the business of changing a vehicle's oil or tires and tubes, when performing repair work or changing the oil or tires and tubes of a vehicle, and
2. an authorized emissions inspector when doing an inspection.

If the vehicle is subject to one or more open recalls, the repairer or inspector must give the vehicle owner written notice, including a description of each recall and a statement that it may be repaired or modified by a manufacturer-approved dealer at no cost to the owner, unless federal law provides a different remedy.

Under the bill, an "open recall" is a safety-related recall for which a manufacturer has provided notice under federal law and that requires an authorized dealer to repair or modify a vehicle. It does not include a recall (1) related to defects or noncompliance with labeling or notice requirements in an owner's manual or (2) where the remedy is for the manufacturer to buyback the vehicle or otherwise give financial compensation to the vehicle owner.

EFFECTIVE DATE: October 1, 2023

BACKGROUND

Related Bill

sSB 994 (File 293), reported favorably by the Transportation Committee, contains provisions (§§ 2-5 & 7-13) eliminating the separate license for limited repairers, instead requiring these businesses to get repairer’s licenses.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 36 Nay 0 (03/17/2023)