

HOUSE BILL 1746

By Kumar

AN ACT to amend Tennessee Code Annotated, Title 47,  
Title 55 and Title 62, relative to motor vehicle  
recalls.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 55, is amended by adding the following  
new chapter:

**55-54-101.** For purposes of this chapter:

(1) "Manufacturer's safety recall" means a recall conducted pursuant to 49  
U.S.C. § 30118 in which a recall notice to owners of affected motor vehicles has been  
issued, but does not include a stop-sale–stop-drive recall;

(2) "Motor vehicle" means any self-propelled motor-driven vehicle having a gross  
vehicle weight rating (GVWR) of ten thousand pounds (10,000 lbs.) or less of the type  
required to be registered and titled under this title and includes both new motor vehicles  
and used motor vehicles;

(3) "Recall database" means a database from which an individual may obtain  
vehicle identification number (VIN) specific stop-sale–stop-drive recall and  
manufacturer's safety recall information relevant to a specific motor vehicle;

(4) "Recall database report" means a report, specific to a vehicle that is  
identified by its VIN, containing information obtained from a recall database;

(5) "Rental car company" means a person or entity in the business of renting  
motor vehicles to consumers in this state; and

(6) "Stop-sale–stop-drive recall" means a recall notice provided to owners of  
affected motor vehicles, pursuant to 49 U.S.C. § 30118 when the motor vehicle

manufacturer or the national highway traffic safety administration informs the motor vehicle dealer to stop the sale of the motor vehicle or contains preredemptive precaution advice to the owner to stop operating the motor vehicle.

**55-54-102.**

(a) A rental car company shall not rent a motor vehicle unless the rental car company has obtained a recall database report within thirty (30) days of the offer to rent.

(b) If a recall database report indicates that a motor vehicle is subject to a stop-sale–stop-drive recall, forty-eight (48) hours after obtaining the report, a rental car company is prohibited from renting or offering for rent the motor vehicle subject to the recall until the recall repair has been made.

(c) If a recall database report indicates that a motor vehicle is subject to a manufacturer's safety recall, forty-eight (48) hours after obtaining the report, a rental car company is prohibited from renting or offering for rent the motor vehicle subject to the recall until the recall repair has been made or until written notice of the recall has been given to any consumer prior to renting the motor vehicle.

(d) If a notice of recall is received after obtaining a report pursuant to this section during a period in which the motor vehicle is currently being rented by a consumer, the rental car company shall contact the consumer no later than forty-eight (48) hours after obtaining the report to:

(1) Notify the consumer of the recall, if the recall is a manufacturer's safety recall; or

(2) Notify the consumer that the motor vehicle should immediately be returned to the rental car company for a replacement motor vehicle if the recall is a stop-sale–stop-drive recall and provide the consumer with a safe means of return of the motor vehicle.

**55-54-103.**

(a) A violation of this chapter constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1.

(b) For the purpose of application of the Tennessee Consumer Protection Act of 1977, any violation of this chapter shall constitute an unfair or deceptive act or practice affecting trade or commerce and shall be subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.