

Consumer Rights

What can you do if your vehicle is recalled?

BY JUSTIN HILL

Over the past several years especially, we have seen a rash of auto recalls as manufacturers try to make their vehicles safer and safety officials try to make sure vehicle manufacturers are not flooding the roads with unsafe vehicles.

A recall can affect a few dozen vehicles or it can affect hundreds of thousands or even millions. The massive ongoing recall based on potentially deadly Takata airbags, for example, now covers more than 70 million vehicles in the United States and more than 100 million worldwide. Not all recalls are that expansive, of course; many involve relatively minor problems, although when they affect your car as you're driving on the highway at 75 mph, most can be downright deadly. You should know you have legal rights if your vehicle is recalled and knowing those legal rights and the remedies available to you when your car is recalled can help you in the long run.

How Safety Problems Are Discovered

From the perspective of car buyers, safety is a major issue. You can tell because car commercials often highlight important safety features and those will be reinforced on the dealer's sales floor. Carmakers are always making cars safer as a part of their bid to make them more desirable to consumers and to improve brand loyalty. Putting out a car that is considered unsafe can represent a major hit to a carmaker's reputation. That is why all car manufacturers routinely test their vehicles to make sure they are safe.

In addition to the manufacturers, the federal government has regulators, such as the National Highway Traffic Safety Administration, or NHTSA, that routinely evaluate and test cars for safety. Then there is the media. Once a car gets to market, the press widely reports on safety problems as they crop up. All of these factors serve to make manufacturers

aware of a brewing safety problem with certain vehicles.

Not taking action in a timely manner can cost carmakers a lot. If a consumer is injured in an accident that can be traced to a car or equipment defect, he or she can sue the manufacturer for compensation. If federal or state regulators investigate potential problems, they can impose large fines and settlements. All of this serves to encourage car manufacturers to make safer, more reliable vehicles.

The Vehicle Recall Process

Once a defect in a vehicle is discovered, the recall process begins. In many cases, the manufacturer will discover a defect and initiate a recall on its own. In other cases, a consumer will discover a problem with his or her vehicle and file a complaint with a dealership, the manufacturer, or government regulators. If any of them decides a defect creates serious enough safety concerns, a recall may be deemed necessary.

In most cases, carmakers will order a voluntary recall for a defective vehicle, for the reasons noted previously; ordering a recall voluntarily makes them look more proactive than if the government has to force the issue. Often, the NHTSA will begin the recall process by requesting a voluntary recall from a manufacturer, although they reserve the power to order a recall if the manufacturer doesn't respond.

What the Manufacturer Must Do in a Recall

When there is a recall on a vehicle, all consumers who purchased that vehicle should receive a recall notice. Manufacturers are required to notify all registered owners and purchasers of the affected vehicles by letter. State motor vehicle departments will provide manufacturers with a list of registered owners for this

purpose. The notice will include specific details regarding the defect and instructions on how to get the vehicle or the included equipment fixed.

Under federal law, vehicle manufacturers must provide every consumer affected by a recall with a remedy for the defect that is both free and timely. In some cases, that may mean a wait, especially when parts are needed and in limited supply. However, you are within your rights to demand a free fix of a known defect.

That said, though, the choice of remedy is up to the manufacturer. There are three recall remedies available to manufacturers, depending on the type of defect:

Repair. The manufacturer will repair the defect free of charge. This is the most common remedy for defects that are small and/or easily fixed.

Replace. The manufacturer will replace your vehicle free of charge.

Refund. The manufacturer will refund your purchase price, minus depreciation. Refunds are only available when an entire vehicle is recalled. Manufacturers of defective equipment are only required to repair or replace said defective parts or equipment.

Even if you take full advantage of the recall options available to you, it is still possible to file a civil lawsuit for any injuries or damages incurred due to a defective vehicle or part. As noted previously, any consumer who has been injured as a result of a defective vehicle may have a legal claim to recover for those injuries and other damages that can be traced to the defect. That is always your right as an injured party. **TBJ**

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