



# Takata Recall Notice

## Guidance for independent secondhand vehicle dealers

28 February 2018

Affected Takata Airbag Inflators installed in vehicles pose a serious safety risk and it is important that this safety risk and the need for future replacement are clearly communicated to prospective purchasers of affected vehicles.

### About the Recall Notice

[The Recall Notice](#) requires independent secondhand vehicle dealers to clearly communicate the serious safety risk and the need for future replacement to prospective purchasers prior to the sale of any vehicle with an Affected Takata Airbag Inflator. The Recall Notice also prohibits the sale of vehicles with Affected Takata Airbag Inflators that are under 'active' recall by a vehicle manufacturer.

Independent secondhand vehicle dealers must ensure that they comply with their obligations under the Recall Notice or may face financial penalties for contravening the Australian Consumer Law (**ACL**).

See also: [Explanatory statement \(Takata\)](#)

### Secondhand dealers who belong to an authorised dealer network

Suppliers of secondhand vehicles who belong to a vehicle manufacturer's authorised dealer network should read the Fact Sheet for Authorised Vehicle Dealers (which covers new and secondhand vehicle sales as well as replacement issues).

### Obligations for independent secondhand dealers

If you are an independent secondhand vehicle dealer, the Recall Notice requires you to do the following:

#### **Check the recall status of each secondhand vehicle in your possession**

If you sell secondhand vehicles you must check the VIN and other recall information for each secondhand vehicle in your possession in order to find out if the vehicle is under active recall or is subject to a future recall. You can find out by using the Recall Database and Recall Initiation Schedule that will be published on the relevant vehicle manufacturer's website.

## Vehicles under 'active' recall

**You must not sell a vehicle that is under active recall.** Active recall means when a vehicle manufacturer has initiated recall action for that vehicle. Vehicle suppliers must notify the ACCC when they initiate recall action for a vehicle or category of vehicles and this information will be published on the ACCC Product Safety Australia website.

The vehicle manufacturer's Recall Initiation Schedule (once published by vehicle manufacturer and/or ACCC in April 2018) will set out the dates when different types of vehicles will fall under active recall and the vehicle manufacturer will take steps to notify affected consumers to schedule replacement.

If you determine that a vehicle is under active recall, you must make arrangements with the relevant vehicle manufacturer to have the Affected Takata Airbag Inflator/s replaced. The replacement will be at the vehicle manufacturer's cost.

You should check for active recalls periodically as vehicles are added to the recall. You can subscribe to receive updates about the Takata recall on our [website](#).

## Vehicles subject to future recall initiation

You may sell a vehicle that is scheduled for future recall without replacement, but you must ensure that you notify a prospective purchaser of the vehicle prior to sale that the vehicle has an Affected Takata Airbag Inflator that will require future replacement in accordance with the requirements of the Recall Notice. The nature of this communication will vary depending on whether the vehicle is less or more than six years of age post-manufacture (using January of the model year as a proxy for date of manufacture).

For secondhand vehicles that are **more** than six years post-manufacture, you must ensure that the consumer is notified orally and in writing that:

- the vehicle has a faulty Takata airbag inflator which poses a risk of serious injury or death which increases as the vehicle gets older and is exposed to high heat and humidity. The combination of age, high temperatures and humidity can affect the airbag so that, if the vehicle is involved in a collision, the airbag can go off with too much explosive force causing sharp metal fragments to shoot out and kill or seriously injure people in the vehicle
- the inflator requires replacement, and to minimise the risk of injury or death, it is critical

that the inflator be replaced as soon as possible after recall action is initiated by the vehicle manufacturer

- the vehicle manufacturer will initiate recall of the inflator at the time specified in the Recall Initiation Schedule which is (or will be, as applicable) on the vehicle manufacturer's website
- the vehicle manufacturer will arrange for replacement of the inflator by making direct contact with the purchaser when recall action is initiated, if the purchaser's contact details are known by the vehicle manufacturer, and
- further information is available on the vehicle manufacturer's website, and the purchaser can also contact the vehicle manufacturer for further information.

For secondhand vehicles that are **less** than six years post-manufacture, you must ensure that the consumer is notified orally and in writing that:

- the vehicle has a faulty Takata airbag inflator which, depending on its age and other factors, will pose a risk of serious injury or death in the future
- the inflator will require replacement, and to avoid the risk of injury or death, it is critical that the inflator be replaced as soon as possible after recall action is initiated by the vehicle manufacturer, because as it gets older, a combination of high temperatures and humidity can affect it and, if the vehicle is involved in a collision, the airbag can go off with too much explosive force causing sharp metal fragments to shoot out and kill or seriously injure people in the vehicle
- the vehicle manufacturer will initiate recall of the inflator at the time specified in the Recall Initiation Schedule which is (or will be, as applicable) on the vehicle manufacturer's website
- the vehicle manufacturer will arrange for replacement of the inflator by making direct contact with the purchaser when recall action is initiated, if the purchaser's contact details are known by the vehicle manufacturer, and
- further information is available on the vehicle manufacturer's website, and the purchaser can also contact the vehicle manufacturer for further information.

At the time of supplying a vehicle that is not under active recall, but you believe or know it to have an Affected Takata Airbag Inflator, you must seek the purchaser's consent to provide their contact details (including postal address, telephone and email address) to the relevant vehicle manufacturer so that the vehicle manufacturer can contact them

regarding replacement of the Affected Takata Airbag Inflator. You must provide the purchaser's details to the relevant vehicle manufacturer if consent is obtained. Where a purchaser does not provide consent, you must encourage the purchaser to contact the vehicle manufacturer directly and provide contact details.

## More information

[Compulsory Takata airbag recall](#)