

Regulations for Motor Vehicle Safety Investigation, Recall /Correction, Supervision and Management (The official Regulations are written in Chinese, this English edition is for your reference only.)

Article 1.

These Regulations are enacted pursuant to Paragraph 3 of Article 63-1 of the Highway Law (hereinafter, the Law).

Article 2.

Vehicle and vehicle body manufacturers, vehicle's import agents and importers shall immediately recall and correct the vehicles which have been sold when evidence was found that vehicle's defect exists and driving safety is likely jeopardized.

If the Ministry of Transportation and Communication (hereinafter, the MOTC) considers that there is severe safety concern for the motor vehicles supplied by vehicle and vehicle body manufacturers, vehicle's import agents and importers, the MOTC shall promptly conduct safety investigation.

Article 3.

The MOTC may authorize professional technical Institution with specialties in vehicle and has ability and testing facilities (hereinafter, the professional institution) to conduct the investigation specified in the previous article and check the effectiveness of recall and correction.

The MOTC shall issue the authorization and its relevant Regulations and publish on government gazettes or newsletters.

Article 4.

In order to investigate motor vehicle safety, the MOTC may request Executive Yuan-affiliated cities or county (city) governments, consumer protection organizations, manufacturers, import agents and importers to provide relevant vehicle safety complaint information.

The previous information being requested shall be provided to the professional institution.

Article 5.

The format and of the above-mentioned information shall be stipulated by the MOTC.

After receiving the information regarding vehicle safety complaints, the professional institution shall follow relevant Laws or Regulations to manage it.

Article 6.

After receiving the information of vehicle safety complaints, the professional institution shall register, summarize, judge and analyze it and submit vehicle safety analysis report to the MOTC in proper time.

Before submitting the report, the professional institution shall inform manufacturers, import agents and importers to provide necessary explanation information.

Article 7.

Regarding the analysis report specified in Article 6, the professional institution shall analyze vehicle safety according to the following items:

1. Not conform to the safety anticipated for the technology or professional level at that time which might jeopardize consumer's life, body and health.
2. Not comply with vehicle safety regulations.
3. The same lots of vehicles that have been declared to recall or notify with alert notice by manufacturers, import agents, importers or foreign governments.
4. Other safety defects, which would affect driving safety.

Article 8.

If the vehicle safety case in the vehicle safety analysis report in Article 6 has been recognized as might have severe driving safety concern by the MOTC, the MOTC shall authorize the professional institution to conduct vehicle safety investigation as soon as possible.

Article 9.

The professional institution shall prepare for vehicle safety investigation plan including the reason, objective, purpose, scope, method and planned schedule, etc. and get approval from the MOTC before conducting the plan. The Professional Institution shall inform necessary manufacturers, import agents and importers as the investigating objective.

During the professional institution's investigation period, if the manufacturers, import agents and importers have actively conducted vehicle recall and correction, or made other necessary handling measure, after getting the MOTC's approval, the said investigation can be terminated.

After the investigation is accomplished, the professional institution shall prepare the vehicle safety case investigation report (hereinafter, the investigation report) and submit it to the MOTC, the MOTC may publish its process and the result to the public.

Article 10.

The professional institution's investigation report specified in Paragraph 3 of Article 9 shall at least include the fact information, analysis, conclusion and correction recommendation for vehicle safety.

The professional institution shall not put any information involving personal privacy or business secret of manufacturers, import agents and importers into the investigation report to be published to the public. However, if the information is necessary in making vehicle safety analysis, it shall be excluded.

Article 11.

If, by the investigation specified in Article 2, the MOTC has confirmed that vehicles supplied by vehicle and vehicle body manufacturers, vehicle import agents and importers might severely jeopardize the driving safety, it shall order the vehicle and vehicle body manufacturers, vehicle import agents and importers to recall and correct vehicles which have been sold.

If the vehicles manufactured or imported by the manufacturers, import agents and importers have already made severe driving accident(s) or might cause serious damage that is under emergent condition, in addition to the actions defined in the previous Paragraph, the MOTC shall publish the information of manufacturer/importer name, address, vehicle brand, vehicle type and vehicle safety alert in public media or take other necessary measures.

Article 12.

If manufacturers, import agents and importers are informed as the vehicle safety investigation objective specified in Article 2, or to provide explanation information specified in Article 6, they shall provide the relevant explanation information or cooperate with the investigation within the requested time without rejecting, dodging or hindering the information submission or said investigation.

Article 13.

If the manufacturers, import agents and importers shall recall and correct the sold vehicles according to Paragraph 1 of Article 2, they shall publish the information in public media and through other effective ways to inform vehicle owners, and then provide the vehicle safety recall and correction plan to the Professional Institution

within 15 days after the said publication or informing action.

Article 14.

For the imported vehicles under the same manufacturing lot, which are recalled and corrected due to the vehicle safety consideration by foreign governments or manufacturers, the provisions of Article 13 also apply.

Article 15.

If manufacturers, import agents and importers are ordered by the MOTC to recall and correct vehicles according to Paragraph 1 of Article 11 they shall provide the vehicle safety recall and correction plan to the professional institution within 15 days from the next day of receiving the official notice, and publish the information in public media and inform vehicle owners through other effective ways before conducting the recall and correction action.

Article 16.

After the vehicle safety recall and correction plan according to Article 13 to 15, submitted by the manufacturers, import agents and importers, is approved by the MOTC through the professional institution, they shall conduct this approved recall and correction plan and accomplish the task within the approved date.

Article 17.

The vehicle safety recall and correction plan submitted by manufacturers, import agents and importers according to these Regulations shall include the following items:

1. Vehicle brand, type, manufacturing date, serial numbers or engine numbers and product amount, etc of recalled vehicle.
2. Relevant safety items and safety effect description.
3. Correction measure implemented to the vehicles to be recalled and corrected, such as technical abstract of parts change, repair, inspection, calibration, adjustment and other necessary changes.
4. Procedure to conduct recall and correction, including the way, starting and ending dates to inform vehicle owners involved, starting date of vehicle's recall and correction activity, task conducting places, time required for correction per vehicle, anticipated date of accomplishing the recall and correction task.
5. The notice content to inform vehicle owners, contacting unit and toll-free telephone number for inquiry.
6. The identification method of vehicles, which have been corrected.

Article 18.

When implementing the vehicle safety recall and correction, manufacturers, import agents and importers shall use remarkable words "Safety recall and correction" on the apparent location of the publication and informing letters, and at least indicate the information including the names of manufacturers, import agents and importers, address, vehicle brand, vehicle type, safety recall and correction items, safety effect description, contacting unit and toll-free telephone number for inquiry as well as the description that all the recall and correction cost will be covered by manufacturers, import agents and importers.

After the informing letters were sent, if the vehicle owners or the addresses of the owners have been changed or the letters have been rejected so that the vehicle owners can not be informed with the recall information, then the vehicle manufacturers, import agents or importers may apply through the professional institution to MOTC. After the application is approved, MOTC shall appoint the vehicle information managing institution to send the recall informing letters to vehicle owners on behalf of vehicle manufacturers, import agents or importers.

Article 19.

If manufacturers, import agents and importers are unable to accomplish the vehicle's safety recall and correction task by the approved date in the recall and correction plan, they may submit specific improvement plan to the professional institution to apply for extension 30 days before the due date. After the professional institution's review, it will report to the MOTC for final approval; and this extension application is restricted to one time only.

Article 20.

When conducting vehicle's recall and correction, manufacturers, import agents and importers shall submit the progress record report of previous month's recall and correction task in written report to the professional institution before the 15th day of each month.

Within 15 days after accomplishing the task according to the recall and correction plan, the manufacturers, import agents and importers shall complete the vehicle's safety recall and correction report and offer it to the professional institution for approval and sending to the MOTC for future reference.

After manufacturers, import agents and importers have done the recall and correction operation up to 90%, and the professional institution has made actual check to confirm that it's apparently difficult to keep the operation going, the professional institution can report to the MOTC and get its consent to terminate submitting progress report. Manufacturers, import agents and importers then offer vehicle's safety recall and correction report to the professional institution for approval and then submit to the MOTC for future reference.

Article 21.

If the manufacturers, import agents and importers reject, dodge or hinder the MOTC investigation stipulated in Article 2, penalty according to the Consumer Protection Law shall apply.

Article 22.

If the manufacturers, import agents and importers have one of the following conditions, they will be penalized according to Paragraph 5 of Article 77-1 of the Law :

1. Unable to submit recall and correction plan, publish recall information or inform vehicle owner according to Article 15, and being asked to conduct it before the deadline specified by the MOTC, but still not to conduct the recall and correction plan by the deadline.
2. Unable to conduct the MOTC-approved recall and correction plan and according to the specified deadline, as stipulated in Article 16, still not to conduct the recall and correction plan by the deadline.

Article 23.

These Regulations shall take effect on the date of promulgation.