

HOUSE BILL 1236

R6

(6lr2698)

ENROLLED BILL

— *Environment and Transportation and Judiciary/Judicial Proceedings* —

Introduced by **Delegates Valentino-Smith, Clippinger, Glenn, B. Robinson, Rosenberg, and Waldstreicher**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions**

3 FOR the purpose of prohibiting a person from importing, manufacturing, distributing,
4 selling, or offering for sale a counterfeit airbag or a nonfunctional airbag; prohibiting
5 a person from installing a counterfeit airbag or a nonfunctional airbag in a motor
6 vehicle; prohibiting a person from selling or installing a device that causes the
7 vehicle diagnostic system to inaccurately indicate that the airbag is functional when
8 a counterfeit airbag, a nonfunctional airbag, or no airbag is installed; prohibiting a
9 person from representing to another person that a counterfeit airbag or a
10 nonfunctional airbag that is or will be installed in a motor vehicle is a functional
11 airbag; prohibiting a person from assisting in or causing a violation of this Act;
12 establishing certain penalties for a violation of this Act; defining certain terms; and
13 generally relating to motor vehicle equipment and counterfeit airbags and
14 nonfunctional airbags.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 BY adding to
2 Article – Transportation
3 Section 22–419
4 Annotated Code of Maryland
5 (2012 Replacement Volume and 2015 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Transportation**

9 **22–419.**

10 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
11 INDICATED.

12 (2) (I) “AIRBAG” MEANS A MOTOR VEHICLE INFLATABLE
13 OCCUPANT–RESTRAINT SYSTEM THAT:

14 1. OPERATES IN THE EVENT OF A CRASH; AND

15 2. IS DESIGNED IN ACCORDANCE WITH FEDERAL MOTOR
16 VEHICLE SAFETY STANDARDS FOR THE SPECIFIC MAKE, MODEL, AND YEAR OF THE
17 MOTOR VEHICLE IN WHICH IT IS OR WILL BE INSTALLED.

18 (II) “AIRBAG” INCLUDES THE COVER, SENSORS, CONTROLLERS,
19 INFLATORS, WIRING, CUSHION MATERIAL, AND ANY OTHER COMPONENT PART OF AN
20 AIRBAG.

21 (3) “COUNTERFEIT AIRBAG” MEANS A REPLACEMENT AIRBAG
22 DISPLAYING AN UNAUTHORIZED MARK IDENTICAL OR SUBSTANTIALLY SIMILAR TO
23 THE GENUINE MARK OF A MOTOR VEHICLE MANUFACTURER OR A SUPPLIER OF
24 PARTS TO THE MOTOR VEHICLE MANUFACTURER.

25 (4) “NONFUNCTIONAL AIRBAG” MEANS:

26 (I) A REPLACEMENT AIRBAG THAT:

27 1. HAS BEEN PREVIOUSLY DEPLOYED OR DAMAGED; OR

28 2. HAS AN ELECTRICAL FAULT THAT IS DETECTED BY
29 THE VEHICLE DIAGNOSTIC SYSTEM AFTER THE INSTALLATION PROCEDURE IS
30 COMPLETED; OR

1 (II) AN OBJECT, INCLUDING A COUNTERFEIT AIRBAG,
2 INTENDED TO DECEIVE A VEHICLE OWNER OR OPERATOR INTO BELIEVING THAT THE
3 OBJECT IS A FUNCTIONAL AIRBAG.

4 (B) A PERSON MAY NOT, ~~WITH ACTUAL KNOWLEDGE OR KNOWLEDGE THAT~~
5 ~~ONE USING REASONABLE CARE OR DILIGENCE SHOULD POSSESS~~ KNOWINGLY:

6 (1) IMPORT, MANUFACTURE, DISTRIBUTE, SELL, OR OFFER FOR SALE
7 A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG;

8 (2) INSTALL OR REINSTALL A COUNTERFEIT AIRBAG OR A
9 NONFUNCTIONAL AIRBAG IN A MOTOR VEHICLE;

10 (3) SELL, OFFER FOR SALE, INSTALL, OR REINSTALL A DEVICE IN A
11 VEHICLE THAT CAUSES THE VEHICLE'S DIAGNOSTIC SYSTEM TO INACCURATELY
12 INDICATE THAT THE VEHICLE IS EQUIPPED WITH A FUNCTIONAL AIRBAG WHEN A
13 COUNTERFEIT AIRBAG, NONFUNCTIONAL AIRBAG, OR NO AIRBAG IS INSTALLED;

14 (4) REPRESENT TO ANOTHER PERSON THAT A COUNTERFEIT AIRBAG
15 OR A NONFUNCTIONAL AIRBAG THAT IS OR WILL BE INSTALLED IN A MOTOR VEHICLE
16 IS A FUNCTIONAL AIRBAG; OR

17 (5) ASSIST IN OR CAUSE A VIOLATION OF THIS SUBSECTION.

18 (C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
19 AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A
20 FINE NOT EXCEEDING \$5,000 OR BOTH.

21 ~~(D) THIS SECTION MAY BE CITED AS THE COUNTERFEIT AIRBAG~~
22 ~~PREVENTION ACT.~~

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2016.