

SENATE BILL 969

R6

6lr3354
CF HB 1236

By: **Senator Brochin**

Introduced and read first time: February 10, 2016

Assigned to: Rules

Re-referred to: Judicial Proceedings, February 19, 2016

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 18, 2016

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.

15 BY adding to
16 Article – Transportation
17 Section 22–419
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2015 Supplement)

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

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.



Article – Transportation

22-419.

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

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

1. OPERATES IN THE EVENT OF A CRASH; AND

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

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

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

(4) “NONFUNCTIONAL AIRBAG” MEANS:

(I) A REPLACEMENT AIRBAG THAT:

1. HAS BEEN PREVIOUSLY DEPLOYED OR DAMAGED; OR

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

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

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

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

1 **(2) INSTALL OR REINSTALL A COUNTERFEIT AIRBAG OR A**
2 **NONFUNCTIONAL AIRBAG IN A MOTOR VEHICLE;**

3 **(3) SELL, OFFER FOR SALE, INSTALL, OR REINSTALL A DEVICE IN A**
4 **VEHICLE THAT CAUSES THE VEHICLE’S DIAGNOSTIC SYSTEM TO INACCURATELY**
5 **INDICATE THAT THE VEHICLE IS EQUIPPED WITH A FUNCTIONAL AIRBAG WHEN A**
6 **COUNTERFEIT AIRBAG, NONFUNCTIONAL AIRBAG, OR NO AIRBAG IS INSTALLED;**

7 **(4) REPRESENT TO ANOTHER PERSON THAT A COUNTERFEIT AIRBAG**
8 **OR A NONFUNCTIONAL AIRBAG THAT IS OR WILL BE INSTALLED IN A MOTOR VEHICLE**
9 **IS A FUNCTIONAL AIRBAG; OR**

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

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

14 ~~**(D) THIS SECTION MAY BE CITED AS THE COUNTERFEIT AIRBAG**~~
15 ~~**PREVENTION ACT.**~~

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.