

Amendment #744 to H4200
Counterfeit Airbag Prohibition

Representatives Benson of Lunenburg, Provost of Somerville, Fiola of Fall River, Howitt of Seekonk, Ashe of Longmeadow, Cantwell of Marshfield and Khan of Newton move to amend the bill by adding the following section:

“SECTION XXXX. Chapter 90I of the General Laws is hereby amended by adding the following chapter:-

Chapter 90J. As used in this chapter, the following terms shall, unless the context clearly requires otherwise, have the following meanings:-

“Airbag”, A motor vehicle inflatable occupant restraint system, or any component part, such as, but not limited to the cover, sensors, controllers, inflators, wiring and cushion material that: (a) operates in the event of a crash; and (b) is designed in accordance with federal motor vehicle safety standards for the make, model and year of the motor vehicle in which it is or will be installed.

“Counterfeit airbag”, A replacement motor vehicle inflatable occupant restraint system, or any component part, such as, but not limited to the cover, sensors, controllers, inflators, and wiring that bears without authorization a mark identical or substantially similar to the genuine mark of the manufacturer of a motor vehicle or a supplier of parts to the manufacturer of a motor vehicle.

“Nonfunctional airbag”, A replacement airbag that: (a) has been previously deployed or damaged; (b) has an electrical fault that is detected by the vehicle diagnostic system after the installation procedure is completed; or (c) any object, including a counterfeit airbag or airbag component intended to deceive a vehicle owner or operator into believing that it is a functional airbag.

A person who does any of the following with actual knowledge or knowledge that one using reasonable care or diligence should possess shall be guilty of the crime of airbag fraud and shall be punished by a fine of not more than \$5,000 or imprisonment in a house of correction for not more than 5 years, or by both such fine and imprisonment:

(a) import, manufacture, sell or offer for sale a counterfeit airbag or a nonfunctional airbag; (b) install or reinstall a counterfeit airbag or nonfunctional airbag in a motor vehicle; (c) sell, offer for sale, install or reinstall a device in a vehicle that causes the vehicle’s diagnostic system to inaccurately indicate that the vehicle is equipped with a functional airbag when a counterfeit airbag, nonfunctional airbag or no airbag is installed; (d) represent to another person that a counterfeit airbag or a nonfunctional airbag that is or will be installed in a motor vehicle is an airbag; or (e) assist or cause a person to violate this subsection."