

## **Acts (2018)**

### **Chapter 442**

#### **AN ACT RELATIVE TO COUNTERFEIT AIRBAG PROHIBITION.**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

The General Laws are hereby amended by inserting after chapter 90I the following chapter:-

#### **Chapter 90J.**

#### **COUNTERFEIT AIRBAG PROHIBITION.**

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Airbag”, a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

“Counterfeit supplemental restraint system component”, a replacement supplemental restraint system component, including, but not limited to, an airbag that displays a mark identical or

substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier.

“Nonfunctional airbag”, a replacement airbag that:

(i) has been previously deployed or damaged;

(ii) has an electrical fault that is detected by the vehicle diagnostic system after the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(iii) includes a part or object, including, but not limited to, a supplemental restraint system component installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

(iv) is subject to the prohibitions of 49 U.S.C. section 30120(j).

“Supplemental restraint system”, a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems, as defined in 49 C.F.R. section 571.208. A supplemental restraint system includes 1 or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:

(i) the airbag operates in the event of a crash; and

(ii) the airbag 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.

Section 2. A person who knowingly and intentionally does any of the following 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 2½ years, or by both such fine and imprisonment:

(i) import, manufacture, sell or offer for sale a counterfeit supplemental restraint system component or a nonfunctional airbag;

(ii) install or reinstall a counterfeit supplemental restraint system component or nonfunctional airbag in a motor vehicle;

(iii) 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 supplemental restraint system component, nonfunctional airbag or no airbag is installed;

(iv) represent to another person that a counterfeit supplemental restraint system component or a nonfunctional airbag that is or will be installed in a motor vehicle is an airbag; or

(v) assist or cause a person to violate this subsection.

*Approved, January 10, 2019.*