

2018 -- H 7125

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

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A N A C T

RELATING TO MOTOR AND OTHER VEHICLES - AIRBAG REGULATION

Introduced By: Representatives Kennedy, Casey, Keable, Johnston, and Marshall

Date Introduced: January 11, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 31-53-3, 31-53-4 and 31-53-7 of the General Laws in Chapter 31-
2 53 entitled "The 2010 Automobile Airbag Fraud Prevention Act" are hereby amended to read as
3 follows:

4 **31-53-3. Definitions.**

5 As used in this chapter, the following words and phrases shall have the following
6 meanings unless the context clearly indicates otherwise:

7 (1) "Airbag" means a motor vehicle inflatable occupant restraint system device that is
8 part of a supplemental restraint system ~~any component of an inflatable occupant restraint system~~
9 ~~that is designed in accordance with federal safety regulations for the make, model, and year of the~~
10 ~~motor vehicle to be installed and to operate in a motor vehicle to activate, as specified by the~~
11 ~~vehicle manufacturer, in the event of a crash. Airbag components include, but are not limited to,~~
12 ~~sensors, controllers, wiring, and the airbag itself.~~

13 (2) "Counterfeit supplemental restraint system component" means a replacement
14 supplemental restraint system component, including, but not limited to, an airbag that displays a
15 mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a
16 supplier of parts to the manufacturer of a motor vehicle without authorization from that
17 manufacturer or supplier, respectively.

18 ~~(2)~~(3) "Light manipulating system" means anything that would mask or cause the
19 inaccurate indication of the airbag system status, condition, or operability.

1 (4) "Nonfunctional airbag" means a replacement airbag that meets any of the following
2 criteria:

3 (i) The airbag was previously deployed or damaged;

4 (ii) The airbag has an electric fault that is detected by the vehicle's airbag diagnostic
5 systems when the installation procedure is completed and the vehicle is returned to the customer
6 who requested the work to be performed or when ownership is intended to be transferred;

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

10 (iv) The airbag is subject to the prohibitions of (42 U.S.C. § 30120 (j)).

11 ~~(3)~~(5) "Person" means any natural person, corporation, partnership, unincorporated
12 association, or other entity.

13 ~~(4)~~(6) "Salvaged airbag" means an original equipment manufacturer ("OEM") non-
14 deployed airbag that has been removed from a motor vehicle for use in another vehicle.

15 (7) "Supplemental restraint system," commonly referred to as an "SRS," means a passive
16 inflatable motor vehicle occupant crash protection system designed for use in conjunction with
17 active restraint systems, as defined in (49 C.F.R. § 571.208) A supplemental restraint system
18 includes one or more airbags and all components required to ensure that an airbag works as
19 designed by the vehicle manufacturer, including both of the following:

20 (i) The airbag operates as designed in the event of a crash; and

21 (ii) The airbag is designed in accordance with federal motor vehicle safety standards for
22 the specific make, model, and year of the vehicle in which it is or will be installed.

23 **31-53-4. Installation or reinstallation of any false airbag; deceptive trade practices;**
24 **criminal liability.**

25 (a) It is a deceptive trade practice, in violation of chapter 6-13.1, "Deceptive Trade
26 Practices," whenever:

27 (1) A person installs or reinstalls, as part of a vehicle inflatable occupant restraint system,
28 any object in lieu of an airbag, including a nonfunctional airbag, counterfeit supplemental
29 restraint system component, or any light manipulating system;

30 (2) A person imports, manufacturers, sells or offers for sale any device with the intent
31 that such device will replace an airbag in any motor vehicle if such person knows or reasonably
32 should know that such device supplemental restraint system component or otherwise does not
33 meet federal safety requirements;

34 (3) A person sells or offers for sale any device that when installed in any motor vehicle

1 gives the impression that a viable airbag is installed in that vehicle, including any light
2 manipulating system; and/or

3 (4) Any person intentionally misrepresents the presence of an airbag when one does not
4 exist.

5 (b) Failure to comply with the provisions of this chapter shall constitute an unfair method
6 of competition and an unfair or deceptive act or practice under chapter 13.1 of this title, entitled
7 "Deceptive Trade Practices", and the penalties and remedies provided in that chapter shall apply
8 against any individual, corporation, or partnership violating any provision of this chapter.

9 (c) Any person who violates this section is also guilty of a felony and, upon conviction
10 thereof, shall be punished by a fine of not less than one thousand dollars (\$1,000) and not more
11 than two thousand dollars (\$2,000) per violation, or imprisonment for a period of not more than
12 two (2) years, per violation, or both.

13 (d) A person whose violation of subsection (a) of this section results in serious bodily
14 injury or death shall be imprisoned for a period of not more than ten (10) years or fined not more
15 than one hundred thousand dollars (\$100,000), or both, per violation.

16 **31-53-7. Sale or trade of motor vehicle with an inoperable airbag.**

17 (a) Any person selling or trading a motor vehicle who has actual knowledge that the
18 motor ~~vehiele's~~ vehicle has a nonfunctional airbag or counterfeit supplemental restraint system
19 component installed or that an airbag is otherwise inoperable shall notify the buyer or the person
20 acquiring the trade, in writing, ~~that the airbag is inoperable~~ of that defect.

21 (b) A person who violates subsection (a) of this section commits both a deceptive trade
22 practice and a felony, and shall be subject to the to the penalties set forth in chapter 6-13.1 for the
23 deceptive trade practice, and also subject to the penalties set forth in subsection 31-53-4(c) and/or
24 (d), as appropriate.

25 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO MOTOR AND OTHER VEHICLES - AIRBAG REGULATION

1 This act would comprehensively expand the registration of motor vehicle airbags to
2 prohibit the manufacture and importation of substandard airbags and broaden the definition of
3 airbags.

4 This act would take effect upon passage.

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