

# VIRGINIA ACTS OF ASSEMBLY -- 2019 SESSION

## CHAPTER 392

*An Act to amend and reenact § 46.2-1088.3 of the Code of Virginia, relating to air bags; manufacture, importation, sale, etc., of counterfeit or nonfunctional air bag prohibited; penalty.*

[H 2143]

Approved March 14, 2019

**Be it enacted by the General Assembly of Virginia:**

**1. That § 46.2-1088.3 of the Code of Virginia is amended and reenacted as follows:**

**§ 46.2-1088.3. Air bags; installation of other object in lieu of air bag prohibited; manufacture, sale, etc., of counterfeit or nonfunctional air bag prohibited; notice of installation of previously installed airbag required; penalties.**

*A. As used in this section:*

*"Counterfeit air bag" means a replacement air bag or a replacement air bag component displaying an unauthorized mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts for a motor vehicle manufacturer.*

*"Nonfunctional air bag" means a replacement air bag that has been previously deployed, damaged, or is otherwise inoperable or that has a fault that is detected by the vehicle diagnostic system after the installation procedure is complete and includes any object, including a counterfeit air bag, intended to deceive the vehicle's owner into believing the object is a functional air bag.*

*B. Any person who, without the knowledge of the vehicle's owner or the person requesting the installation, reinstallation, or replacement of a motor vehicle air bag, installs or reinstalls any air bag or other component of the vehicle's inflatable restraint system knowing that the air bag installation is not in accordance with federal safety regulations applicable to that specific line-make, model, and model year vehicle is guilty of a Class 1 misdemeanor.*

*C. Any person who, without the knowledge of the vehicle's owner or the person requesting the installation, reinstallation, or replacement of a motor vehicle air bag, installs, reinstalls, or replaces a motor vehicle air bag or other component of the vehicle's inflatable restraint system with an air bag or other component of a vehicle's inflatable restraint system knowing that the air bag was previously installed in another motor vehicle is guilty of a Class 2 misdemeanor.*

*D. Any person who knowingly manufactures, imports, sells, installs, or reinstalls a counterfeit airbag or nonfunctional air bag, or any device that is intended to conceal a counterfeit air bag or nonfunctional air bag, in a motor vehicle is guilty of a Class 1 misdemeanor.*

*E. The provisions of this section shall not apply to the sale, installation, reinstallation, or replacement of any motor vehicle air bag on vehicles used solely for police work, as described in § 46.2-750.1.*

*F. Any sale, installation, reinstallation, or replacement of a motor vehicle air bag in violation of this section shall not be construed as a superseding cause that limits the liability of any party in any civil action.*