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HOUSE BILL NO. 2143

Offered January 9, 2019

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A *BILL to amend and reenact § 46.2-1088.3 of the Code of Virginia, relating to air bags and supplemental restraint systems; counterfeit and nonfunctional components prohibited; penalty.*

Patron—Bell, Robert B.

Referred to Committee for Courts of Justice

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 and supplemental restraint systems; installation, manufacture, and distribution of counterfeit or nonfunctional components prohibited; notice of installation of previously installed air bag required; penalty.

A. As used in this section:

"Air bag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

"Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including an air bag that displays a mark identical to or indistinguishable from 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, respectively.

"Nonfunctional air bag" means a replacement air bag that (i) was previously deployed or damaged; (ii) has an electric fault that is detected by the vehicle's air bag diagnostic systems when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed; (iii) includes any object or component intended to deceive a vehicle owner or operator into believing that a functional air bag has been installed; or (iv) is subject to the prohibitions of 49 U.S.C. § 30120(j).

"Supplemental restraint system" means a passive motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems, as defined in 49 C.F.R. § 571.208. A supplemental restraint system includes one or more air bags and all components required to ensure that an air bag works as designed by the vehicle manufacturer, including (i) that the air bag operates as designed in the event of a crash and (ii) that the air bag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.

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 supplemental restraint system knowing that the air bag or any other component of the vehicle's supplemental restraint system is a counterfeit or is nonfunctional, or that the 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 supplemental restraint system with an air bag or other component of a vehicle's inflatable supplemental 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 sells, installs, reinstalls, or replaces any device that causes the motor vehicle's diagnostic systems to (i) fail to warn when a counterfeit supplemental restraint system component or a nonfunctional air bag is installed in a motor vehicle or (ii) inaccurately indicate that the motor vehicle is equipped with a properly functioning air bag is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not apply when such sale, installation, reinstallation, or replacement is authorized or done pursuant to guidelines or bulletins issued by the National Highway Traffic Safety Administration.

E. Any person who knowingly manufactures, imports, distributes, sells, or offers for sale a device that (i) is intended to replace a supplemental restraint system component in any motor vehicle and (ii) is a counterfeit supplemental restraint system component, a nonfunctional air bag, or a device that does not meet Federal Motor Vehicle Safety Standards as defined in § 46.2-602.4 is guilty of a Class 1 misdemeanor.

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