

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 2143]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 46.2-1088.3 of the Code of Virginia is amended and reenacted as follows:**

8 **§ 46.2-1088.3. Air bags; installation of other object in lieu of air bag prohibited; manufacture,**  
9 **sale, etc., of counterfeit or nonfunctional air bag prohibited; notice of installation of previously**  
10 **installed airbag required; penalties.**

11 *A. As used in this section:*

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

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

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

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

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

32 *E. The provisions of this section shall not apply to the sale, installation, reinstallation, or*  
33 *replacement of any motor vehicle air bag on vehicles used solely for police work, as described in*  
34 *§ 46.2-750.1.*

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

ENROLLED

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