

HOUSE No. 4051

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, November 30, 2017.

The committee on Transportation to whom was referred the petition (accompanied by bill, House, No. 1803) of Jennifer E. Benson and others for legislation to prohibit counterfeit airbags, reports recommending that the accompanying bill (House, No. 4051) ought to pass.

For the committee,

WILLIAM M. STRAUS.

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**In the One Hundred and Ninetieth General Court
(2017-2018)**

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:

1 SECTION 1. The General Laws are hereby amended by inserting after chapter 90I the
2 following chapter:-

3 Chapter 90J.

4 COUNTERFEIT AIRBAG PROHIBITION.

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

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

9 “Counterfeit supplemental restraint system component”, A replacement supplemental
10 restraint system component, including, but not limited to, an airbag that displays a mark identical
11 or substantially similar to the genuine mark of a motor vehicle manufacturer or a supplier of

12 parts to the manufacturer of a motor vehicle without authorization from that manufacturer or
13 supplier.

14 “Nonfunctional airbag”, A replacement airbag that:

15 (a) has been previously deployed or damaged;

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

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

22 (d) is subject to the prohibitions of subsection (j) of Section 30120 of Title 49 of the
23 United States Code.

24 “Supplemental Restraint System”, a passive inflatable motor vehicle occupant crash
25 protection system designed for use in conjunction with active restraint systems, as defined in
26 Section 571.208 of Title 49 of the Code of Federal Regulations. A supplemental restraint system
27 includes one or more airbags and all components required to ensure that an airbag works as
28 designed by the vehicle manufacturer, including both of the following:

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

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

32 Section 2. A person who knowingly and intentionally does any of the following shall be
33 guilty of the crime of airbag fraud and shall be punished by a fine of not more than \$5,000 or
34 imprisonment in a house of correction for not more than 2 ½ years, or by both such fine and
35 imprisonment:

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

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

40 (c) sell, offer for sale, install or reinstall a device in a vehicle that causes the vehicle's
41 diagnostic system to inaccurately indicate that the vehicle is equipped with a functional airbag
42 when a counterfeit supplemental restraint system component, nonfunctional airbag or no airbag
43 is installed;

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

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