

**HOUSE . . . . . No. 1803**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Jennifer E. Benson*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to counterfeit airbag prohibition.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>	<i>1/18/2017</i>
<i>José F. Tosado</i>	<i>9th Hampden</i>	
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	
<i>Michael J. Rodrigues</i>	<i>First Bristol and Plymouth</i>	
<i>Kate Hogan</i>	<i>3rd Middlesex</i>	
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	
<i>Kay Khan</i>	<i>11th Middlesex</i>	
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>	

**HOUSE . . . . . No. 1803**

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By Ms. Benson of Lunenburg, a petition (accompanied by bill, House, No. 1803) of Jennifer E. Benson and others for legislation to prohibit counterfeit airbags. Transportation.

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**The Commonwealth of Massachusetts**

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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, or any component part,  
8 such as, but not limited to the cover, sensors, controllers, inflators, wiring and cushion material  
9 that:

10 (a) operates in the event of a crash; and

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

13 “Counterfeit airbag”, A replacement motor vehicle inflatable occupant restraint system,  
14 or any component part, such as, but not limited to the cover, sensors, controllers, inflators, and  
15 wiring that bears without authorization a mark identical or substantially similar to the genuine  
16 mark of the manufacturer of a motor vehicle or a supplier of parts to the manufacturer of a motor  
17 vehicle.

18 “Nonfunctional airbag”, A replacement airbag that:

19 (a) has been previously deployed or damaged;

20 (b) has an electrical fault that is detected by the vehicle diagnostic system after the  
21 installation procedure is completed; or

22 (c) any object, including a counterfeit airbag or airbag component intended to deceive a  
23 vehicle owner or operator into believing that it is a functional airbag.

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

28 (a) import, manufacture, sell or offer for sale a counterfeit airbag or a nonfunctional  
29 airbag;

30 (b) install or reinstall a counterfeit airbag or nonfunctional airbag in a motor vehicle;

31           (c) sell, offer for sale, install or reinstall a device in a vehicle that causes the vehicle's  
32 diagnostic system to inaccurately indicate that the vehicle is equipped with a functional airbag  
33 when a counterfeit airbag, nonfunctional airbag or no airbag is installed;

34           (d) represent to another person that a counterfeit airbag or a nonfunctional airbag that is  
35 or will be installed in a motor vehicle is an airbag; or

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