

HOUSE BILL NO. 761

INTRODUCED BY M. HOPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT PROHIBITING AIRBAG FRAUD; PROVIDING DEFINITIONS; AND PROVIDING A PENALTY."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Airbag fraud prohibition. (1) A person may not knowingly:

(a) import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and year of the motor vehicle;

(b) sell, offer for sale, install, or reinstall in a motor vehicle a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or

(c) sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208, 49 CFR 571.208, as of February 12, 2023, for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's restraint system.

(2) A person who violates this section is subject to the penalties provided in [section 2].

(3) As used in this section:

(a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

(b) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including but not limited to an airbag, that displays a mark identical to, or substantially similar to, 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.

Amendment - 1st Reading-white - Requested by: Bob Carter - (H) Transportation

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Drafter: Sara Hess, (406) 444-4838

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(c) "Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:

(i) the airbag was previously deployed or damaged;

(ii) the airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;

(iii) the airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

(iv) the airbag is subject to the prohibitions of 49 U.S.C. 30120(j), as of February 12, 2023.

(d) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 CFR 571.209. A supplemental restraint system includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer including both of the following:

(i) the airbag operates as designed in the event of a crash; and

(ii) the airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.

NEW SECTION. Section 2. Airbag fraud penalty. A person who violates [section 1] is guilty of airbag fraud and upon conviction shall be fined not more than ~~\$750~~ \$1,000, imprisoned for not more than 6 months, or both.

NEW SECTION. Section 3. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 61, chapter 9, part 4, and the provisions of Title 61, chapter 9, part 4, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 61, chapter 9, part 5, and the provisions of Title 61, chapter 9, part 5, apply to [section 2].

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