

HOUSE BILL 885

R6

3lr1535

By: **Delegates Mitchell, Arora, Clippinger, Conaway, Glenn, McDermott, B. Robinson, Rosenberg, Valentino-Smith, Waldstreicher, Walker, and Zucker**

Introduced and read first time: February 7, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Vehicle Laws – Equipment – Prohibition on Counterfeit Airbags and**
3 **Substandard Airbags**

4 FOR the purpose of prohibiting a person from making, distributing, or selling a
5 counterfeit airbag or a substandard airbag; prohibiting a person from installing
6 a counterfeit airbag or a substandard airbag in a motor vehicle; prohibiting a
7 person from selling or installing a device that causes the vehicle diagnostic
8 system to inaccurately indicate that the airbag is functional when a counterfeit
9 airbag or a substandard airbag is installed; prohibiting a person from
10 representing to another person that a counterfeit airbag or a substandard
11 airbag that is installed in a motor vehicle is not a counterfeit airbag or a
12 substandard airbag; providing that if a person violates this Act and the
13 violation contributes to the death or bodily injury of another, the person is
14 guilty of a felony and subject to certain penalties; establishing certain penalties
15 for violations of this Act; defining certain terms; and generally relating to motor
16 vehicle equipment and counterfeit airbags and substandard airbags.

17 BY adding to

18 Article – Transportation
19 Section 22–419
20 Annotated Code of Maryland
21 (2012 Replacement Volume)

22 BY repealing and reenacting, with amendments,

23 Article – Transportation
24 Section 27–101(z)
25 Annotated Code of Maryland
26 (2012 Replacement Volume)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
2 MARYLAND, That the Laws of Maryland read as follows:

3 **Article – Transportation**

4 **22-419.**

5 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
6 MEANINGS INDICATED.

7 (2) “AIRBAG” MEANS A MOTOR VEHICLE INFLATABLE OCCUPANT
8 RESTRAINT SYSTEM, INCLUDING ALL OF ITS COMPONENT PARTS, SUCH AS
9 SENSORS, CONTROLLERS, INFLATORS, AND WIRING, THAT:

10 (I) OPERATES IN THE EVENT OF A CRASH; AND

11 (II) IS DESIGNED IN ACCORDANCE WITH FEDERAL MOTOR
12 VEHICLE SAFETY STANDARDS FOR THE SPECIFIC MAKE, MODEL, AND YEAR OF
13 THE MOTOR VEHICLE IN WHICH IT IS OR WILL BE INSTALLED.

14 (3) “COUNTERFEIT AIRBAG” MEANS AN AIRBAG DISPLAYING A
15 MARK IDENTICAL OR SIMILAR TO THE GENUINE MARK OF A MOTOR VEHICLE
16 MANUFACTURER WITHOUT AUTHORIZATION OF THE MOTOR VEHICLE
17 MANUFACTURER.

18 (4) “SUBSTANDARD AIRBAG” MEANS A REPLACEMENT AIRBAG
19 THAT, AS A RESULT OF ITS DESIGN OR MANUFACTURE, FAILS TO PROVIDE
20 PROTECTION AND PERFORMANCE TO OCCUPANTS OF THE MOTOR VEHICLE IN
21 WHICH IT IS INSTALLED THAT IS SUBSTANTIALLY SIMILAR TO THAT PROVIDED
22 BY THE AIRBAG ORIGINALLY INSTALLED IN THE MOTOR VEHICLE.

23 (B) A PERSON MAY NOT, WITH ACTUAL KNOWLEDGE OR KNOWLEDGE
24 THAT ONE USING REASONABLE CARE OR DILIGENCE SHOULD POSSESS:

25 (1) MAKE, DISTRIBUTE, OR SELL A COUNTERFEIT AIRBAG OR A
26 SUBSTANDARD AIRBAG;

27 (2) INSTALL A COUNTERFEIT AIRBAG OR A SUBSTANDARD AIRBAG
28 IN A MOTOR VEHICLE;

29 (3) SELL OR INSTALL A DEVICE IN A VEHICLE THAT CAUSES THE
30 VEHICLE’S DIAGNOSTIC SYSTEM TO INACCURATELY INDICATE THAT THE
31 VEHICLE IS EQUIPPED WITH A FUNCTIONAL AIRBAG WHEN A COUNTERFEIT
32 AIRBAG OR A SUBSTANDARD AIRBAG IS INSTALLED;

1 **(4) REPRESENT TO ANOTHER PERSON THAT A COUNTERFEIT**
2 **AIRBAG OR A SUBSTANDARD AIRBAG THAT IS INSTALLED IN A MOTOR VEHICLE**
3 **IS NOT A COUNTERFEIT AIRBAG OR A SUBSTANDARD AIRBAG; OR**

4 **(5) ASSIST OR CAUSE A PERSON TO VIOLATE THIS SUBSECTION.**

5 **(C) IF A PERSON VIOLATES SUBSECTION (B) OF THIS SECTION AND THE**
6 **VIOLATION CONTRIBUTES TO THE BODILY INJURY OR DEATH OF ANOTHER, THE**
7 **PERSON IS GUILTY OF A FELONY AND ON CONVICTION IS SUBJECT TO**
8 **IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**
9 **BOTH.**

10 **(D) THIS SECTION SHALL BE KNOWN AS THE COUNTERFEIT AIRBAG**
11 **PREVENTION ACT.**

12 27-101.

13 (z) Any person who is convicted of a violation of § 21-1126 [or], §
14 21-1127, **OR § 22-419(B)** of this article is guilty of a misdemeanor and on conviction
15 is subject to imprisonment not exceeding 1 year or a fine not exceeding \$1,000 or both.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2013.