

# SENATE BILL 48

I3, E1, R6

11r0504

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By: **Senator Kelley**

Introduced and read first time: January 18, 2011

Assigned to: Finance and Judicial Proceedings

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Air Bags – Consumer Protection and Reporting Requirements**

3 FOR the purpose of prohibiting a person from installing a salvaged air bag in a motor  
4 vehicle; prohibiting a person from installing or reinstalling in a motor vehicle  
5 any object in lieu of an air bag; prohibiting a person from selling or offering for  
6 sale any device with the intent that the device will replace an air bag in a motor  
7 vehicle under certain circumstances; prohibiting a person from selling or  
8 offering for sale any device that gives a false impression that a viable air bag is  
9 installed in a motor vehicle; prohibiting a person from intentionally  
10 misrepresenting the presence of an air bag in a motor vehicle; requiring a  
11 person who installs a new replacement air bag in a motor vehicle to maintain  
12 certain records for a certain period of time; requiring certain records to be made  
13 available for inspection at a certain time at the request of a certain law  
14 enforcement officer; requiring certain information to be provided on the request  
15 of certain vehicle owners or their insurers; requiring a person who installs a  
16 replacement air bag in a motor vehicle to submit a certain affidavit to a certain  
17 person; prohibiting a person from selling or trading a motor vehicle if the person  
18 has actual knowledge that the air bag in the motor vehicle is inoperable unless  
19 the person gives a certain notice; requiring certain motor vehicle accident  
20 reports and certain motor vehicle accident report forms to include certain  
21 information; providing that a violation of certain provisions of this Act is an  
22 unfair or deceptive trade practice under the Maryland Consumer Protection Act  
23 and is subject to certain enforcement and penalty provisions; providing a certain  
24 penalty; defining certain terms; and generally relating to motor vehicle air bags  
25 and consumer protection and reporting requirements.

26 BY adding to

27 Article – Commercial Law

28 Section 14–3901 through 14–3906 to be under the new subtitle “Subtitle 39. Air  
29 Bag Safety Act”

30 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2005 Replacement Volume and 2010 Supplement)

2 BY adding to  
3 Article – Public Safety  
4 Section 3–508  
5 Annotated Code of Maryland  
6 (2003 Volume and 2010 Supplement)

7 BY repealing and reenacting, with amendments,  
8 Article – Transportation  
9 Section 20–113  
10 Annotated Code of Maryland  
11 (2009 Replacement Volume and 2010 Supplement)

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

14 **Article – Commercial Law**

15 **SUBTITLE 39. AIR BAG SAFETY ACT.**

16 **14–3901.**

17 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
18 INDICATED.

19 (B) (1) “AIR BAG” MEANS AN INFLATABLE OCCUPANT RESTRAINT  
20 SYSTEM OR ANY COMPONENT OF AN INFLATABLE OCCUPANT RESTRAINT  
21 SYSTEM THAT IS DESIGNED IN ACCORDANCE WITH APPLICABLE FEDERAL  
22 SAFETY STANDARDS FOR USE IN A MOTOR VEHICLE.

23 (2) “AIR BAG” INCLUDES SENSORS, CONTROLLERS, AND WIRING  
24 THAT ARE PART OF AN INFLATABLE OCCUPANT RESTRAINT SYSTEM.

25 (C) “LIGHT-MANIPULATING SYSTEM” MEANS ANY OBJECT OR DEVICE  
26 THAT CAUSES AN INACCURATE INDICATION OF THE STATUS OR CONDITION OF  
27 AN AIR BAG.

28 (D) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11–135 OF THE  
29 TRANSPORTATION ARTICLE.

30 (E) “SALVAGED AIR BAG” MEANS AN ORIGINAL EQUIPMENT  
31 MANUFACTURER NONDEPLOYED AIR BAG THAT HAS BEEN REMOVED FROM A  
32 MOTOR VEHICLE FOR USE IN ANOTHER MOTOR VEHICLE.

1 **14-3902.**

2 (A) A PERSON MAY NOT INSTALL A SALVAGED AIR BAG IN A MOTOR  
3 VEHICLE.

4 (B) A PERSON MAY NOT INSTALL OR REINSTALL ANY OBJECT IN LIEU OF  
5 AN AIR BAG, INCLUDING ANY LIGHT-MANIPULATING SYSTEM, IN A MOTOR  
6 VEHICLE.

7 (C) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY DEVICE WITH  
8 THE INTENT THAT THE DEVICE WILL REPLACE AN AIR BAG IN A MOTOR VEHICLE  
9 IF THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE DEVICE DOES  
10 NOT MEET APPLICABLE FEDERAL SAFETY REQUIREMENTS.

11 (D) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY DEVICE,  
12 INCLUDING A LIGHT-MANIPULATING SYSTEM, THAT WHEN INSTALLED IN A  
13 MOTOR VEHICLE GIVES THE FALSE IMPRESSION THAT A VIABLE AIR BAG IS  
14 INSTALLED IN THE MOTOR VEHICLE.

15 (E) A PERSON MAY NOT INTENTIONALLY MISREPRESENT THE  
16 PRESENCE OF AN AIR BAG IN A MOTOR VEHICLE.

17 **14-3903.**

18 (A) A PERSON WHO INSTALLS A NEW REPLACEMENT AIR BAG IN A  
19 MOTOR VEHICLE SHALL MAINTAIN, FOR A PERIOD OF 5 YEARS AFTER THE  
20 INSTALLATION, A WRITTEN OR AN ELECTRONIC RECORD OF:

21 (1) THE VEHICLE IDENTIFICATION NUMBER OF THE MOTOR  
22 VEHICLE;

23 (2) THE NAME, ADDRESS, AND DRIVER'S LICENSE NUMBER OF  
24 THE OWNER OF THE MOTOR VEHICLE;

25 (3) THE NAME AND TAX IDENTIFICATION NUMBER OF THE  
26 SUPPLIER OF THE AIR BAG;

27 (4) THE IDENTIFICATION NUMBER OF THE AIR BAG THAT WAS  
28 INSTALLED; AND

29 (5) THE IDENTIFICATION NUMBER OF THE PREVIOUSLY  
30 DEPLOYED AIR BAG THAT WAS REPLACED.

1           **(B) (1) RECORDS REQUIRED TO BE MAINTAINED UNDER THIS**  
2 **SECTION SHALL BE MADE AVAILABLE FOR INSPECTION DURING NORMAL**  
3 **BUSINESS HOURS AT THE REQUEST OF ANY LAW ENFORCEMENT OFFICER OF**  
4 **THE STATE.**

5           **(2) ON REQUEST, A COPY OF THE PORTION OF A RECORD**  
6 **MAINTAINED UNDER THIS SECTION THAT IS RELEVANT TO A PARTICULAR**  
7 **TRANSACTION SHALL BE PROVIDED TO THE VEHICLE OWNER INVOLVED IN THE**  
8 **TRANSACTION AND THE VEHICLE OWNER'S INSURER.**

9 **14-3904.**

10           **A PERSON WHO INSTALLS A REPLACEMENT AIR BAG IN A MOTOR VEHICLE**  
11 **SHALL SUBMIT AN AFFIDAVIT TO THE MOTOR VEHICLE OWNER OR A**  
12 **REPRESENTATIVE OF THE MOTOR VEHICLE OWNER STATING THAT THE**  
13 **REPLACEMENT AIR BAG HAS BEEN PROPERLY INSTALLED.**

14 **14-3905.**

15           **A PERSON MAY NOT SELL OR TRADE A MOTOR VEHICLE IF THE PERSON**  
16 **HAS ACTUAL KNOWLEDGE THAT THE MOTOR VEHICLE'S AIR BAG IS INOPERABLE**  
17 **UNLESS THE PERSON GIVES WRITTEN NOTICE TO THE BUYER OF THE MOTOR**  
18 **VEHICLE OR THE PERSON ACQUIRING THE TRADE-IN MOTOR VEHICLE THAT**  
19 **THE AIR BAG IS INOPERABLE.**

20 **14-3906.**

21           **(A) A VIOLATION OF ANY PROVISION OF THIS SUBTITLE IS:**

22                   **(1) AN UNFAIR OR DECEPTIVE PRACTICE WITHIN THE MEANING**  
23 **OF TITLE 13 OF THIS ARTICLE; AND**

24                   **(2) SUBJECT TO THE ENFORCEMENT AND PENALTY PROVISIONS**  
25 **CONTAINED IN TITLE 13 OF THIS ARTICLE.**

26           **(B) IF A PERSON VIOLATES § 14-3902(B) OF THIS SUBTITLE AND THE**  
27 **VIOLATION CONTRIBUTES TO THE SERIOUS BODILY INJURY OF ANOTHER, AS**  
28 **DEFINED IN § 27-113 OF THE TRANSPORTATION ARTICLE, OR THE DEATH OF**  
29 **ANOTHER, THE PERSON IS GUILTY OF A FELONY AND ON CONVICTION, IN**  
30 **ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, IS SUBJECT TO**  
31 **IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR**  
32 **BOTH.**

1 **3-508.**

2 **A REPORT OF A MOTOR VEHICLE ACCIDENT COMPLETED BY A POLICE**  
3 **OFFICER SHALL INCLUDE INFORMATION AS TO WHETHER THE AIR BAG OR SEAT**  
4 **BELT PRETENSIONER OF EACH VEHICLE INVOLVED IN THE ACCIDENT WAS**  
5 **DEPLOYED.**

6 **Article - Transportation**

7 20-113.

8 (a) (1) The Administration shall prepare and, on request, supply to police  
9 departments, sheriffs, and other appropriate agencies or individuals, forms for the  
10 written accident reports required by § 20-107 of this title.

11 (2) The forms shall require sufficiently detailed information to disclose  
12 the cause of the reported accident, the conditions then existing, [and] the persons and  
13 vehicles involved, **AND WHETHER THE AIR BAG OR SEAT BELT PRETENSIONER OF**  
14 **EACH VEHICLE INVOLVED WAS DEPLOYED.**

15 (b) Each written accident report required by § 20-107 of this title shall be  
16 made on the form that the Administration requires and shall contain all the available  
17 information required by the report.

18 **SECTION 2. AND BE IT FURTHER ENACTED,** That this Act shall take effect  
19 October 1, 2011.