

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 690

Introduced by Blood, 3.

Read first time January 03, 2018

Committee:

1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
2 28-101, Revised Statutes Supplement, 2017; to adopt the Counterfeit
3 Airbag Prevention Act; to provide penalties and eliminate a current
4 penalty; to harmonize provisions; to repeal the original section;
5 and to outright repeal section 28-635, Reissue Revised Statutes of
6 Nebraska.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Supplement, 2017, is
2 amended to read:

3 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
4 sections 2 to 5 of this act shall be known and may be cited as the
5 Nebraska Criminal Code.

6 Sec. 2. This act shall be known and may be cited as the Counterfeit
7 Airbag Prevention Act.

8 Sec. 3. For purposes of the Counterfeit Airbag Prevention Act,
9 unless the context otherwise requires:

10 (1) Airbag means a motor vehicle inflatable occupant restraint
11 system device that is part of a supplemental restraint system;

12 (2) Counterfeit supplemental restraint system component means a
13 replacement supplemental restraint system component, including, but not
14 limited to, an airbag that displays a mark identical or substantially
15 similar to the genuine mark of a motor vehicle manufacturer or a supplier
16 of parts to the manufacturer of a motor vehicle without authorization
17 from that manufacturer or supplier, respectively;

18 (3) Nonfunctional airbag means a replacement airbag that meets any
19 of the following criteria:

20 (a) The airbag was previously deployed or damaged;

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

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

29 (d) The airbag is subject to the prohibitions of subsection (j) of
30 49 U.S.C. 30120; and

31 (4) Supplemental restraint system means an inflatable restraint

1 system as defined in 49 C.F.R. 571.208, designed for use in conjunction
2 with an active safety system. A supplemental restraint system includes
3 one or more airbags and all components required to ensure that an airbag
4 works as designed by the motor vehicle manufacturer, including both of
5 the following:

6 (a) The airbag operates as necessary in the event of a crash; and

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

10 Sec. 4. A person violates the Counterfeit Airbag Prevention Act if
11 the person does any of the following:

12 (1) Knowingly and intentionally manufactures, imports, installs,
13 reinstalls, distributes, sells, or offers for sale any device intended to
14 replace a supplemental restraint system component in any motor vehicle if
15 the device is a counterfeit supplemental restraint system component, a
16 nonfunctional airbag, or does not meet federal safety requirements as
17 provided in 49 C.F.R. 571.208;

18 (2) Knowingly and intentionally sells, installs, or reinstalls in a
19 motor vehicle a device that causes the motor vehicle's diagnostic system
20 to fail to warn when the motor vehicle is equipped with a counterfeit
21 supplemental restraint system component, nonfunctional airbag, or no
22 airbag is installed.

23 (3) Knowingly and intentionally represents to another person that a
24 counterfeit supplemental restraint system component or nonfunctional
25 airbag installed in a motor vehicle is not a counterfeit supplemental
26 restraint system component or a nonfunctional airbag; or

27 (4) Causes another person to violate this section or assists another
28 person in violating this section.

29 Sec. 5. (1) Except as otherwise provided in this section, a
30 violation of the Counterfeit Airbag Prevention Act is a Class IV felony.

31 (2) A violation of the Counterfeit Airbag Prevention Act is a Class

1 IIIA felony if the defendant has been previously convicted of a violation
2 of the act.

3 (3) A violation of the Counterfeit Airbag Prevention Act is a Class
4 III felony if the violation resulted in an individual suffering bodily
5 injury.

6 (4) A violation of the Counterfeit Airbag Prevention Act is a Class
7 IIA felony if the violation resulted in an individual suffering serious
8 bodily injury.

9 (5) A violation of the Counterfeit Airbag Prevention Act is a Class
10 II felony if the violation resulted in the death of an individual.

11 Sec. 6. Original section 28-101, Revised Statutes Supplement, 2017,
12 is repealed.

13 Sec. 7. The following section is outright repealed: Section 28-635,
14 Reissue Revised Statutes of Nebraska.