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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1659 Session of  
2013

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INTRODUCED BY BOBACK, MILLARD, GODSHALL, READSHAW, SCHLOSSBERG,  
COHEN, V. BROWN, R. MILLER, SWANGER, MURT, GINGRICH, GILLEN,  
MAHONEY, KORTZ, DeLUCA AND BRADFORD, AUGUST 29, 2013

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REFERRED TO COMMITTEE ON TRANSPORTATION, AUGUST 29, 2013

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AN ACT

1 Providing for counterfeit airbag prevention.

2 The General Assembly of the Commonwealth of Pennsylvania  
3 hereby enacts as follows:

4 Section 1. Short title.

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

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Airbag." An airbag or component of an airbag that is  
12 designed for a specific make, model and year of a motor vehicle  
13 to be installed and operate in the event of a crash. Airbag  
14 components include, but are not limited to, the cover, sensors,  
15 controllers, inflator, wiring and the airbag itself.

16 "Counterfeit airbag." An airbag that bears without  
17 authorization a mark identical or substantially similar to the

1 genuine mark of the manufacturer of a motor vehicle.

2 "Nonfunctional airbag." A replacement airbag that has been  
3 previously deployed, damaged or has an electrical fault that is  
4 detected by the readiness indicator light after the installation  
5 procedure is completed. Nonfunctional airbag shall also mean any  
6 object, including a counterfeit or repaired airbag component,  
7 installed to deceive the vehicle owner or operator into  
8 believing a functional airbag is installed.

9 "Person." A person, partnership, firm, corporation,  
10 company, trust, association or an agent or employee of a  
11 partnership, firm, corporation, trust or association.

12 "Readiness indicator light." An indicator monitoring the  
13 airbag system's readiness that is clearly visible from a  
14 driver's designated seating position.

15 Section 3. Prohibition on counterfeit airbags.

16 It shall be unlawful for a person to knowingly do any of the  
17 following:

18 (1) Make, offer to distribute, distribute, offer to sell  
19 or sell a counterfeit or a nonfunctional airbag.

20 (2) Install or reinstall a counterfeit airbag or a  
21 nonfunctional airbag in any motor vehicle as that term is  
22 defined in 75 Pa.C.S. § 102 (relating to definitions).

23 (3) Install or reinstall a counterfeit or nonfunctional  
24 airbag so that the readiness indicator light falsely displays  
25 that the airbag is in proper working order.

26 (4) Represent to another person a counterfeit airbag or  
27 a nonfunctional airbag installed or reinstalled in a motor  
28 vehicle as an airbag.

29 Section 4. Violations.

30 (a) Cause of action.--If there is an alleged violation of

1 this act, the Attorney General may bring a cause of action in  
2 the name of the Commonwealth.

3 (b) Venue.--The cause of action shall be brought in a court  
4 having jurisdiction.

5 (c) Notice.--The Attorney General shall notify the defendant  
6 of the cause of action within five days of the cause of action  
7 being filed.

8 (d) Powers.--In any cause of action arising under this act,  
9 the Attorney General is authorized to take proof, make a  
10 determination of the relevant facts and issue subpoenas under 42  
11 Pa.C.S. (relating to judiciary and judicial procedure).

12 (c) Injunctive relief.--If the court rules that the  
13 defendant has violated this act, the court may issue an  
14 injunction enjoining and restraining any further violation  
15 without requiring proof that a person has been injured or  
16 damaged by the defendant.

17 (d) Civil penalty.--If the court determines that a violation  
18 of this act has occurred, the court may impose a civil penalty  
19 as follows:

20 (1) For the first violation the penalty may not be more  
21 than \$1,000 for a single violation and may not be more than  
22 \$100,000 for multiple violations resulting from a single act  
23 or incident.

24 (2) For a subsequent violation the penalty may not be  
25 more than \$5,000 for a single violation and may not be more  
26 than \$250,000 for multiple violations resulting from a  
27 single act or incident.

28 (e) Exception.--No person may be deemed to have violated the  
29 provisions of this act if the person shows by a preponderance of  
30 the evidence that the violation was not intentional and resulted

1 from a bona fide error made notwithstanding the maintenance of  
2 procedures reasonably adopted to avoid the error.

3 Section 5. Effective date.

4 This act shall take effect in 60 days.