

COUNTERFEIT AIRBAG AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Thomas W. Peterson

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill prohibits a counterfeit or nonfunctional airbag.

Highlighted Provisions:

This bill:

- prohibits certain actions involving a counterfeit or nonfunctional airbag; and
establishes penalties.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

41-1a-1321, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section 41-1a-1321 is enacted to read:

41-1a-1321 . Counterfeit airbags.

(1) As used in this section:

- (a) "Airbag" means an inflatable passive restraint system component for occupants of motor vehicles which is part of an automobile supplemental restraint system that:
(i) operates in the event of a crash; and
(ii) meets applicable federal safety standards for the specific make, model, and year of the motor vehicle in which the airbag is installed.
(b) "Counterfeit automobile supplemental restraint system component" means a replacement motor vehicle passive restraint system component, including an airbag,

- 29 that displays an identical or substantially similar mark to the manufacturer's or
30 supplier's genuine trademark without authorization.
- 31 (c) "Nonfunctional airbag" means a replacement airbag that:
32 (i) was previously deployed or damaged;
33 (ii) may not be sold or leased under 49 U.S.C. Sec. 30120(j);
34 (iii) has a fault that is detected by the vehicle diagnostic system after the installation
35 procedure is completed; or
36 (iv) includes any part or object installed in a motor vehicle to mislead the owner or
37 operator of the motor vehicle into believing that a functional airbag has been
38 installed.
- 39 (d) "Person" includes the owner or lessee of a motor vehicle, a body shop, dealer,
40 remanufacturer, salvage rebuilders, vehicle service maintenance facility, or an entity
41 or individual engaged in the repair of motor vehicles or the replacement or repair of
42 an airbag passive restraint system.
- 43 (2) A person may not, with criminal negligence, manufacture, import, sell, offer for sale,
44 install, or reinstall a counterfeit or nonfunctional airbag.
- 45 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
46 misdemeanor.
- 47 (b) A violation of Subsection (2) is a second degree felony if the person causes:
48 (i) serious injury, as defined in Section 76-1-101.5, to an individual;
49 (ii) substantial injury, as defined in Section 76-1-101.5, to an individual; or
50 (iii) the death of an individual.
- 51 Section 2. **Effective date.**
- 52 This bill takes effect on May 1, 2024.