

1 SB163
2 157506-3
3 By Senators Fielding, Marsh, Whatley, Allen, Smitherman,
4 Waggoner, Bedford, Figures, Irons, Holtzclaw, Blackwell,
5 Glover, Scofield, Reed, Holley, Ward, Taylor, Williams,
6 Hightower, Dial, and Pittman
7 RFD: Judiciary
8 First Read: 14-JAN-14

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 13A-11-270, Code of Alabama 1975;
12 to provide criminal penalties for selling, installing, or
13 reinstalling a device in a motor vehicle that causes the
14 vehicle's diagnostic system to inaccurately indicate that the
15 vehicle is equipped with a functional airbag; to provide
16 criminal penalties for installing or requesting another to
17 install a counterfeit airbag or nonfunctional airbag and
18 selling or offering to sell the vehicle to another with the
19 intent to deceive the purchaser about the existence of the
20 counterfeit airbag or nonfunctional airbag in the vehicle; to
21 provide enhanced criminal penalties for committing airbag
22 fraud that causes physical injury; to repeal Section
23 13A-11-271, Code of Alabama 1975, relating to the fraudulent
24 sale of a motor vehicle without an airbag; and in connection
25 therewith would have as its purpose or effect the requirement
26 of a new or increased expenditure of local funds within the
27 meaning of Amendment 621 of the Constitution of Alabama of

1 1901, now appearing as Section 111.05 of the Official
2 Recompilation of the Constitution of Alabama of 1901, as
3 amended.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Section 13A-11-270, Code of Alabama 1975,
6 is amended to read as follows:

7 "§13A-11-270.

8 "(a) For the purposes of this section, the following
9 terms shall have the following meanings:

10 "(1) AIRBAG. A motor vehicle inflatable occupant
11 restraint system or any component thereof that satisfies both
12 of the following:

13 "a. Operates in the event of a crash.

14 "b. Was designed in accordance with all applicable
15 federal safety standards for the specific make, model, and
16 year of the motor vehicle in which it is or will be installed.

17 "(2) COUNTERFEIT AIRBAG. A replacement motor vehicle
18 inflatable occupant restraint system or any component thereof
19 displaying a mark identical or similar to the genuine mark of
20 a motor vehicle manufacturer without authorization from the
21 manufacturer.

22 "(3) NONFUNCTIONAL AIRBAG. A replacement motor
23 vehicle inflatable occupant restraint system or any component
24 thereof that satisfies any of the following:

25 "a. Was previously deployed or damaged.

1 "b. Has a fault that is detected by the vehicle
2 diagnostic system after the installation procedure is
3 completed.

4 "c. Includes any part or object, including, but not
5 limited to, a counterfeit airbag, a nonfunctional airbag, or a
6 repaired airbag cover, installed in a motor vehicle to mislead
7 the owner or operator of such motor vehicle into believing
8 that a functional airbag has been installed.

9 ~~"(a)(b)~~ A person commits the offense of ~~fraudulent~~
10 ~~repair of an airbag fraud~~ if, ~~after an airbag has been~~
11 ~~deployed in a motor vehicle,~~ the person knowingly and
12 intentionally as defined in Section 13A-2-2, does ~~either any~~
13 of the following:

14 "(1) ~~Installs~~ Manufactures, imports, sells, offers
15 for sale, installs, or reinstalls a new counterfeit airbag, a
16 nonfunctional airbag, or any other device to replace an airbag
17 ~~which~~ that the person knew was not designed in accordance with
18 all applicable federal safety standards for the make, model,
19 and year of the motor vehicle.

20 "(2) Installs a used airbag in a motor vehicle and
21 fails to disclose to the owner or lessee that a used airbag
22 has been installed.

23 "(3) Sells any device, or installs or reinstalls in
24 any vehicle any device, that causes the vehicle's diagnostic
25 system to inaccurately indicate that the vehicle is equipped
26 with a functional airbag when a counterfeit airbag,
27 nonfunctional airbag, or no airbag is installed.

1 "(4) Installs or requests another to install a
2 counterfeit airbag or nonfunctional airbag and sells or offers
3 to sell the vehicle to another person with the intent to
4 deceive the purchaser about the existence of the counterfeit
5 airbag or nonfunctional airbag in the vehicle.

6 ~~"(b) Fraudulent repair of an airbag~~ (c) Airbag fraud
7 is a Class A misdemeanor. If the fraud contributes to a
8 person's serious physical injury or death, airbag fraud is a
9 Class C felony."

10 Section 2. Section 13A-11-271, Code of Alabama 1975,
11 relating to the fraudulent sale of a motor vehicle without an
12 airbag, is repealed.

13 Section 3. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 4. This act shall become effective on the
22 first day of the third month following its passage and
23 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Judiciary..... 14-JAN-14

Read for the second time and placed on the calen-
dar with 1 substitute and..... 06-FEB-14

Read for the third time and passed as amended 12-FEB-14

Yeas 31
Nays 1

Patrick Harris
Secretary