

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

FILED SENATE
Apr 3, 2019
S.B. 589
PRINCIPAL CLERK

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SENATE BILL DRS35219-MW-84

Short Title: Prohibit Counterfeit/Nonfunctional Air Bags. (Public)

Sponsors: Senator Gunn (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE IMPORT, MANUFACTURE, SALE, OFFER OF SALE,
3 INSTALLATION, OR REINSTALLATION OF COUNTERFEIT AND
4 NONFUNCTIONAL AIR BAGS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 20-4.01 reads as rewritten:

7 "§ 20-4.01. Definitions.

8 Unless the context requires otherwise, the following definitions apply throughout this
9 Chapter to the defined words and phrases and their cognates:

10 (1) Air bag. – A motor vehicle inflatable occupant restraint system device that is
11 part of a supplemental restraint system.

12 ...
13 (4b) Counterfeit supplemental restraint system component. – A replacement
14 supplemental restraint system component, including an air bag, that displays
15 a mark identical to, or substantially similar to, the genuine mark of a motor
16 vehicle manufacturer or a supplier of parts to the manufacturer of a motor
17 vehicle, without authorization from the manufacturer or supplier.

18 (4b)(4c) Crash. – Any event that results in injury or property damage attributable
19 directly to the motion of a motor vehicle or its load. The terms collision,
20 accident, and crash and their cognates are synonymous.

21 ...
22 (23a) Nonfunctional air bag. – A replacement air bag that meets any of the following
23 criteria:

- 24 a. The air bag was previously deployed or damaged.
25 b. The air bag has an electric fault that is detected by the vehicle's air bag
26 diagnostic systems when the installation procedure is completed and
27 the vehicle is returned to the customer who requested the work to be
28 performed or when ownership is intended to be transferred.
29 c. The air bag includes a part or object, including a supplemental restraint
30 system component that is installed in a motor vehicle to mislead the
31 owner or operator of the motor vehicle into believing that a functional
32 air bag has been installed.
33 d. The air bag is subject to the prohibitions of 49 U.S.C. § 30120(j).

34 ...
35 (46a) Supplemental restraint system. – A passive inflatable motor vehicle occupant
36 crash protection system designed for use in conjunction with a seat belt



assembly as defined in 49 C.F.R. § 571.209, and includes one or more air bags and all components required to ensure that an air bag works as designed by the vehicle manufacturer, including both of the following:

- a. The air bag operates as designed in the event of a crash.
- b. The air bag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

...."

SECTION 2. G.S. 20-71.4(a) is amended by adding a new subdivision to read:

"(3) Transfer a motor vehicle when the transferor has knowledge that a counterfeit supplemental restraint system, or a nonfunctional air bag, or no air bag has been installed in the vehicle."

SECTION 3. G.S. 20-136.2 reads as rewritten:

"§ 20-136.2. ~~Air bag installation.~~Counterfeit supplemental restraint system components and nonfunctional air bags.

(a) It shall be unlawful for any person, firm, or corporation to knowingly import, manufacture, sell, offer for sale, distribute, install or reinstall any object in lieu of an air bag, other than an air bag that was designed in accordance with federal safety regulations for the make, model, and year of vehicle, as part of a vehicle inflation restraint system.any device intended to replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint system component or nonfunctional air bag that causes a vehicle to fail to meet federal motor vehicle safety standards as provided in 49 C.F.R. § 571.208. Any person, firm, or corporation violating this section shall be guilty of a ~~Class 4 misdemeanor.~~Class H felony. A violation of this section shall constitute an unfair and deceptive trade practice under G.S. 75-1.1.

(b) Nothing in this section is intended to prohibit automotive dealers, repair professionals, recyclers, original equipment manufacturers, or contractors from disposing of counterfeit supplemental restraint system components or nonfunctional air bags in accordance with federal and State law."

SECTION 4. This act becomes effective December 1, 2019, and applies to offenses committed on or after that date.