

1 SB163
2 157506-5
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

1 SB163

2
3
4 ENROLLED, An Act,

5 To amend Section 13A-11-270, Code of Alabama 1975;
6 to provide criminal penalties for selling, installing, or
7 reinstalling a device in a motor vehicle that causes the
8 vehicle's diagnostic system to inaccurately indicate that the
9 vehicle is equipped with a functional airbag; to provide
10 criminal penalties for installing or requesting another to
11 install a counterfeit airbag or nonfunctional airbag and
12 selling or offering to sell the vehicle to another with the
13 intent to deceive the purchaser about the existence of the
14 counterfeit airbag or nonfunctional airbag in the vehicle; to
15 provide enhanced criminal penalties for committing airbag
16 fraud that causes physical injury; to repeal Section
17 13A-11-271, Code of Alabama 1975, relating to the fraudulent
18 sale of a motor vehicle without an airbag; and in connection
19 therewith would have as its purpose or effect the requirement
20 of a new or increased expenditure of local funds within the
21 meaning of Amendment 621 of the Constitution of Alabama of
22 1901, now appearing as Section 111.05 of the Official
23 Recompilation of the Constitution of Alabama of 1901, as
24 amended.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 "§13A-11-270.

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

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

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

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

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

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

21 "a. Was previously deployed or damaged.

22 "b. Has a fault that is detected by the vehicle
23 diagnostic system after the installation procedure is
24 completed.

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

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

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

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

20 "(3) Sells any device, or installs or reinstalls in
21 any vehicle any device, that causes the vehicle's diagnostic
22 system to inaccurately indicate that the vehicle is equipped
23 with a functional airbag when a counterfeit airbag,
24 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB163

Senate 12-FEB-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 27-FEB-14

By: Senator Fielding