

HOUSE BILL NO. 4924

September 05, 2019, Introduced by Reps. Anthony, Lilly, Sowerby, Pagan, Leutheuser, Slagh, Manoogian, Stone, Hood, Wozniak, LaGrand, Yaroch, Tate, Cynthia Johnson, Brixie, Sheppard, Allor and Lasinski and referred to the Committee on Transportation.

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 421d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 421d. (1) A person shall not do any of the following:
- 2 (a) Knowingly and intentionally import, manufacture, sell,
- 3 offer for sale, distribute, install, or reinstall in a motor
- 4 vehicle a device intended to replace a supplemental restraint
- 5 system component if the device is a counterfeit supplemental
- 6 restraint system component, a nonfunctional airbag, or an object



1 that the person knows was not designed to comply with 49 CFR
2 571.208 for the make, model, and year of that motor vehicle.

3 (b) Knowingly and intentionally sell, offer for sale, install,
4 or reinstall in any motor vehicle a device that causes a motor
5 vehicle's diagnostic system to inaccurately indicate that the motor
6 vehicle is equipped with a properly functioning supplemental
7 restraint system.

8 (c) Knowingly and intentionally sell, lease, or trade a motor
9 vehicle to a consumer if the person has actual knowledge that a
10 counterfeit supplemental restraint system component, a
11 nonfunctional airbag, or an object that the person has actual
12 knowledge was not designed to comply with 49 CFR 571.208 for the
13 make, model, and year of the motor vehicle has been installed as
14 part of the motor vehicle's inflatable restraint system.

15 (2) A person who violates subsection (1) is guilty of a felony
16 punishable by imprisonment for not more than 4 years or a fine of
17 not more than \$10,000.00, or both.

18 (3) This section does not apply if the owner of a new or used
19 motor vehicle dealership does not have actual knowledge of the
20 presence of a counterfeit supplemental restraint system component
21 or nonfunctional airbag before it is sold.

22 (4) This section does not require the owner of a new or used
23 motor vehicle dealership to inspect any vehicle in its possession
24 for counterfeit supplemental restraint system components or
25 nonfunctional airbags before the sale of the vehicle.

26 (5) As used in this section:

27 (a) "Airbag" means a motor vehicle inflatable occupant
28 restraint system device that is part of a supplemental restraint
29 system.



1 (b) "Counterfeit supplemental restraint system component"
2 means a replacement supplemental restraint system component that
3 displays a mark that is identical or substantially similar to the
4 genuine mark of a manufacturer or a supplier of parts to a
5 manufacturer without authorization from the manufacturer or
6 supplier.

7 (c) "Nonfunctional airbag" means a replacement airbag to which
8 1 or more of the following applies:

9 (i) The airbag was previously deployed or damaged.

10 (ii) The airbag has an electric fault that is detected by a
11 motor vehicle's diagnostic system when the installation procedure
12 is complete and the motor vehicle is returned to the customer who
13 requested the work to be performed or when ownership of the vehicle
14 is intended to be transferred.

15 (iii) The airbag includes a part or object, including, but not
16 limited to, a supplemental restraint system component installed in
17 a motor vehicle to mislead the owner or operator of the motor
18 vehicle into believing that a functional airbag has been installed.

19 (iv) The airbag violates 49 USC 30120(j).

20 (d) "Supplemental restraint system" means an inflatable
21 restraint system as that term is defined in 49 CFR 571.208 that is
22 designed for use in conjunction with active restraint systems.
23 Supplemental restraint system includes 1 or more airbags and all
24 components required to ensure that an airbag functions as designed
25 by the manufacturer, including, but not limited to, all of the
26 following:

27 (i) That the airbag will operate as necessary in the event of a
28 crash.

29 (ii) That the airbag is designed in accordance with federal



1 motor vehicle safety standards for the make, model, and year of the
2 motor vehicle in which it is or will be installed.

3 Enacting section 1. This amendatory act takes effect 90 days
4 after the date it is enacted into law.

