

THE MICHIGAN PENAL CODE (EXCERPT)
Act 328 of 1931

750.421d Importing, manufacturing, selling, distributing, installing, or reinstalling counterfeit supplemental restraint system or nonfunctional airbag; penalties; applicability of section; definitions.

Sec. 421d. (1) A person shall not do any of the following:

(a) Knowingly and intentionally import, manufacture, sell, offer for sale, distribute, install, or reinstall in a motor vehicle a device intended to replace a supplemental restraint system component if the device is a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that the person knows was not designed to comply with 49 CFR 571.208 for the make, model, and year of that motor vehicle.

(b) Knowingly and intentionally sell, offer for sale, install, or reinstall in any motor vehicle a device that the person knows will cause a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning supplemental restraint system.

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

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

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

(4) This section does not create a duty for or require the owner or employee of a new or used motor vehicle dealership to inspect any vehicle in the motor vehicle dealership's possession for counterfeit supplemental restraint system components or nonfunctional airbags before the sale of the vehicle.

(5) This section does not apply to a person who installs a motor vehicle airbag used solely for research and development of airbag technology on motor vehicles that will not be driven on public roadways.

(6) As used in this section:

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

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

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

(i) The airbag was previously deployed or damaged.

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

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

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

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

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

(ii) That the airbag is designed in accordance with federal motor vehicle safety standards for the make, model, and year of the motor vehicle in which it is or will be installed.

History: Add. 2020, Act 269, Eff. Mar. 29, 2021.

Compiler's note: Former MCL 750.421d, which pertained to alteration of odometers, was repealed by Act 367 of 1974, Eff. Apr. 1, 1975.