

**Department of Legislative Services**  
Maryland General Assembly  
2002 Session

**FISCAL NOTE**

House Bill 1049

(Delegate Zirkin)

Judiciary

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**Vehicle Laws – Air Bags - Improper or Fraudulent Replacement**

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This bill prohibits a person who removes an air bag or other inflatable vehicle passenger restraint system from a vehicle from replacing the part with one that is not designed and installed in accordance with federal safety regulations. It also prohibits a person from replacing an air bag or restraint system with: (1) a similar part that the person knows or has reason to know is inoperable or will not operate as intended; (2) a similar part designed to meet federal safety regulations but is not compatible with the vehicle; or (3) any other object that the person knows or has reason to know is an airbag or restraint system not designed in accordance with federal regulations. The bill does not apply to a person who is the owner of the vehicle or has the consent of the owner.

Any person convicted of violating these provisions would be subject to a maximum fine of \$5,000 or imprisonment for up to one year, or both.

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**Fiscal Summary**

**State Effect:** Potential minimal increase in general fund revenues and expenditures due to the bill's penalty provision.

**Local Effect:** Potential minimal increase in expenditures due to the bill's penalty provision.

**Small Business Effect:** None.

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## Analysis

**Current Law:** Starting in model year 1998, federal law and regulations require all new passenger cars to have dual air bags (driver and passenger side). State law prohibits alteration or removal of any safety device or equipment required under State or federal law. For example, a person may not willfully or intentionally remove, alter, or otherwise render inoperable (except for a bona fide repair or replacement), any exhaust emission control, gasoline tank filler inlet, or crankcase ventilation device that has been installed by a manufacturer of motor vehicles on a motor vehicle manufactured as a 1968 or later model, if the motor vehicle is factory equipped with this device as required by federal law or by State rule or regulation. Further, a seat belt may not be sold or offered for sale for use in connection with the operation of a motor vehicle after June 1, 1964, unless it meets applicable federal motor vehicle safety standards. However, the statute governing vehicle part replacements does not address air bags.

**Background:** According to the National Highway Traffic Safety Administration, driver deaths are being reduced by about 14% due to airbags. Passenger airbags are reducing deaths by about 11%. According to the National Insurance Crime Bureau (NICB), approximately 50,000 air bags -- which retail for approximately \$1,000 each -- are stolen annually. NICB also indicates that unscrupulous repair shops have been replacing air bags with used ones and charging the insurer for a new airbag or pulling out an airbag to make it appear as if it deployed and replacing it with one purchased on the black market worth \$50 to \$200.

**State Revenues:** General fund revenues could increase minimally as a result of the bill's monetary penalty provision from cases heard in District Court.

**State Expenditures:** General fund expenditures could increase as a result of the bill's incarceration penalty due to increased payments to counties for reimbursement of inmate costs and more people being committed to Division of Correction (DOC) facilities. The number of people convicted of this proposed crime is expected to be minimal.

Generally, persons serving a sentence of one year or less in a jurisdiction other than Baltimore City are sentenced to a local detention facility. The State reimburses counties for part of their incarceration costs, on a per diem basis, after a person has served 90 days. State per diem reimbursements for fiscal 2003 are estimated to range from \$10 to \$61 per inmate depending upon the jurisdiction. Persons sentenced to such a term in Baltimore City are generally incarcerated in a DOC facility. Currently, the DOC average total cost per inmate, including overhead, is estimated at \$1,850 per month. This bill alone, however, should not create the need for additional beds, personnel, or facilities.

Excluding overhead, the average cost of housing a new DOC inmate (including medical care and variable costs) is \$300 per month.

**Local Expenditures:** Expenditures could increase minimally as a result of the bill's incarceration penalty. Counties pay the full cost of incarceration for the first 90 days of the sentence, plus part of the per diem cost after 90 days. Per diem operating costs of local detention facilities are expected to range from \$20 to \$84 per inmate in fiscal 2003.

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### **Additional Information**

**Prior Introductions:** None.

**Cross File:** SB 608 (Senator Jimeno) – Judicial Proceedings.

**Information Source(s):** Department of Transportation, Office of the Attorney General, National Insurance Crime Bureau, Department of Legislative Services

**Fiscal Note History:** First Reader - February 19, 2002  
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