

Chapter 457

(House Bill 1236)

AN ACT concerning

Vehicle Equipment – Counterfeit and Nonfunctional Airbags – Prohibitions

FOR the purpose of prohibiting a person from importing, manufacturing, distributing, selling, or offering for sale a counterfeit airbag or a nonfunctional airbag; prohibiting a person from installing a counterfeit airbag or a nonfunctional airbag in a motor vehicle; prohibiting a person from selling or installing a device that causes the vehicle diagnostic system to inaccurately indicate that the airbag is functional when a counterfeit airbag, a nonfunctional airbag, or no airbag is installed; prohibiting a person from representing to another person that a counterfeit airbag or a nonfunctional airbag that is or will be installed in a motor vehicle is a functional airbag; prohibiting a person from assisting in or causing a violation of this Act; establishing certain penalties for a violation of this Act; defining certain terms; and generally relating to motor vehicle equipment and counterfeit airbags and nonfunctional airbags.

BY adding to

Article – Transportation

Section 22–419

Annotated Code of Maryland

(2012 Replacement Volume and 2015 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Transportation

22–419.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) (I) “AIRBAG” MEANS A MOTOR VEHICLE INFLATABLE OCCUPANT–RESTRAINT SYSTEM THAT:

1. OPERATES IN THE EVENT OF A CRASH; AND

2. 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.

(II) “AIRBAG” INCLUDES THE COVER, SENSORS, CONTROLLERS, INFLATORS, WIRING, CUSHION MATERIAL, AND ANY OTHER COMPONENT PART OF AN AIRBAG.

(3) “COUNTERFEIT AIRBAG” MEANS A REPLACEMENT AIRBAG DISPLAYING AN UNAUTHORIZED MARK IDENTICAL OR SUBSTANTIALLY SIMILAR TO THE GENUINE MARK OF A MOTOR VEHICLE MANUFACTURER OR A SUPPLIER OF PARTS TO THE MOTOR VEHICLE MANUFACTURER.

(4) “NONFUNCTIONAL AIRBAG” MEANS:

(I) A REPLACEMENT AIRBAG THAT:

1. HAS BEEN PREVIOUSLY DEPLOYED OR DAMAGED; OR
2. HAS AN ELECTRICAL FAULT THAT IS DETECTED BY THE VEHICLE DIAGNOSTIC SYSTEM AFTER THE INSTALLATION PROCEDURE IS COMPLETED; OR

(II) AN OBJECT, INCLUDING A COUNTERFEIT AIRBAG, INTENDED TO DECEIVE A VEHICLE OWNER OR OPERATOR INTO BELIEVING THAT THE OBJECT IS A FUNCTIONAL AIRBAG.

(B) A PERSON MAY NOT, ~~WITH ACTUAL KNOWLEDGE OR KNOWLEDGE THAT ONE USING REASONABLE CARE OR DILIGENCE SHOULD POSSESS~~ KNOWINGLY:

(1) IMPORT, MANUFACTURE, DISTRIBUTE, SELL, OR OFFER FOR SALE A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG;

(2) INSTALL OR REINSTALL A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG IN A MOTOR VEHICLE;

(3) SELL, OFFER FOR SALE, INSTALL, OR REINSTALL A DEVICE IN A VEHICLE THAT CAUSES THE VEHICLE’S DIAGNOSTIC SYSTEM TO INACCURATELY INDICATE THAT THE VEHICLE IS EQUIPPED WITH A FUNCTIONAL AIRBAG WHEN A COUNTERFEIT AIRBAG, NONFUNCTIONAL AIRBAG, OR NO AIRBAG IS INSTALLED;

(4) REPRESENT TO ANOTHER PERSON THAT A COUNTERFEIT AIRBAG OR A NONFUNCTIONAL AIRBAG THAT IS OR WILL BE INSTALLED IN A MOTOR VEHICLE IS A FUNCTIONAL AIRBAG; OR

(5) ASSIST IN OR CAUSE A VIOLATION OF THIS SUBSECTION.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

~~(D) THIS SECTION MAY BE CITED AS THE COUNTERFEIT AIRBAG PREVENTION ACT.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2016.

Approved by the Governor, May 10, 2016.