

House Bill 320

By: Representatives Hitchens of the 161st, Powell of the 32nd, Lumsden of the 12th, Tanner of the 9th, Strickland of the 111th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 7 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,
2 relating to motor vehicle sales and transfers, so as to change provisions relating to installation
3 or reinstallation of object in lieu of or other than an air bag; to prohibit activities in
4 connection with air bags; to provide for a definition; to provide for related matters; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 7 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to
9 motor vehicle sales and transfers, is amended by revising Code Section 16-9-111, relating
10 to installation or reinstallation of object in lieu of or other than an air bag, as follows:

11 "16-9-111.

12 (a) As used in this Code section, the term:

13 (1) 'Air bag' means an inflatable occupant restraint system device that is part of a motor
14 vehicle's supplemental restraint system.

15 (2) 'Counterfeit supplemental restraint system component' means a replacement
16 supplemental restraint system component that displays a mark identical or substantially
17 similar to the genuine mark of a motor vehicle manufacturer or a supplier of parts to the
18 manufacturer of a motor vehicle without authorization from such manufacturer or
19 supplier, respectively.

20 (3) 'Supplemental restraint system' means a passive inflatable motor vehicle occupant
21 crash protection system that operates in the event of a collision and is designed in
22 accordance with federal motor vehicle safety standards for the specific make, model, and
23 year of such motor vehicle.

24 (b) A person shall not knowingly and intentionally:

25 (1) Import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a
26 counterfeit supplemental restraint system component or an air bag that:

- 27 (A) Was previously deployed or damaged;
 28 (B) Has an electric fault that is detected by such motor vehicle's diagnostic system after
 29 the installation has been performed;
 30 (C) Includes a part or object that appears to indicate such air bag is functioning
 31 properly when it is not; or
 32 (D) Violates subsection (j) of 49 U.S.C. Section 30120, as it existed on January 1,
 33 2017;
 34 (2) Sell, lease, trade, or transfer a motor vehicle if such person knows that an object that
 35 such person knows was not designed to comply with federal motor vehicle safety
 36 standards for the specific make, model, and year of such motor vehicle has been installed;
 37 (3) Sell, offer for sale, install, or reinstall in a motor vehicle any device that causes such
 38 motor vehicle's diagnostic system to inaccurately indicate that such motor vehicle is
 39 equipped with a properly functioning air bag; or
 40 (4) Sell, lease, trade, or transfer a motor vehicle if such person knows that such motor
 41 vehicle has a counterfeit supplemental restraint system component installed in it or an air
 42 bag installed in it that:
 43 (A) Was previously deployed or damaged;
 44 (B) Has an electric fault that is detected by such motor vehicle's diagnostic system after
 45 the installation has been performed;
 46 (C) Includes a part or object that appears to indicate such air bag is functioning
 47 properly when it is not; or
 48 (D) Violates subsection (j) of 49 U.S.C. Section 30120, as it existed on January 1,
 49 2017.
 50 ~~(c) Any person who knowingly installs or reinstalls any object in lieu of and other than an~~
 51 ~~air bag which was designed in accordance with federal safety regulations for the make,~~
 52 ~~model, and year of the vehicle as part of a vehicle inflatable restraint system is convicted~~
 53 ~~of violating this Code section shall be guilty of and punished as for a misdemeanor of a~~
 54 ~~high and aggravated nature."~~

55 **SECTION 2.**

56 All laws and parts of laws in conflict with this Act are repealed.