

House Bill 320 (AS PASSED HOUSE AND SENATE)

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 prohibit certain persons from importing,
3 manufacturing, selling, offering for sale, installing, or reinstalling counterfeit, nonfunctional,
4 and such other types of air bags; to prohibit certain persons from selling, leasing, trading, or
5 transferring motor vehicles with counterfeit, nonfunctional, and such other types of air bags;
6 to provide for definitions; to provide for related matters; to repeal conflicting laws; and for
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "16-9-111.

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

15 (1) 'Air bag' means a device that is part of a motor vehicle inflatable occupant restraint
16 system, and all component parts, that operate in the event of a collision and is designed
17 in accordance with federal motor vehicle safety standards for the specific make, model,
18 and year of the motor vehicle, including, but not limited to, the cushion material, cover,
19 sensors, controllers, inflators, wiring, and seat belt systems.

20 (2) 'Counterfeit air bag' means a replacement device that is part of a motor vehicle
21 inflatable occupant restraint system, and any replacement component parts, that are
22 intended to operate in the event of a collision, including, but not limited to, the cushion
23 material, cover, sensors, controllers, inflators, wiring, and seat belt systems that bear,
24 without authorization, a mark identical or substantially similar to the genuine mark of the
25 manufacturer for the specific motor vehicle or a supplier of parts to the manufacturer of
26 the specific motor vehicle.

27 (3) 'Nonfunctional air bag' means a replacement device that is part of a motor vehicle
 28 inflatable occupant restraint system, and any replacement component parts, including, but
 29 not limited to, the cushion material, cover, sensors, controllers, inflators, wiring, and seat
 30 belt systems that:

31 (A) Has been deployed or damaged;

32 (B) Has an electric fault that is detected by the vehicle's diagnostic system after the
 33 installation procedure is completed; or

34 (C) Includes any object, including, but not limited to, a counterfeit air bag or repaired
 35 air bag, air bag component, or other component intended to deceive a vehicle owner or
 36 operator into believing that it is a functional air bag.

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

38 (1) Import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a
 39 counterfeit air bag, nonfunctional air bag, or other device intended to replace a motor
 40 vehicle inflatable occupant restraint system, or any component parts, that are intended to
 41 operate in the event of a collision, including, but not limited to, the cushion material,
 42 cover, sensors, controllers, inflators, wiring, and seat belt systems, that such person
 43 knows was not designed to comply with federal motor vehicle safety standards for the
 44 specific make, model, and year of such motor vehicle; or

45 (2) Sell, offer for sale, install, or reinstall in a motor vehicle any device that causes such
 46 motor vehicle's diagnostic system to inaccurately indicate that such motor vehicle is
 47 equipped with a properly functioning air bag.

48 (c) Any person who knowingly installs or reinstalls any object in lieu of and other than an
 49 air bag which was designed in accordance with federal safety regulations for the make,
 50 model, and year of the vehicle as part of a vehicle inflatable restraint system is convicted
 51 of violating this Code section shall be guilty of and punished as for a misdemeanor of a
 52 high and aggravated nature."

53 **SECTION 2.**

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