

HOUSE BILL NO. 1143

Introduced by

Representative Keiser

Senator Klein

1 A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota
2 Century Code, relating to prohibiting the manufacturing, sale, and installation of a counterfeit
3 supplemental restraint system component and nonfunctional airbag; and to provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 39-21 of the North Dakota Century Code is created
6 and enacted as follows:

7 **Definitions - Prohibition on counterfeit and nonfunctional airbag - Penalty.**

8 1. As used in this section:

- 9 a. "Airbag" means an inflatable occupant restraint system device in a motor vehicle
10 which is part of a supplemental restraint system.
- 11 b. "Counterfeit supplemental restraint system component" means a replacement
12 supplemental restraint system component that displays a mark identical, or
13 substantially similar to, the genuine mark of a motor vehicle manufacturer or a
14 supplier of parts to the manufacturer of a motor vehicle without authorization from
15 that manufacturer or supplier.
- 16 c. "Nonfunctional airbag" means a replacement airbag that:
- 17 (1) Was previously deployed or damaged;
- 18 (2) Has an electric fault that is detected by the motor vehicle's airbag diagnostic
19 systems when the installation procedure is completed and the motor vehicle
20 is returned to the customer who requested the work to be performed or
21 when ownership is intended to be transferred;
- 22 (3) Includes a part or object, including a supplemental restraint system
23 component, which is installed in a motor vehicle to mislead the owner or

1 operator of the motor vehicle into believing a functional airbag has been
2 installed; or

3 (4) The airbag is subject to the prohibitions of 49 U.S.C. 30120(j).

4 d. "Supplemental restraint system" means a passive inflatable motor vehicle crash
5 protection system designed for use in conjunction with active restraint systems as
6 defined in title 49, Code of Federal Regulations, part 571, section 208, which
7 includes one or more airbags and all components required to ensure an airbag
8 works as designed by the motor vehicle manufacturer including:

9 (1) Operating as designed in the event of a crash; and

10 (2) Is designed in accordance with federal motor vehicle safety standards of the
11 specific make, model, and year of the motor vehicle in which the airbag is or
12 will be installed.

13 2. A person may not intentionally or knowingly:

14 a. Manufacture, import, install, reinstall, distribute, sell, or offer for sale any device
15 intended to replace a supplemental restraint system component in any motor
16 vehicle if the device is a counterfeit supplemental restraint system component,
17 nonfunctional airbag, or a device that does not meet the federal motor vehicle
18 safety standards as provided under title 49, Code of Federal Regulations,
19 part 571, section 208.

20 b. Sell, install, or reinstall in a motor vehicle, any device that causes the motor
21 vehicle's diagnostic systems to fail to warn when the motor vehicle is equipped
22 with a counterfeit supplemental restraints system component or nonfunctional
23 airbag, or when an airbag is not installed.

24 3. Subsection 2 does not prohibit a motor vehicle dealer, repair facility, manufacturer, or
25 other entity from taking action to collect and dispose of used or recalled supplemental
26 restraint system components in accordance with federal law.

27 4. A person that violates subsection 2 is guilty of a class A misdemeanor.