

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 118

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING THE ALTERATION OF
AIRBAGS; PROHIBITING THE SALE AND INSTALLATION OF COUNTERFEIT
AIRBAGS; REQUIRING AIRBAGS IN RENTAL VEHICLES OR VEHICLES FOR
HIRE; PROHIBITING MISREPRESENTATION WITH RESPECT TO AIRBAGS;
PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Motor Vehicle Code is
enacted to read:

"NEW MATERIAL AIRBAG VIOLATIONS.--

A. It is unlawful for a person to knowingly:

(1) fail to install an airbag in a motor
vehicle after representing to another person that the person
will install an airbag;

(2) install a counterfeit airbag in a motor

1 vehicle;

2 (3) make or sell a counterfeit airbag to be
3 installed in a motor vehicle;

4 (4) represent to another that a counterfeit
5 airbag is not counterfeit;

6 (5) intentionally alter an airbag in a manner
7 that causes the airbag to become a counterfeit airbag;

8 (6) sell a motor vehicle that is known by the
9 seller at the time of the sale to have a counterfeit airbag
10 installed without first warning the purchaser in writing of the
11 counterfeit airbag;

12 (7) rent or offer for hire a motor vehicle
13 that is not equipped with airbags required to be in the motor
14 vehicle by the applicable federal safety regulations for the
15 make, model and year of the vehicle; or

16 (8) assist another in violating the provisions
17 of this subsection.

18 B. A first conviction pursuant to this section is a
19 misdemeanor, and the offender shall be sentenced pursuant to
20 the provisions of Section 31-19-1 NMSA 1978.

21 C. A second or subsequent conviction pursuant to
22 this section is a fourth degree felony, and the offender shall
23 be sentenced pursuant to the provisions of Section 31-18-15
24 NMSA 1978.

25 D. A violation of the provisions of this section

.192196.1

underscored material = new
[bracketed material] = delete

1 that results in great bodily harm is a third degree felony, and
2 the offender shall be sentenced pursuant to the provisions of
3 Section 31-18-15 NMSA 1978.

4 E. This section shall not apply to airbags or
5 counterfeit airbags in a motor vehicle operated solely on a
6 closed course or track.

7 F. As used in this section:

8 (1) "counterfeit airbag" means an airbag that
9 is inoperable or does not meet applicable original equipment
10 manufacturer specifications for an airbag designed to be
11 installed in a motor vehicle of a particular make, model and
12 year;

13 (2) "great bodily harm" means an injury to a
14 person that creates a high probability of death, that causes
15 serious disfigurement or that results in permanent or
16 protracted loss or impairment of the function of any member or
17 organ of the body; and

18 (3) "knowingly" or "known" means having actual
19 knowledge of the violation."

20 SECTION 2. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2013.