

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
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  
OR SUBSTANDARD 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 or substandard

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underscored material = new  
[bracketed material] = delete

1 airbag in a motor vehicle;

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

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

7 (5) intentionally alter an airbag in a manner  
8 that causes the airbag to become a counterfeit or substandard  
9 airbag;

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

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

19 (8) assist another in violating the provisions  
20 of this subsection with the intent that the crime be committed.

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

24 C. A second or subsequent conviction pursuant to  
25 this section is a fourth degree felony, and the offender shall

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1 be sentenced pursuant to the provisions of Section 31-18-15  
2 NMSA 1978.

3 D. A violation of the provisions of this section  
4 that results in great bodily harm is a third degree felony, and  
5 the offender shall be sentenced pursuant to the provisions of  
6 Section 31-18-15 NMSA 1978.

7 E. This section shall not apply to airbags,  
8 counterfeit airbags or substandard airbags in a motor vehicle  
9 operated solely on a closed course or track.

10 F. As used in this section:

11 (1) "airbag" means a motor vehicle inflatable  
12 occupant restraint system, including all of its component  
13 parts, such as sensors, controllers, inflators and wiring,  
14 that:

15 (a) operates in the event of a crash;

16 and

17 (b) is designed in accordance with  
18 federal motor vehicle safety standards for the specific make,  
19 model and year of the motor vehicle in which it is or will be  
20 installed;

21 (2) "counterfeit airbag" means an airbag that  
22 is inoperable or does not meet applicable original equipment  
23 manufacturer specifications for an airbag designed to be  
24 installed in a motor vehicle of a particular make, model and  
25 year or displays a mark identical or similar to the genuine

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1 mark of the motor vehicle manufacturer without authorization of  
2 the motor vehicle manufacturer;

3 (3) "great bodily harm" means an injury to a  
4 person that creates a high probability of death, that causes  
5 serious disfigurement or that results in permanent or  
6 protracted loss or impairment of the function of any member or  
7 organ of the body;

8 (4) "knowingly" or "known" means having actual  
9 knowledge of the violation; and

10 (5) "substandard airbag" means a replacement  
11 airbag that, as a result of its design or manufacture, fails to  
12 provide protection and performance to occupants of the motor  
13 vehicle in which it is installed and that is substantially  
14 similar to that provided by the airbag originally installed in  
15 the motor vehicle."

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