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HOUSE BILL 25

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

William "Bill" R. Rehm

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

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

8 (6) sell a motor vehicle containing a
9 counterfeit airbag without first warning the purchaser, in
10 writing, of the counterfeit airbag and the safety hazards
11 associated with the airbag;

12 (7) rent or offer for hire a motor vehicle
13 that is not equipped with airbags that meet all applicable
14 federal safety regulations for the make, model and year of the
15 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 the
20 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

.187947.1

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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 does not meet all applicable federal safety regulations for an
10 airbag designed to be installed in a motor vehicle of a
11 particular make, model and year; and

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

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2012.