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HOUSE BILL 193

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

William "Bill" R. Rehm

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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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 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 violation of the provisions of this section
25 that results in great bodily harm is a fourth degree felony,

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

3 D. This section shall not apply to airbags,
4 counterfeit airbags or substandard airbags in a motor vehicle
5 operated solely on a closed course or track.

6 E. As used in this section:

7 (1) "airbag" means a motor vehicle inflatable
8 occupant restraint system, including all of its component
9 parts, such as sensors, controllers, inflators and wiring,
10 that:

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

12 and

13 (b) is designed in accordance with
14 federal motor vehicle safety standards for the specific make,
15 model and year of the motor vehicle in which it is or will be
16 installed;

17 (2) "counterfeit airbag" means an airbag that
18 is inoperable or does not meet applicable original equipment
19 manufacturer specifications for an airbag designed to be
20 installed in a motor vehicle of a particular make, model and
21 year or displays a mark identical or similar to the genuine
22 mark of the motor vehicle manufacturer without authorization of
23 the motor vehicle manufacturer;

24 (3) "great bodily harm" means an injury to a
25 person that creates a high probability of death, that causes

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1 serious disfigurement or that results in permanent or
2 protracted loss or impairment of the function of any member or
3 organ of the body;

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

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

12 SECTION 2. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2014.