

1 HOUSE BILL 328

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 William "Bill" R. Rehm

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10 AN ACT

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

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

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

20 "[NEW MATERIAL] AIRBAG VIOLATIONS.--

21 A. It is unlawful for a person to knowingly:

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

25 (2) install or reinstall a counterfeit or

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1 nonfunctional airbag in a motor vehicle;

2 (3) import, manufacture or sell or offer for  
3 sale a counterfeit or nonfunctional airbag to be installed in a  
4 motor vehicle;

5 (4) sell any device, install or reinstall in  
6 any vehicle any device or take any action that causes the  
7 vehicle's diagnostic system to inaccurately indicate that the  
8 vehicle is equipped with a functional airbag when a counterfeit  
9 airbag, nonfunctional airbag or no airbag is installed;

10 (5) represent to another that a counterfeit or  
11 nonfunctional airbag is an original equipment manufacturer  
12 part;

13 (6) intentionally alter an airbag in a manner  
14 that causes the airbag to become a counterfeit or nonfunctional  
15 airbag or otherwise defective;

16 (7) sell, lease or rent a motor vehicle that  
17 at the time of the sale, lease or rental has a counterfeit or  
18 nonfunctional airbag installed;

19 (8) rent or offer for hire a motor vehicle  
20 that is not equipped with airbags required to be in the motor  
21 vehicle by the applicable federal safety regulations for the  
22 make, model and year of the vehicle; or

23 (9) assist another in violating the provisions  
24 of this subsection with the intent that the crime be committed.

25 B. Whoever violates this section is guilty of a

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1 misdemeanor and shall be sentenced pursuant to the provisions  
2 of Section 31-19-1 NMSA 1978.

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

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

10 E. As used in this section:

11 (1) "airbag" means a motor vehicle inflatable  
12 occupant restraint system or any component thereof that:

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

14 and

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

19 (2) "counterfeit airbag" means a replacement  
20 airbag or any component thereof displaying a mark identical or  
21 similar to the genuine mark of a motor vehicle manufacturer  
22 without authorization of the motor vehicle manufacturer;

23 (3) "great bodily harm" means an injury to a  
24 person that creates a high probability of death, that causes  
25 serious disfigurement or that results in permanent or

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1 protracted loss or impairment of the function of any member or  
2 organ of the body;

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

5 (5) "nonfunctional airbag" means a replacement  
6 airbag or any component thereof that:

7 (a) was previously deployed or damaged;

8 (b) has a fault that was detected by the  
9 vehicle diagnostic system after the installation procedure was  
10 completed; or

11 (c) includes any part or object, such as  
12 a repaired airbag cover, that is installed in a motor vehicle  
13 in order to mislead the owner or operator of the motor vehicle  
14 into believing that a functional airbag has been installed."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2015.