

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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**HOUSE BILL 711
Committee Substitute Favorable 4/21/15**

Short Title: Prohibit Counterfeit/Nonfunctional Air Bags.

(Public)

Sponsors:

Referred to:

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE IMPORT, MANUFACTURE, SALE, OFFER OF SALE,
3 INSTALLATION, OR REINSTALLATION OF COUNTERFEIT AND
4 NONFUNCTIONAL AIR BAGS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-4.01 reads as rewritten:

7 "**§ 20-4.01. Definitions.**

8 Unless the context requires otherwise, the following definitions apply throughout this
9 Chapter to the defined words and phrases and their cognates:

10 (1) Air bag. – A motor vehicle inflatable occupant restraint system, including all
11 component parts, that operates in the event of a crash and is designed in
12 accordance with federal motor vehicle safety standards for the make, model,
13 and year of the motor vehicle in which it is or will be installed.

14 ...

15 (2d) Counterfeit air bag. – A replacement motor vehicle inflatable occupant
16 restraint system, including all component parts, such as the cover, sensors,
17 controllers, inflators, and wiring that bears without authorization a mark
18 identical or substantially similar to the genuine mark of the manufacturer of
19 a motor vehicle.

20 ...

21 (23a) Nonfunctional air bag. – A replacement motor vehicle inflatable occupant
22 restraint system, including all component parts, such as the cover, sensors,
23 controllers, inflators, and wiring that has a fault that is detected by the
24 vehicle diagnostic system after the installation procedure is completed.
25 Nonfunctional airbag also means any object, including a counterfeit airbag,
26 repaired airbag, or airbag component, installed to deceive the vehicle owner
27 or operator into believing a functional airbag is installed.

28"

29 **SECTION 2.** G.S. 20-71.4(a) reads as rewritten:

30 "(a) It shall be unlawful for any transferor of a motor vehicle to do any of the following:

31 ...

32 (2) Transfer a motor vehicle when the transferor has knowledge that the vehicle
33 is, or was, a flood vehicle, a reconstructed vehicle, or a salvage motor
34 vehicle, without disclosing that fact in writing to the transferee prior to the
35 transfer of the vehicle.



1 (3) Transfer a motor vehicle when the transferor has knowledge that a
2 counterfeit air bag or a nonfunctional air bag has been installed in the
3 vehicle."

4 **SECTION 3.** G.S. 20-136.2 reads as rewritten:

5 "**§ 20-136.2. ~~Air bag installation.~~Counterfeit and nonfunctional air bags.**

6 It shall be unlawful for any person, firm, or corporation to knowingly ~~install~~import,
7 manufacture, sell, offer for sale, install, or reinstall any object in lieu of an air bag, other than
8 an air bag that was designed in accordance with federal safety regulations for the make, model,
9 and year of vehicle, as part of a vehicle inflation restraint system.~~a counterfeit air bag or~~
10 nonfunctional air bag. Any person, firm, or corporation violating this section shall be guilty of a
11 Class 4 ~~misdemeanor.~~felony. In addition, a violation of this section shall constitute an unfair
12 and deceptive trade practice under G.S. 75-1.1."

13 **SECTION 4.** This act becomes effective October 1, 2015, and applies to offenses
14 committed on or after that date.