

SUBSTITUTE FOR
HOUSE BILL NO. 4924

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 421d.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 421d. (1) A person shall not do any of the following:
2 (a) Knowingly and intentionally import, manufacture, sell,
3 offer for sale, distribute, install, or reinstall in a motor
4 vehicle a device intended to replace a supplemental restraint
5 system component if the device is a counterfeit supplemental
6 restraint system component, a nonfunctional airbag, or an object
7 that the person knows was not designed to comply with 49 CFR
8 571.208 for the make, model, and year of that motor vehicle.
9 (b) Knowingly and intentionally sell, offer for sale, install,



1 or reinstall in any motor vehicle a device that the person knows
2 will cause a motor vehicle's diagnostic system to inaccurately
3 indicate that the motor vehicle is equipped with a properly
4 functioning supplemental restraint system.

5 (c) Knowingly and intentionally sell, lease, or trade a motor
6 vehicle to a consumer if the person has actual knowledge that a
7 counterfeit supplemental restraint system component, a
8 nonfunctional airbag, or an object that the person has actual
9 knowledge was not designed to comply with 49 CFR 571.208 for the
10 make, model, and year of the motor vehicle has been installed as
11 part of the motor vehicle's inflatable restraint system.

12 (2) A person who violates subsection (1) is guilty of a felony
13 punishable by imprisonment for not more than 4 years or a fine of
14 not more than \$10,000.00, or both.

15 (3) This section does not apply to the owner or employee of a
16 new or used motor vehicle dealership who does not have actual
17 knowledge of the presence of a counterfeit supplemental restraint
18 system component or nonfunctional airbag before it is sold.

19 (4) This section does not create a duty for or require the
20 owner or employee of a new or used motor vehicle dealership to
21 inspect any vehicle in the motor vehicle dealership's possession
22 for counterfeit supplemental restraint system components or
23 nonfunctional airbags before the sale of the vehicle.

24 (5) This section does not apply to a person who installs a
25 motor vehicle airbag used solely for research and development of
26 airbag technology on motor vehicles that will not be driven on
27 public roadways.

28 (6) As used in this section:

29 (a) "Airbag" means a motor vehicle inflatable occupant



1 restraint system device that is part of a supplemental restraint
2 system.

3 (b) "Counterfeit supplemental restraint system component"
4 means a replacement supplemental restraint system component that
5 displays a mark that is identical or substantially similar to the
6 genuine mark of a manufacturer or a supplier of parts to a
7 manufacturer without authorization from the manufacturer or
8 supplier.

9 (c) "Nonfunctional airbag" means a replacement airbag to which
10 1 or more of the following applies:

11 (i) The airbag was previously deployed or damaged.

12 (ii) The airbag has an electric fault that is detected by a
13 motor vehicle's diagnostic system when the installation procedure
14 is complete and the motor vehicle is returned to the customer who
15 requested the work to be performed or when ownership of the vehicle
16 is intended to be transferred.

17 (iii) The airbag includes a part or object, including, but not
18 limited to, a supplemental restraint system component installed in
19 a motor vehicle to mislead the owner or operator of the motor
20 vehicle into believing that a functional airbag has been installed.

21 (iv) The airbag violates 49 USC 30120(j).

22 (d) "Supplemental restraint system" means an inflatable
23 restraint system as that term is defined in 49 CFR 571.208 that is
24 designed for use in conjunction with active restraint systems.
25 Supplemental restraint system includes 1 or more airbags and all
26 components required to ensure that an airbag functions as designed
27 by the manufacturer, including, but not limited to, all of the
28 following:

29 (i) That the airbag will operate as necessary in the event of a



1 crash.

2 (ii) That the airbag is designed in accordance with federal
3 motor vehicle safety standards for the make, model, and year of the
4 motor vehicle in which it is or will be installed.

5 Enacting section 1. This amendatory act takes effect 90 days
6 after the date it is enacted into law.

