

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**HOUSE BILL 546
RATIFIED BILL**

AN ACT TO PROHIBIT THE IMPORT, MANUFACTURE, SALE, OFFER OF SALE,
INSTALLATION, OR REINSTALLATION OF COUNTERFEIT AND
NONFUNCTIONAL AIRBAGS.

The General Assembly of North Carolina enacts:

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

"§ 20-4.01. Definitions.

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

(1) Airbag. – A motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.

...

(4b) Counterfeit supplemental restraint system component. – A replacement supplemental restraint system component, including an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle, without authorization from the manufacturer or supplier.

~~(4b)~~(4c) Crash. – Any event that results in injury or property damage attributable directly to the motion of a motor vehicle or its load. The terms collision, accident, and crash and their cognates are synonymous.

...

(23a) Nonfunctional airbag. – A replacement airbag that meets any of the following criteria:

- a. The airbag was previously deployed or damaged.
- b. The airbag has an electric fault that is detected by the vehicle's airbag diagnostic systems when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred.
- c. The airbag includes a part or object, including a supplemental restraint system component that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.
- d. The airbag is subject to the prohibitions of 49 U.S.C. § 30120(j).

...

(46a) Supplemental restraint system. – A passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 C.F.R. § 571.209, and includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:

- a. The airbag operates as designed in the event of a crash.



- b. The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

...."

SECTION 2. G.S. 20-71.4(a) is amended by adding a new subdivision to read:

"(3) Transfer a motor vehicle when the transferor has knowledge that a counterfeit supplemental restraint system, or a nonfunctional airbag, or no airbag has been installed in the vehicle. For purposes of this subdivision, in the event the owners of a franchised motor vehicle dealer, as defined in G.S. 20-286(8b), have no actual knowledge that a counterfeit supplemental restraint system component or nonfunctional air bag has been installed in a vehicle, knowledge by any other person shall not be imputed to the franchised motor vehicle dealer or its owners, and the franchised motor vehicle dealer or its owners shall not be deemed to have committed an unlawful act under this subdivision."

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

"§ 20-136.2. Air bag installation. Counterfeit supplemental restraint system components and nonfunctional airbags.

(a) It shall be unlawful for any person, firm, or corporation to knowingly import, manufacture, sell, offer for sale, distribute, install or reinstall any object in lieu of an air bag, other than an air bag that was designed in accordance with federal safety regulations for the make, model, and year of vehicle, as part of a vehicle inflation restraint system. a counterfeit supplemental restraint system or nonfunctional airbag in any motor vehicle, or other component device that causes a motor vehicle to fail to meet federal motor vehicle safety standards as provided in 49 C.F.R. § 571.208. Any person, firm, or corporation violating this section shall be guilty of a Class 1 ~~misdemeanor~~ misdemeanor, and violation constitutes an unfair and deceptive trade practice under G.S. 75-1.1. If a violation of this section contributes to a person's physical injury or death, the person, firm, or corporation violating this section shall be guilty of a Class H felony. For purposes of this section, in the event that a franchised motor vehicle dealer, as defined in G.S. 20-286(8b) or its owners, have no actual knowledge that a counterfeit supplemental restraint system component, nonfunctional airbag, or other component device has been imported, manufactured, sold, offered for sale, installed, or reinstalled in lieu of a supplemental restraint system component at the franchised motor vehicle dealer's place of business or elsewhere, knowledge by any other person shall not be imputed to the franchised motor vehicle dealer or its owners, and the franchised motor vehicle dealer or its owners shall not be deemed to have committed an unlawful act under this section and shall not have any criminal liability under this section.

(b) Nothing in this section is intended to prohibit automotive dealers, repair professionals, recyclers, original equipment manufacturers, or contractors from disposing of counterfeit supplemental restraint system components or nonfunctional airbags in accordance with federal and State law."

SECTION 4. This act becomes effective October 1, 2019, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 11th day of July, 2019.

s/ Carl Ford
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2019