

---

**SUBSTITUTE SENATE BILL 5117**

---

**State of Washington**

**58th Legislature**

**2003 Regular Session**

**By** Senate Committee on Highways & Transportation (originally sponsored by Senators Eide and Kohl-Welles)

READ FIRST TIME 02/27/03.

1 AN ACT Relating to sale, distribution, or installation of air bags;  
2 amending RCW 46.63.020; adding new sections to chapter 46.37 RCW; and  
3 prescribing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.37 RCW  
6 to read as follows:

7 (1) "Air bag" means an inflatable restraint system or portion of an  
8 inflatable restraint system installed in a motor vehicle.

9 (2) "Previously deployed air bag" means an inflatable restraint  
10 system or portion of the system that has been activated or inflated as  
11 a result of a collision or other incident involving the vehicle.

12 (3) "Nondeployed salvage air bag" means an inflatable restraint  
13 system that has not been previously activated or inflated as a result  
14 of a collision or other incident involving the vehicle.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.37 RCW  
16 to read as follows:

17 (1) A person is guilty of a gross misdemeanor if he or she knew or  
18 reasonably should have known that an air bag he or she installs or

1 reinstalls in a vehicle for compensation, or distributes as an auto  
2 part, is a previously deployed air bag that is part of an inflatable  
3 restraint system.

4 (2) A person found guilty under subsection (1) of this section  
5 shall be punished by a fine of not more than five thousand dollars or  
6 by confinement in the county jail for not more than one year, or both.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 46.37 RCW  
8 to read as follows:

9 Whenever an air bag that is part of a previously deployed  
10 inflatable restraint system is replaced by either a new air bag that is  
11 part of an inflatable restraint system or a nondeployed salvage air bag  
12 that is part of an inflatable restraint system, the air bag must  
13 conform to the original equipment manufacturer requirements and the  
14 installer must verify that the self-diagnostic system for the  
15 inflatable restraint system indicates that the entire inflatable  
16 restraint system is operating properly.

17 **Sec. 4.** RCW 46.63.020 and 2001 c 325 s 4 are each amended to read  
18 as follows:

19 Failure to perform any act required or the performance of any act  
20 prohibited by this title or an equivalent administrative regulation or  
21 local law, ordinance, regulation, or resolution relating to traffic  
22 including parking, standing, stopping, and pedestrian offenses, is  
23 designated as a traffic infraction and may not be classified as a  
24 criminal offense, except for an offense contained in the following  
25 provisions of this title or a violation of an equivalent administrative  
26 regulation or local law, ordinance, regulation, or resolution:

27 (1) RCW 46.09.120(2) relating to the operation of a nonhighway  
28 vehicle while under the influence of intoxicating liquor or a  
29 controlled substance;

30 (2) RCW 46.09.130 relating to operation of nonhighway vehicles;

31 (3) RCW 46.10.090(2) relating to the operation of a snowmobile  
32 while under the influence of intoxicating liquor or narcotics or  
33 habit-forming drugs or in a manner endangering the person of another;

34 (4) RCW 46.10.130 relating to the operation of snowmobiles;

35 (5) Chapter 46.12 RCW relating to certificates of ownership and

1 registration and markings indicating that a vehicle has been destroyed  
2 or declared a total loss;

3 (6) RCW 46.16.010 relating to initial registration of motor  
4 vehicles;

5 (7) RCW 46.16.011 relating to permitting unauthorized persons to  
6 drive;

7 (8) RCW 46.16.160 relating to vehicle trip permits;

8 (9) RCW 46.16.381(2) relating to knowingly providing false  
9 information in conjunction with an application for a special placard or  
10 license plate for disabled persons' parking;

11 (10) RCW 46.20.005 relating to driving without a valid driver's  
12 license;

13 (11) RCW 46.20.091 relating to false statements regarding a  
14 driver's license or instruction permit;

15 (12) RCW 46.20.0921 relating to the unlawful possession and use of  
16 a driver's license;

17 (13) RCW 46.20.342 relating to driving with a suspended or revoked  
18 license or status;

19 (14) RCW 46.20.345 relating to the operation of a motor vehicle  
20 with a suspended or revoked license;

21 (15) RCW 46.20.410 relating to the violation of restrictions of an  
22 occupational driver's license;

23 (16) RCW 46.20.740 relating to operation of a motor vehicle without  
24 an ignition interlock device in violation of a license notation that  
25 the device is required;

26 (17) RCW 46.20.750 relating to assisting another person to start a  
27 vehicle equipped with an ignition interlock device;

28 (18) RCW 46.25.170 relating to commercial driver's licenses;

29 (19) Chapter 46.29 RCW relating to financial responsibility;

30 (20) RCW 46.30.040 relating to providing false evidence of  
31 financial responsibility;

32 (21) RCW 46.37.435 relating to wrongful installation of  
33 sunscreening material;

34 (22) Section 2 of this act relating to the sale, resale,  
35 distribution, or installation of a previously deployed air bag;

36 (23) RCW 46.44.180 relating to operation of mobile home pilot  
37 vehicles;

1        ~~((23))~~ (24) RCW 46.48.175 relating to the transportation of  
2 dangerous articles;  
3        ~~((24))~~ (25) RCW 46.52.010 relating to duty on striking an  
4 unattended car or other property;  
5        ~~((25))~~ (26) RCW 46.52.020 relating to duty in case of injury to  
6 or death of a person or damage to an attended vehicle;  
7        ~~((26))~~ (27) RCW 46.52.090 relating to reports by repairmen,  
8 storagemen, and appraisers;  
9        ~~((27))~~ (28) RCW 46.52.130 relating to confidentiality of the  
10 driving record to be furnished to an insurance company, an employer,  
11 and an alcohol/drug assessment or treatment agency;  
12        ~~((28))~~ (29) RCW 46.55.020 relating to engaging in the activities  
13 of a registered tow truck operator without a registration certificate;  
14        ~~((29))~~ (30) RCW 46.55.035 relating to prohibited practices by tow  
15 truck operators;  
16        ~~((30))~~ (31) RCW 46.61.015 relating to obedience to police  
17 officers, flaggers, or fire fighters;  
18        ~~((31))~~ (32) RCW 46.61.020 relating to refusal to give information  
19 to or cooperate with an officer;  
20        ~~((32))~~ (33) RCW 46.61.022 relating to failure to stop and give  
21 identification to an officer;  
22        ~~((33))~~ (34) RCW 46.61.024 relating to attempting to elude  
23 pursuing police vehicles;  
24        ~~((34))~~ (35) RCW 46.61.500 relating to reckless driving;  
25        ~~((35))~~ (36) RCW 46.61.502 and 46.61.504 relating to persons under  
26 the influence of intoxicating liquor or drugs;  
27        ~~((36))~~ (37) RCW 46.61.503 relating to a person under age twenty-  
28 one driving a motor vehicle after consuming alcohol;  
29        ~~((37))~~ (38) RCW 46.61.520 relating to vehicular homicide by motor  
30 vehicle;  
31        ~~((38))~~ (39) RCW 46.61.522 relating to vehicular assault;  
32        ~~((39))~~ (40) RCW 46.61.5249 relating to first degree negligent  
33 driving;  
34        ~~((40))~~ (41) RCW 46.61.527(4) relating to reckless endangerment of  
35 roadway workers;  
36        ~~((41))~~ (42) RCW 46.61.530 relating to racing of vehicles on  
37 highways;

1        ~~((42))~~ (43) RCW 46.61.685 relating to leaving children in an  
2 unattended vehicle with the motor running;  
3        ~~((43))~~ (44) RCW 46.61.740 relating to theft of motor vehicle  
4 fuel;  
5        ~~((44))~~ (45) RCW 46.64.010 relating to unlawful cancellation of or  
6 attempt to cancel a traffic citation;  
7        ~~((45))~~ (46) RCW 46.64.048 relating to attempting, aiding,  
8 abetting, coercing, and committing crimes;  
9        ~~((46))~~ (47) Chapter 46.65 RCW relating to habitual traffic  
10 offenders;  
11        ~~((47))~~ (48) RCW 46.68.010 relating to false statements made to  
12 obtain a refund;  
13        ~~((48))~~ (49) Chapter 46.70 RCW relating to unfair motor vehicle  
14 business practices, except where that chapter provides for the  
15 assessment of monetary penalties of a civil nature;  
16        ~~((49))~~ (50) Chapter 46.72 RCW relating to the transportation of  
17 passengers in for hire vehicles;  
18        ~~((50))~~ (51) RCW 46.72A.060 relating to limousine carrier  
19 insurance;  
20        ~~((51))~~ (52) RCW 46.72A.070 relating to operation of a limousine  
21 without a vehicle certificate;  
22        ~~((52))~~ (53) RCW 46.72A.080 relating to false advertising by a  
23 limousine carrier;  
24        ~~((53))~~ (54) Chapter 46.80 RCW relating to motor vehicle wreckers;  
25        ~~((54))~~ (55) Chapter 46.82 RCW relating to driver's training  
26 schools;  
27        ~~((55))~~ (56) RCW 46.87.260 relating to alteration or forgery of a  
28 cab card, letter of authority, or other temporary authority issued  
29 under chapter 46.87 RCW;  
30        ~~((56))~~ (57) RCW 46.87.290 relating to operation of an  
31 unregistered or unlicensed vehicle under chapter 46.87 RCW.

--- END ---