

---

## Public Safety Committee

---

### HB 2314

**Brief Description:** Regulating the manufacture, sale, distribution, and installation of motor vehicle air bags.

**Sponsors:** Representatives Goodman, Hayes, Pettigrew, Orcutt, Kilduff, Stanford, Fitzgibbon, Orwall, Magendanz, Kuderer, Fey, Senn and Wilson.

#### Brief Summary of Bill

- Criminalizes the manufacturing, importing, sale, installation, and reinstallation of counterfeit air bags, nonfunctional air bags, or other replacement air bag devices not meeting federal safety standards.
- Criminalizes the sale, installation, or reinstallation of a device causing a vehicle's diagnostic system to inaccurately indicate that a functional air bag is installed when a counterfeit or nonfunctional air bag or no air bag is installed.
- Adds penalties for failure to comply with statutory requirements pertaining to the installation of air bags.

**Hearing Date:** 1/13/16

**Staff:** Kelly Leonard (786-7147).

#### Background:

*Air bags.* An air bag is defined as an inflatable restraint system or portion of an inflatable restraint system installed in a motor vehicle. If an air bag from a previously deployed inflatable restraint system is replaced by either a new air bag or a nondeployed salvage air bag, the air bag must conform to the original equipment manufacturer requirements. The installer must verify that the self-diagnostic system for the inflatable restraint system indicates that the entire inflatable restraint system is operating properly.

It is a gross misdemeanor for a person to install, reinstall, or distribute an air bag for compensation he or she knows or reasonably should know is a previously deployed air bag.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

*Classification of Crimes and Sentencing.* Crimes are classified as misdemeanors, gross misdemeanors, or felonies (of which there are class A, B, and C felonies). While there are exceptions, the classification of a crime generally determines the maximum term of confinement and/or fine for an offense. For each classification, the maximum terms of confinement and maximum fines are as follows:

<i>Classification</i>	<i>Maximum Confinement</i>	<i>Maximum Fine</i>
Misdemeanor	90 days	\$1,000
Gross Misdemeanor	364 days	\$5,000
Class C Felony	5 years	\$10,000
Class B Felony	10 years	\$20,000
Class A Felony	Life	\$50,000

When a person is convicted of a felony, the Sentencing Reform Act (SRA) applies and determines a specific range of sentence within the statutory maximum. Under the SRA, sentences for felony offenses are determined by reference to a sentencing grid. The sentencing grid provides a standard range of months for the sentence, based on both the severity, or "seriousness level," of the offense and the convicted person's "offender score," which is based on the offender's criminal history.

**Summary of Bill:**

*Definitions.* The definition of "air bag" is modified. An "air bag" is an inflatable restraint system or portion of an inflatable restraint system, including, but not limited to, the cover, sensors, controllers, inflators, and wiring, which operates in the event of a crash and 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.

"Counterfeit air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cover, sensors, controllers, inflators, and wiring, displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

"Nonfunctional air bag" means a replacement motor vehicle inflatable occupant restraint system, including all component parts including, but not limited to, the cover, sensors, controllers, inflators, and wiring, which was previously deployed or damaged, has an electric fault that is detected by the vehicle air bag diagnostic system after the installation procedure is completed, or includes any part or object including, but not limited to, a counterfeit or repaired air bag cover, and is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional air bag has been installed.

*Crimes involving air bags.* The crime of installing, reinstalling, or distributing previously deployed air bags is expanded and increased to a class C felony with a seriousness level of IX. A person is guilty of the offense if he or she knew or reasonably should have known that a device he or she manufactures, imports, sells, offers for sale, installs or reinstalls in a vehicle for compensation, or distributes as an autopart, for the purpose of replacing a motor vehicle air bag:

- is a counterfeit air bag;
- is a nonfunctional air bag;
- is a previously deployed or damaged air bag; or
- does not meet all applicable federal safety standards for an air bag.

It is criminal offense for a person to sell, install, or reinstall in any motor vehicle a device that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional air bag when a counterfeit air bag, a nonfunctional air bag, or no air bag is installed. The offense is a class C felony with seriousness level of IX.

If a person fails to install an air bag according to current statutory requirements, including complying with the original equipment manufacturer requirements and verifying the inflatable restraint system is operating properly, then he or she must be punished by a fine of not more than \$10,000, or confinement of not more than five years, or both.

**Appropriation:** None.

**Fiscal Note:** Requested on January 7, 2016.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.