

# SENATE BILL REPORT

## SSB 6160

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As Amended by House, March 3, 2016

**Title:** An act relating to the manufacture, sale, distribution, and installation of motor vehicle air bags.

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

**Sponsors:** Senate Committee on Law & Justice (originally sponsored by Senators O'Ban, Frockt, Fain, Hobbs, Nelson, Rolfes, Conway and Becker).

**Brief History:**

**Committee Activity:** Law & Justice: 1/12/16, 1/26/16 [DPS].

Passed Senate: 2/05/16, 49-0.

Passed House: 3/03/16, 96-0.

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

**Staff:** Tim Ford (786-7423)

**Background:** An air bag is a safety device in motor vehicles that restrains the driver and passengers by quickly inflating and then deflating during a collision. Since 1998 federal law requires the use of dual front air bags in all cars and light trucks sold in the United States. The National Highway Traffic Safety Administration estimates that frontal air bags have saved 25,782 lives between 1987 and 2008. Several auto manufacturers in recent years have conducted safety recalls affecting millions of cars for defects in air bags causing ruptures.

In Washington State, it is a gross misdemeanor to knowingly install, reinstall, or distribute a previously deployed airbag as part of a vehicle's safety restraint system. Whenever a previously deployed air bag is replaced with a new air bag, the air bag must conform to the original equipment manufacturer requirements, and the installer must verify that the air bag is operating properly using a self-diagnostic test.

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*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.*

**Summary of Substitute Bill:** An air bag includes all parts that operate in the event of a crash and are designed in accordance with federal standards. A counterfeit air bag means a replacement air bag that displays the mark of a manufacturer without authorization. A nonfunctional air bag is an installed replacement which was previously deployed or damaged, has a detected electrical fault, or includes counterfeit parts or a repaired air bag cover.

It is a class C felony to knowingly manufacture, import, sell, or offer for sale a device to replace an air bag if the device is a counterfeit air bag, a nonfunctional air bag, or does not otherwise meet federal safety standards. It is a class C felony to sell, install, or reinstall any device that causes the vehicle's diagnostic system to inaccurately indicate that the air bag is functional if the air bag installed is counterfeit or nonfunctional, or where no air bag is installed or the installer does not verify that the inflatable restraint system is operating properly using a self-diagnostic system.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill will prohibit the manufacture, importation, installation, reinstallation or sale of counterfeit and nonfunctional airbags in Washington. Airbags are essential to vehicle safety. In 2010 the federal government made manufacturers aware of a growing problem of cheap and ineffective counterfeit airbags entering the U.S. from China. Because of shortcomings in federal law, it is necessary to push for legislation in states to protect the safety of drivers and passengers. We would support an amendment that makes the sale of counterfeit airbags a violation of the consumer protection act.

OTHER: The Alliance of Automobile Manufacturers has no problem with the intent of the bill but has technical concerns regarding the definition of a salvage bag and their uses as well as other technical concerns.

**Persons Testifying on Original Bill:** PRO: Tom McBride and Steve Osborn, American Honda.

OTHER: Gary Smith, Independent Business Association; Cliff Webster, General Motors.

**Persons Signed In To Testify But Not Testifying on Original Bill:** No one.

**House Amendment(s):**

- Modifies the definition of non-deployed salvage airbag to include a portion of an inflatable restraint system that has not been previously activated or inflated as a result of a collision or other incident, thereby excluding the installation of those parts from the

crimes in the bill involving the sale and installation of air bags not meeting certain standards.

- Makes it a criminal offense for a person, in a reckless manner (instead of with criminal negligence), to sell or install a previously deployed airbag in a motor vehicle.
- Adds a null and void clause.