
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Morrish (SB 32)

Present law provides that no person can knowingly install or reinstall either of the following in a motor vehicle:

- (1) An air bag, whether previously deployed or not, that was not designed to meet all applicable federal safety regulations for a vehicle of that make, model, and year.
- (2) Any object in lieu of an air bag that was not designed to meet all applicable federal safety regulations for a vehicle of that make, model, and year.

Proposed law essentially retains present law, and further prohibits the manufacture, importation, sale, or offer for sale of a counterfeit air bag, a nonfunctional air bag, or any other object intended to fulfill the function of an air bag, but that does not meet all applicable federal safety regulations for a vehicle of that make, model, and year.

Proposed law provides that no person can knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of the vehicle to indicate inaccurately that the vehicle is equipped with a functional air bag.

Present law defines an "air bag" as an inflatable occupant restraint system designed to activate in a motor vehicle in the event of a traffic crash to mitigate injury or ejection.

Proposed law deletes present law and provides the following definitions:

- (1) "Air bag" means an inflatable occupant restraint system, including all component parts, such as the cover, sensors, controllers, inflators, and wiring, designed to activate in a motor vehicle in the event of a crash to mitigate injury or ejection and that meets the applicable federal motor vehicle safety standards for the make, model, and model year of the motor vehicle.
- (2) "Counterfeit air bag" means an air bag displaying a mark identically or substantially similar to the genuine mark of a motor vehicle manufacturer, without the authorization of the motor vehicle manufacturer.
- (3) "Nonfunctional air bag" means a replacement air bag that has been previously deployed or damaged, a replacement air bag that has an electrical fault that is detected by the air bag diagnostic system after the air bag is installed, or a counterfeit air bag, air bag cover, or some other object that is installed in a motor vehicle in order to mislead or deceive an owner or operator of the motor vehicle into believing that a functional air bag has been

installed.

- (4) "Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

Present law provides that whoever violates the provisions of present law is to be fined not more than \$2,000, imprisoned not more than six months, or both.

Proposed law deletes present law and provides the following penalties based on the specifics of the violation:

- (1) Whoever violates the provisions of proposed law relative to installation, reinstallation, or the motor vehicle diagnostic system:
 - (a) Upon first conviction is to be fined not more than \$1,000, or imprisoned for not more than six months, or both, except as provided in proposed law.
 - (b) Upon a second and subsequent conviction, or if the violation results in the serious bodily injury or death of any person, is to be fined not more than \$2,000, or imprisoned, with or without hard labor, for not more than one year, or both.
- (2) Whoever violates the provisions of proposed law relative to manufacture, importation, sale, or offer for sale:
 - (a) Upon conviction is to be fined not more than \$2,000, or imprisoned, with or without hard labor, for not more than one year, or both, except as provided in proposed law.
 - (b) Upon conviction, if the cumulative sales price of the air bags or objects involved in the violation is at least \$5,000 but less than \$100,000, or if the number of air bags or objects involved in the violation is at least 100 but less than 1,000, is to be fined not more than \$5,000, or imprisoned, with or without hard labor, for not less than six months nor more than two years, or both.
 - (c) Upon conviction, if the cumulative sales price of the air bags or objects involved in the violation is \$100,000 or more, or if the number of air bags or objects involved in the violation is 1,000 or more, is to be fined not more than \$10,000, or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both.

Proposed law provides that each manufacture, importation, installation, reinstallation, sale, or offer for sale in violation of proposed law constitutes a separate and distinct violation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:231)