

SENATE BILL NO. 32

BY SENATOR MORRISH

AN ACT

To amend and reenact R.S. 14:231, relative to offenses against property; to provide relative to air bag fraud; to provide penalties for knowingly manufacturing, importing, selling, offering for sale, or installing or reinstalling in any motor vehicle a counterfeit or nonfunctional air bag; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:231 is hereby amended and reenacted to read as follows:

§231. ~~Air~~ **Counterfeit and nonfunctional air bags prohibited; air** bag fraud prohibited

A. ~~No person shall 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.~~

B. ~~For purposes of this Section, an "air bag" means an inflatable occupant restraint system designed to activate in a motor vehicle in the event of a traffic crash to mitigate injury or ejection.~~

C. ~~Whoever violates the provisions of this Section shall be fined not more than two thousand dollars, imprisoned not more than six months, or both.~~

No person shall knowingly install or reinstall in any motor vehicle a

1 counterfeit or nonfunctional air bag or any other object intended to fulfill the
2 function of an air bag that does not meet the definition of "air bag" set forth in
3 Subsection D of this Section.

4 B. No person shall knowingly manufacture, import, sell, or offer for sale
5 a counterfeit or nonfunctional air bag or any other object intended to fulfill the
6 function of an air bag that does not meet the definition of "air bag" set forth in
7 Subsection D of this Section.

8 C. No person shall knowingly sell, install, or reinstall a device in a motor
9 vehicle that causes the diagnostic system of the vehicle to indicate inaccurately
10 that the vehicle is equipped with a functional air bag.

11 D. For purposes of this Section:

12 (1) "Air bag" means an inflatable occupant restraint system, including
13 all component parts, such as the cover, sensors, controllers, inflators, and
14 wiring, designed to activate in a motor vehicle in the event of a crash to mitigate
15 injury or ejection and that meets the federal motor vehicle safety standards set
16 forth in 49 C.F.R. 571.208 for the make, model, and model year of the motor
17 vehicle.

18 (2) "Counterfeit air bag" means an air bag displaying a mark identically
19 or substantially similar to the genuine mark of a motor vehicle manufacturer,
20 without the authorization of the motor vehicle manufacturer.

21 (3) "Nonfunctional air bag" means any of the following:

22 (a) A replacement air bag that has been previously deployed or damaged.

23 (b) A replacement air bag that has an electrical fault that is detected by
24 the air bag diagnostic system after the air bag is installed.

25 (c) A counterfeit air bag, air bag cover, or some other object that is
26 installed in a motor vehicle in order to mislead or deceive an owner or operator
27 of the motor vehicle into believing that a functional air bag has been installed.

28 (4) "Serious bodily injury" means bodily injury that involves
29 unconsciousness, extreme physical pain, protracted and obvious disfigurement,
30 protracted loss or impairment of the function of a bodily member, organ, or

1 mental faculty, or a substantial risk of death.

2 E. Whoever violates the provisions of Subsection A or C of this Section
3 shall:

4 (1) Upon first conviction, be fined not more than one thousand dollars,
5 or imprisoned for not more than six months, or both, except as provided in
6 Paragraph (2) of this Subsection.

7 (2) Upon a second and subsequent conviction, or if the violation results
8 in the serious bodily injury or death of any person, be fined not more than two
9 thousand five hundred dollars, or imprisoned, with or without hard labor, for
10 not more than one year, or both.

11 F. Whoever violates the provisions of Subsection B of this Section shall:

12 (1) Upon conviction, be fined not more than two thousand five hundred
13 dollars, or imprisoned, with or without hard labor, for not more than one year,
14 or both, except as provided in Paragraphs (2) and (3) of this Subsection.

15 (2) Upon conviction, if the cumulative sales price of the air bags or
16 objects involved in the violation is at least five thousand dollars but less than
17 one hundred thousand dollars, or if the number of air bags or objects involved
18 in the violation is at least one hundred but less than one thousand, be fined not
19 more than five thousand dollars, or imprisoned, with or without hard labor, for
20 not less than six months nor more than two years, or both.

21 (3) Upon conviction, if the cumulative sales price of the air bags or
22 objects involved in the violation is one hundred thousand dollars or more, or if
23 the number of air bags or objects involved in the violation is one thousand or
24 more, be fined not more than ten thousand dollars, or imprisoned, with or
25 without hard labor, for not less than one year nor more than five years, or both.

26 G. Each manufacture, importation, installation, reinstallation, sale, or
27 offer for sale in violation of this Section shall constitute a separate and distinct
28 violation.

29 Section 2. This Act shall become effective upon signature by the governor or, if not
30 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____