

By: Leibowitz

H.B. No. 891

Substitute the following for H.B. No. 891:

By: Krusee

C.S.H.B. No. 891

A BILL TO BE ENTITLED

AN ACT

relating to motor vehicle airbags; providing a penalty.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 501.021(a), Transportation Code, is amended to read as follows:

(a) A motor vehicle certificate of title is an instrument issued by the department that includes:

(1) the name and address of the purchaser and seller at the first sale or the transferee and transferor at a subsequent sale;

(2) the make of the motor vehicle;

(3) the body type of the vehicle;

(4) the manufacturer's permanent vehicle identification number of the vehicle or the vehicle's motor number if the vehicle was manufactured before the date that stamping a permanent identification number on a motor vehicle was universally adopted;

(5) the serial number for the vehicle;

(6) the number on the vehicle's current Texas license plates, if any;

(7) a statement:

(A) that no lien on the vehicle is recorded; or

(B) of the name and address of each lienholder and the date of each lien on the vehicle, listed in the

1 chronological order in which the lien was recorded;

2 (8) a space for the signature of the owner of the  
3 vehicle;

4 (9) a statement indicating rights of survivorship  
5 under Section 501.031;

6 (9-a) the airbag deployment history checkboxes required  
7 by Section 501.0721;

8 (10) if the vehicle has an odometer, the odometer  
9 reading indicated by the application for the certificate of title;  
10 and

11 (11) any other information required by the department.

12 SECTION 2. Subchapter D, Chapter 501, Transportation Code,  
13 is amended by adding Section 501.0721 to read as follows:

14 Sec. 501.0721. AIRBAG DEPLOYMENT HISTORY. (a) The seller of  
15 a motor vehicle sold in this state shall disclose on the vehicle's  
16 certificate of title, by marking each applicable box on the  
17 certificate:

18 (1) whether one or more airbags on the vehicle  
19 deployed while the seller owned the vehicle; and

20 (2) if one or more airbags on the vehicle deployed  
21 while the seller owned the vehicle, whether each deployed airbag  
22 was replaced in accordance with all applicable federal safety  
23 regulations for an airbag installed in a vehicle of that make,  
24 model, and year.

25 (b) The department shall include on each certificate of  
26 title boxes that a seller may mark to make each of the disclosures  
27 required by Subsection (a).

1 SECTION 3. Section 547.614, Transportation Code, is amended  
2 by adding Subsections (a-1), (c), and (d) and amending Subsection  
3 (b) to read as follows:

4 (a-1) A person who sells a motor vehicle in this state commits  
5 an offense if the person, with knowledge that the vehicle is not  
6 equipped with one or more airbags that meet all applicable federal  
7 safety regulations of an airbag installed in a vehicle of that make,  
8 model, and year, and with intent to defraud the buyer, does not  
9 disclose to the buyer the absence of that equipment.

10 (b) Except as provided by Subsections (c) and (d), an [An]  
11 offense under this section is a Class A misdemeanor.

12 (c) An offense under this section is a felony of the third  
13 degree if it is shown on the trial of the offense that the defendant  
14 has been previously convicted of an offense under this section.

15 (d) An offense under this section is a felony of the second  
16 degree if it is shown on the trial of the offense that as a result of  
17 the offense an individual suffered bodily injury.

18 SECTION 4. Section 2301.651, Occupations Code, is amended  
19 by adding Subsection (e) to read as follows:

20 (e) The board shall suspend for five years the license of a  
21 license holder who is convicted of:

22 (1) a third or subsequent offense under Section  
23 547.614, Transportation Code, occurring within a five-year period;  
24 or

25 (2) an offense under Section 547.614, Transportation  
26 Code, that resulted in bodily injury to an individual.

27 SECTION 5. (a) The change in law made by this Act applies

1 only to an offense committed on or after the effective date of this  
2 Act. For the purposes of this section, an offense is committed  
3 before the effective date of this Act if any element of the offense  
4 occurs before that date.

5 (b) An offense committed before the effective date of this  
6 Act is governed by the law in effect when the offense was committed,  
7 and the former law is continued in effect for that purpose.

8 SECTION 6. This Act takes effect September 1, 2005.