

BILL ANALYSIS

C.S.H.B. 71
By: Leibowitz
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Today, one in 25 previously damaged vehicles has a non-functioning airbag fraudulently installed in the place of one that has been deployed or stolen. Counterfeit airbags are usually either old airbags refitted to look like new or the old airbag compartment is filled with rags, foam or other items and then the plastic cover is remolded over the compartment. Some body shops and auto dealers put in counterfeit airbags because replacing a real airbag can cost up to \$2,000.

CSHB 71 strengthens the law against installing a counterfeit airbag. Installing a counterfeit airbag would remain a Class A misdemeanor, but CSHB 71 increases the penalty to a third degree felony for a second violation. It is a second degree felony if someone is injured in an accident involving a counterfeit airbag.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Defines "counterfeit airbag" as an airbag that does not comply with all federal safety regulations for that particular year, make and model of the vehicle.

A person commits an offense if they do not install an airbag or installs a counterfeit airbag, or with the intent of defrauding the buyer, does not disclose this information to the buyer. Additionally, it is an offense to alter a working airbag so it no longer meets federal safety regulations. Further, it is also an offense to assist or cause another person to violate this Act.

This bill enhances the penalty for installing a dummy airbag to a third degree felony for a person previously convicted of installing a dummy airbag. If someone is injured in an accident involving a motor vehicle with a dummy airbag, then the charge for installing a dummy airbag is enhanced to a second degree felony.

SECTION 2. This bill only applies to offenses committed after the effective date of this bill.

SECTION 3. This Act takes effect September 1, 2007.

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

CSHB 71 Removes the requirement set forth in Sections 1 and 2 of the original bill for airbag deployment checkboxes to be included on vehicle certificates of title.

The substitute also strikes Section 4 of the original bill.