

By: Leibowitz

H.B. No. 71

Substitute the following for H.B. No. 71:

By: Macias

C.S.H.B. No. 71

A BILL TO BE ENTITLED

AN ACT

relating to counterfeit motor vehicle airbags; providing a penalty.

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

SECTION 1. Section 547.614, Transportation Code, is amended to read as follows:

Sec. 547.614. RESTRICTIONS ON AIRBAGS. (a) In this section, "counterfeit airbag" means an airbag that does not meet all applicable federal safety regulations for an airbag designed to be installed in a vehicle of a particular make, model, and year.

(a-1) A person commits an offense if the person knowingly:

(1) installs or purports to install an airbag in a vehicle; and

(2) does not install an airbag or installs a counterfeit airbag [~~that meets all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year~~].

(a-2) A person commits an offense if the person:

(1) makes or sells a counterfeit airbag to be installed in a motor vehicle;

(2) intentionally alters an airbag that is not counterfeit in a manner that causes the airbag to not meet all applicable federal safety regulations for an airbag designed to be installed in a vehicle of a particular make, model, and year;

(3) represents to another person that a counterfeit

1 airbag installed in a motor vehicle is not counterfeit; or

2 (4) causes another person to violate Subsection (a-1)
3 or Subdivision (1), (2), or (3) or assists a person in violating
4 Subsection (a-1) or Subdivision (1), (2), or (3).

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

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

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

13 SECTION 2. (a) The change in law made by this Act applies
14 only to an offense committed on or after the effective date of this
15 Act. For the purposes of this section, an offense is committed
16 before the effective date of this Act if any element of the offense
17 occurs before that date.

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

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