

1-1 By: Leibowitz, Allen (Senate Sponsor - Wentworth) H.B. No. 71
1-2 (In the Senate - Received from the House April 16, 2007;
1-3 April 17, 2007, read first time and referred to Committee on
1-4 Transportation and Homeland Security; May 2, 2007, reported
1-5 favorably by the following vote: Yeas 6, Nays 0; May 2, 2007, sent
1-6 to printer.)

1-7 A BILL TO BE ENTITLED
1-8 AN ACT

1-9 relating to counterfeit motor vehicle airbags; providing a penalty.
1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 547.614, Transportation Code, is amended
1-12 to read as follows:

1-13 Sec. 547.614. RESTRICTIONS ON AIRBAGS. (a) In this
1-14 section, "counterfeit airbag" means an airbag that does not meet
1-15 all applicable federal safety regulations for an airbag designed to
1-16 be installed in a vehicle of a particular make, model, and year.

1-17 (a-1) A person commits an offense if the person knowingly:
1-18 (1) installs or purports to install an airbag in a
1-19 vehicle; and

1-20 (2) does not install an airbag or installs a
1-21 counterfeit airbag [~~that meets all applicable federal safety~~
1-22 ~~regulations for an airbag installed in a vehicle of that make,~~
1-23 ~~model, and year].~~

1-24 (a-2) A person commits an offense if the person:
1-25 (1) makes or sells a counterfeit airbag to be
1-26 installed in a motor vehicle;

1-27 (2) intentionally alters an airbag that is not
1-28 counterfeit in a manner that causes the airbag to not meet all
1-29 applicable federal safety regulations for an airbag designed to be
1-30 installed in a vehicle of a particular make, model, and year;

1-31 (3) represents to another person that a counterfeit
1-32 airbag installed in a motor vehicle is not counterfeit; or

1-33 (4) causes another person to violate Subsection (a-1)
1-34 or Subdivision (1), (2), or (3) or assists a person in violating
1-35 Subsection (a-1) or Subdivision (1), (2), or (3).

1-36 (b) Except as provided by Subsections (c) and (d), an [An]
1-37 offense under this section is a Class A misdemeanor.

1-38 (c) An offense under this section is a felony of the third
1-39 degree if it is shown on the trial of the offense that the defendant
1-40 has been previously convicted of an offense under this section.

1-41 (d) An offense under this section is a felony of the second
1-42 degree if it is shown on the trial of the offense that as a result of
1-43 the offense an individual suffered bodily injury.

1-44 SECTION 2. (a) The change in law made by this Act applies
1-45 only to an offense committed on or after the effective date of this
1-46 Act. For the purposes of this section, an offense is committed
1-47 before the effective date of this Act if any element of the offense
1-48 occurs before that date.

1-49 (b) An offense committed before the effective date of this
1-50 Act is governed by the law in effect when the offense was committed,
1-51 and the former law is continued in effect for that purpose.

1-52 SECTION 3. This Act takes effect September 1, 2007.

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