LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 27, 2007

TO: Honorable John Carona, Chair, Senate Committee on Transportation & Homeland Security

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: **HB71** by Leibowitz (Relating to counterfeit motor vehicle airbags; providing a penalty.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Transportation Code to create as an offense the making or selling of a counterfeit airbag for a motor vehicle, intentionally altering an airbag that is not counterfeit but causes the airbag to no longer meet federal safety regulations, representing that a counterfeit airbag is not counterfeit, or causing another person to violate any of those prohibitions. An offense would be a Class A misdemeanor unless it is a second or subsequent offense, in which case it would be a third degree felony. If as a result of the offense an individual suffers bodily harm, it would be a second degree felony.

The proposed change in law would apply only to an offense committed on or after the effective date of the bill, which would be September 1, 2007.

While felony offenses may be punishable by a prison sentence (2 years to 20 years for a second degree and 2 years to 10 years for a third degree) in addition to fines, it is anticipated that implementation of the bill would not have a significant fiscal impact on the state's prison system. In addition, while punishment for felony offenses may also include fines not to exceed $10,000, the fiscal impact is not expected to be significant.

While a Class A misdemeanor may be punishable by confinement in a county jail (not to exceed one year) and a fine not to exceed $4,000, it is anticipated that implementation of the bill would not have a significant fiscal impact on counties or county jails.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:
LBB Staff: JOB, KJG, DB