
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1476 Session of
2015

INTRODUCED BY BOBACK, V. BROWN, SCHLOSSBERG, DIAMOND, COHEN,
SAMUELSON, READSHAW, McNEILL, D. COSTA, ROZZI, MILLARD,
DeLUCA, MURT, GILLEN, GINGRICH AND MILNE, JULY 22, 2015

REFERRED TO COMMITTEE ON TRANSPORTATION, JULY 22, 2015

AN ACT

1 Providing for counterfeit airbag prevention; and imposing
2 penalties.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Counterfeit
7 Airbag Prevention Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Airbag." All component parts of a motor vehicle inflatable
13 occupant restraint system, including, but not limited to, the
14 cover, sensors, controllers, inflators and wiring that:

15 (1) operates in the event of a crash; and

16 (2) is designed in accordance with the Federal Motor
17 Vehicle Safety Standards for the specific make, model and

1 year of the motor vehicle in which it is or will be installed
2 as provided in 49 CFR 571.208 (relating to Standard No.208;
3 occupant crash protection).

4 "Counterfeit airbag." An airbag that bears without
5 authorization a mark identical or substantially similar to the
6 genuine mark of the manufacturer of a motor vehicle.

7 "Nonfunctional airbag." A replacement airbag that has been
8 previously deployed, damaged or has an electrical fault that is
9 detected by the vehicle diagnostic system after the installation
10 procedure is completed. Nonfunctional airbag shall also include
11 any object, including a counterfeit or repaired airbag or airbag
12 component, installed to deceive the vehicle owner or operator
13 into believing a functional airbag is installed.

14 "Person." A natural person, partnership, firm, corporation,
15 company, trust, association or an agent or employee of a
16 partnership, firm, corporation, trust or association.

17 Section 3. Prohibited conduct relating to counterfeit airbags.

18 It shall be unlawful for a person to do any of the following
19 if they know or reasonably should know that a product is a
20 counterfeit or nonfunctional airbag or does not meet Federal
21 safety requirements as provided in 49 CFR 571.208 (relating to
22 Standard No.208; occupant crash protection):

23 (1) Make, import, offer to distribute, distribute, offer
24 to sell or sell a counterfeit or a nonfunctional airbag.

25 (2) Install or reinstall a counterfeit airbag or a
26 nonfunctional airbag in any motor vehicle as that term is
27 defined in 75 Pa.C.S. § 102 (relating to definitions).

28 (3) Install or reinstall a counterfeit or nonfunctional
29 airbag so that the vehicle diagnostic system or any component
30 parts, including, but not limited to, any indicator lights,

1 falsely displays or registers that an airbag is in proper
2 working order.

3 (4) Represent to another person a counterfeit airbag or
4 a nonfunctional airbag installed or reinstalled in a motor
5 vehicle as an airbag.

6 Section 4. Violations and civil penalties.

7 (a) Cause of action.--If there is an alleged violation of
8 this act, the Attorney General may bring a cause of action in
9 the name of the Commonwealth.

10 (b) Powers.--In any cause of action arising under this
11 section, the Attorney General is authorized to take proof, make
12 a determination of the relevant facts and issue subpoenas under
13 the act of December 17, 1968 (P.L.1224, No.387), known as the
14 Unfair Trade Practices and Consumer Protection Law.

15 (c) Injunctive relief.--If the court rules that the
16 defendant has violated this act, the court may issue an
17 injunction enjoining and restraining any further violation
18 without requiring proof that a person has been injured or
19 damaged by the defendant.

20 (d) Civil penalty.--If the court determines that a violation
21 of this act has occurred, the court may impose a civil penalty
22 as follows:

23 (1) For the first violation, the penalty for each
24 separate manufacture, importation, installation,
25 reinstallation, sale or offer for sale shall be \$1,000.

26 (2) For a subsequent violation, the penalty shall be
27 \$5,000 for each separate manufacture, importation,
28 installation, reinstallation, sale or offer for sale.

29 Section 5. Criminal penalty.

30 (a) General violation.--Except as provided in subsection

1 (b), a person who violates section 3 commits a misdemeanor of
2 the second degree and shall, upon conviction, be sentenced to
3 pay a fine of not less than \$2,500 nor more than \$50,000 for
4 each separate offense or to imprisonment for a period of not
5 more than five years for each separate offense, or both, unless
6 the offense results in the bodily injury or death of an
7 individual.

8 (b) Specific violation.--If a person violates section 3 and
9 that violation results in the death or bodily injury of another
10 person, the person commits a felony of the third degree and
11 shall, upon conviction, be sentenced to pay a fine of not less
12 than \$5,000 nor more than \$75,000 for each separate offense or
13 to imprisonment for a period of not more than 20 years for each
14 separate offense, or both.

15 Section 6. Unintentional violations.

16 No person may be deemed to have violated the provisions of
17 this act if the person shows by a preponderance of the evidence
18 that the violation was not intentional and resulted from a bona
19 fide error made notwithstanding the maintenance of procedures
20 reasonably adopted to avoid the error.

21 Section 7. Effective date.

22 This act shall take effect in 60 days.