

**SENATE BILL No. 106**

By Committee on Transportation

1-26

1 AN ACT concerning motor vehicles; relating to devices that are  
2 counterfeit supplemental restraint system components and  
3 nonfunctional airbags; creating the crime of knowingly or intentionally  
4 manufacturing, importing, distributing, selling, offering for sale,  
5 installing or reinstalling such devices and providing for criminal  
6 penalties for violation thereof.

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8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) No person shall knowingly or intentionally  
10 manufacture, import, distribute, sell, offer for sale, install or reinstall a  
11 device intended to replace a supplemental restraint system component if  
12 the device is:

13 (1) A counterfeit supplemental restraint system component;

14 (2) a nonfunctional airbag; or

15 (3) any object in lieu of a supplemental restraint system component  
16 that was not designed in accordance with federal safety regulations for the  
17 make, model and year of the motor vehicle in which such device is or will  
18 be installed.

19 (b) Violation of subsection (a) shall be a class A nonperson  
20 misdemeanor.

21 (c) As used in this section:

22 (1) "Airbag" means a motor vehicle inflatable occupant restraint  
23 system device that is part of a supplemental restraint system.

24 (2) "Counterfeit supplemental restraint system component" means a  
25 replacement supplemental restraint system component that displays a mark  
26 identical or substantially similar to the genuine mark of a motor vehicle  
27 manufacturer or a supplier of parts to the manufacturer of a motor vehicle  
28 without authorization from that manufacturer or supplier.

29 (3) "Nonfunctional airbag" means a replacement airbag that:

30 (A) Was previously deployed or damaged;

31 (B) has an electric fault that is detected by the motor vehicle's  
32 diagnostic systems when the installation procedure is completed and the  
33 motor vehicle is returned to the customer who requested the work to be  
34 performed or when ownership is intended to be transferred;

35 (C) includes a part or object, including a supplemental restraint  
36 system component, installed in a motor vehicle to mislead the owner or

1 operator of the motor vehicle into believing that a functional airbag has  
2 been installed; or

3 (D) is prohibited from being sold or leased in accordance with 49  
4 U.S.C. § 30120(j).

5 (4) "Supplemental restraint system" means a passive inflatable motor  
6 vehicle occupant crash protection system designed for use in conjunction  
7 with active restraint systems as described in 49 C.F.R. § 571.208. A  
8 supplemental restraint system includes:

9 (A) Each airbag installed in accordance with the motor vehicle  
10 manufacturer's design; and

11 (B) all components required to ensure that an airbag operates as  
12 designed in the event of a crash and in accordance with the federal motor  
13 vehicle safety standards for the specific make, model and year of the motor  
14 vehicle.

15 (d) This section shall be a part of and supplemental to the uniform act  
16 regulating traffic on highways.

17 Sec. 2. This act shall take effect and be in force from and after its  
18 publication in the ~~statute book~~ ***Kansas register***.