

1 **VEHICLE RESTRAINT SYSTEM AMENDMENTS**

2 2004 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Craig A. Frank**

5

LONG TITLE

6
7 **General Description:**

8 This bill modifies the Motor Vehicles Code to amend airbag passive restraint system
9 provisions.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ clarifies that failure to repair an airbag passive restraint system applies only if the
13 vehicle is being repaired for use on a highway;

14 ▶ provides that notice to an owner of a vehicle about requirements to repair the airbag
15 passive restraint system shall be made in a form approved by the Department of
16 Public Safety;

17 ▶ allows a person acting under a dismantling permit to render a motor vehicle's airbag
18 passive restraint system inoperable; and

19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **41-6-145.5**, as last amended by Chapter 101, Laws of Utah 1997



28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **41-6-145.5** is amended to read:

30 **41-6-145.5. Failure to repair a damaged or deployed airbag -- Penalty.**

31 (1) As used in this section, "person" includes the owner or lessee of a motor vehicle, a
32 body shop, dealer, remanufacturer, salvage rebuilder, vehicle service maintenance facility, or
33 any entity or individual engaged in the repair or replacement of motor vehicles or airbag
34 passive restraint systems.

35 (2) Except as provided under Subsection (3), if a repair to a vehicle to be used on a
36 highway is initiated, a person who has actual knowledge that a motor vehicle's airbag passive
37 restraint system is damaged or has been deployed may not fail or cause another person to fail to
38 fully restore, arm, and return to original operating condition, the motor vehicle's airbag passive
39 restraint system.

40 (3) In the course of repairing a motor vehicle, a person who has actual knowledge that
41 the motor vehicle's airbag passive restraint system is damaged or has been deployed shall notify
42 the owner or lessee of the vehicle, in [~~writing~~] a form approved by the Department of Public
43 Safety, that the failure to repair and fully restore the motor vehicle's airbag passive restraint
44 system is a class B misdemeanor.

45 (4) [~~A~~] Unless acting under a dismantling permit under Section 41-1a-1010, a person
46 may not remove or modify a motor vehicle's airbag passive restraint system with the intent of
47 rendering the motor vehicle's airbag passive restraint system inoperable.

48 (5) A person who violates this section is guilty of a class B misdemeanor.

Legislative Review Note
as of 2-5-04 6:02 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number HB0308

Vehicle Restraint System Amendments

13-Feb-04

1:57 PM

State Impact

It is estimated that provisions of this bill can be implemented with existing resources.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst