

**COUNTERFEIT AIRBAG AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Thomas W. Peterson**

Senate Sponsor: Michael K. McKell

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**LONG TITLE**

**General Description:**

This bill prohibits a counterfeit or nonfunctional airbag.

**Highlighted Provisions:**

This bill:

- ▶ prohibits certain actions involving a counterfeit or nonfunctional airbag; and
- ▶ establishes penalties.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**41-1a-1321**, Utah Code Annotated 1953

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

Section 1. Section **41-1a-1321** is enacted to read:

**41-1a-1321. Counterfeit airbags.**

(1) As used in this section:

(a) "Airbag" means an airbag passive restraint system that:

(i) operates in the event of a crash; and



28 (ii) meets applicable federal safety standards for the specific make, model, and year of  
29 the motor vehicle in which the airbag is installed.

30 (b) "Counterfeit airbag" means a replacement motor vehicle passive restraint system or  
31 a component of a replacement motor vehicle passive restraint system that displays an identical  
32 or similar trademark to the manufacturer's or supplier's genuine trademark without  
33 authorization.

34 (c) "Nonfunctional airbag" means a replacement motor vehicle airbag passive restraint  
35 system that:

36 (i) was previously deployed or damaged;

37 (ii) has a fault that is detected by the vehicle diagnostic system after the installation  
38 procedure is completed; or

39 (iii) includes any part or object installed in a motor vehicle to mislead the owner or  
40 operator of the motor vehicle into believing that a functional airbag has been installed.

41 (d) "Person" includes the owner or lessee of a motor vehicle, a body shop, dealer,  
42 remanufacturer, salvage rebuilder, vehicle service maintenance facility, or an entity or  
43 individual engaged in the repair of motor vehicles or the replacement or repair of an airbag  
44 passive restraint system.

45 (2) A person may not, with criminal negligence, manufacture, import, sell, offer for  
46 sale, install, or reinstall a counterfeit or nonfunctional airbag.

47 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class  
48 A misdemeanor.

49 (b) A violation of Subsection (2) is a second degree felony if the person causes:

50 (i) serious injury, as defined in Section [76-1-101.5](#), to an individual;

51 (ii) substantial injury, as defined in Section [76-1-101.5](#), to an individual; or

52 (iii) the death of an individual.

53 **Section 2. Effective date.**

54 This bill takes effect on May 1, 2024.