CHAPTER 72

COUNTERFEIT, NONFUNCTIONAL, OR UNSAFE AIR BAGS

H.F. 287

AN ACT relating to counterfeit, nonfunctional, or unsafe air bags, providing penalties, and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321.1, Code 2015, is amended by adding the following new subsection:

NEW SUBSECTION. 01A. *"Air bag"* or *"airbag"* means a motor vehicle inflatable occupant restraint system that operates in the event of a crash and is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed. *"Air bag"* includes all component parts to a motor vehicle inflatable occupant restraint system, including but not limited to the cover, sensors, controllers, inflators, wiring, and seat belt systems.

Sec. 2. Section 321.71A, Code 2015, is amended by striking the section and inserting in lieu thereof the following:

321.71A Counterfeit, nonfunctional, and unsafe air bags.

1. As used in this section:

a. "Counterfeit air bag" means an air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer without authorization from the manufacturer.

b. "Nonfunctional air bag" means an air bag that was previously deployed or damaged, or has an electric fault that is detected by a motor vehicle's air bag diagnostic system after the air bag is installed in the motor vehicle.

2. A person who manufactures, imports, installs, reinstalls, sells, or offers to sell any device with the intent that the device replace an air bag in a motor vehicle, and who knows that the device is a counterfeit air bag, nonfunctional air bag, or air bag that does not comply with federal safety requirements as provided in 49 C.F.R. §571.208, is guilty of an aggravated misdemeanor.

3. A person who manufactures, imports, installs, reinstalls, sells, offers to sell, or tampers with any device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a functional air bag when a counterfeit or nonfunctional air bag is installed, or when no air bag is installed, with the intent to mislead the owner or operator of the motor vehicle into believing that the motor vehicle is equipped with a functional air bag, is guilty of an aggravated misdemeanor.

4. A violation of this section is an unlawful practice under section 714.16.

Sec. 3. Section 714H.3, subsection 2, Code 2015, is amended by adding the following new paragraph:

NEW PARAGRAPH. *g.* Section 321.71A.

Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 24, 2015