

**House File 287 - Introduced**

HOUSE FILE 287  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 53)

**A BILL FOR**

1 An Act relating to counterfeit, nonfunctional, or unsafe air  
2 bags, providing penalties, and including effective date  
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

14 **321.71A Counterfeit, nonfunctional, and unsafe air bags.**

15 1. As used in this section:

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

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

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

30 3. A person who manufactures, imports, installs,  
31 reinstalls, sells, offers to sell, or tampers with any device  
32 that causes a motor vehicle's diagnostic system to inaccurately  
33 indicate that the motor vehicle is equipped with a functional  
34 air bag when a counterfeit or nonfunctional air bag is  
35 installed, or when no air bag is installed, with the intent

1 to mislead the owner or operator of the motor vehicle into  
2 believing that the motor vehicle is equipped with a functional  
3 air bag, is guilty of an aggravated misdemeanor.

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

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

8 NEW PARAGRAPH. g. Section 321.71A.

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

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with  
13 the explanation's substance by the members of the general assembly.

14 This bill provides that a person who manufactures, imports,  
15 installs, or sells any device with the intent that the device  
16 replace an air bag in a motor vehicle, and who knows that the  
17 device is a counterfeit, nonfunctional, or unsafe air bag, is  
18 guilty of an aggravated misdemeanor.

19 The bill also provides that a person who manufactures,  
20 imports, installs, tampers with, or sells any device that  
21 causes a motor vehicle's diagnostic system to inaccurately  
22 indicate that the motor vehicle is equipped with a functional  
23 air bag when a counterfeit or nonfunctional air bag is  
24 installed, or when no air bag is installed, with the intent  
25 to mislead the owner or operator of the motor vehicle into  
26 believing that the motor vehicle is equipped with a functional  
27 air bag, is guilty of an aggravated misdemeanor.

28 An aggravated misdemeanor is punishable by up to two years in  
29 prison and up to a \$6,250 fine.

30 The bill defines "air bag", "counterfeit air bag", and  
31 "nonfunctional air bag". In addition, the bill provides that  
32 an air bag is unsafe when it does not comply with federal  
33 safety requirements as provided in the code of federal  
34 regulations. The bill also provides that the acts prohibited  
35 by the bill are unlawful acts of consumer fraud.

1 The bill takes effect upon enactment.