

# SENATE BILL 209

I3, E1, R6

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By: **Senator Kelley**

Introduced and read first time: January 21, 2010

Assigned to: Finance

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## A BILL ENTITLED

1 AN ACT concerning

2 **Motor Vehicle Air Bags – Consumer Protection and Reporting Requirements**

3 FOR the purpose of prohibiting a person from installing or reinstalling in a motor  
4 vehicle any object in lieu of an air bag; prohibiting a person from selling or  
5 offering for sale any device with the intent that the device will replace an air  
6 bag in a motor vehicle under certain circumstances; prohibiting a person from  
7 selling or offering for sale any device that gives a false impression that a viable  
8 air bag is installed in a motor vehicle; prohibiting a person from intentionally  
9 misrepresenting the presence of an air bag in a motor vehicle; requiring a  
10 person engaged in the business of buying, selling, or installing salvaged air bags  
11 to maintain certain records for a certain period of time; requiring a person who  
12 installs a new replacement air bag to maintain certain records for a certain  
13 period of time; requiring certain records to be made available for inspection at a  
14 certain time at the request of a certain law enforcement officer; requiring the  
15 provision of certain information on the request of certain vehicle owners or their  
16 insurers; requiring a person who sells or installs salvaged air bags to disclose  
17 certain information to certain persons; requiring a person who installs a  
18 salvaged air bag in a motor vehicle to apply a certain label to the dashboard of  
19 the motor vehicle; prohibiting the intentional removal of the label from the  
20 dashboard of a motor vehicle; prohibiting a person from selling or installing a  
21 salvaged air bag that is the subject of a manufacturer's recall; requiring a  
22 person who installs a new or salvaged air bag to submit a certain affidavit to a  
23 certain person; prohibiting a person from selling or trading a motor vehicle if  
24 the person has actual knowledge that the air bag in the motor vehicle is  
25 inoperable unless the person gives a certain notice; requiring certain motor  
26 vehicle accident reports and certain motor vehicle accident report forms to  
27 include certain information; providing that a violation of certain provisions of  
28 this Act is an unfair or deceptive trade practice under the Maryland Consumer  
29 Protection Act and is subject to certain enforcement and penalty provisions;  
30 providing a certain penalty; defining certain terms; and generally relating to  
31 motor vehicle air bags and consumer protection and reporting requirements.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to  
2 Article – Commercial Law  
3 Section 14–3801 through 14–3806 to be under the new subtitle “Subtitle 38. Air  
4 Bag Safety Act”  
5 Annotated Code of Maryland  
6 (2005 Replacement Volume and 2009 Supplement)

7 BY adding to  
8 Article – Public Safety  
9 Section 3–508  
10 Annotated Code of Maryland  
11 (2003 Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,  
13 Article – Transportation  
14 Section 20–113  
15 Annotated Code of Maryland  
16 (2009 Replacement Volume and 2009 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Commercial Law**

20 **SUBTITLE 38. AIR BAG SAFETY ACT.**

21 **14–3801.**

22 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
23 **INDICATED.**

24 **(B) (1) “AIR BAG” MEANS AN INFLATABLE OCCUPANT RESTRAINT**  
25 **SYSTEM OR ANY COMPONENT OF AN INFLATABLE OCCUPANT RESTRAINT**  
26 **SYSTEM THAT IS DESIGNED IN ACCORDANCE WITH APPLICABLE FEDERAL**  
27 **SAFETY STANDARDS FOR USE IN A MOTOR VEHICLE.**

28 **(2) “AIR BAG” INCLUDES SENSORS, CONTROLLERS, AND WIRING**  
29 **THAT ARE PART OF AN INFLATABLE OCCUPANT RESTRAINT SYSTEM.**

30 **(C) “LIGHT MANIPULATING SYSTEM” MEANS ANY OBJECT OR DEVICE**  
31 **THAT CAUSES AN INACCURATE INDICATION OF THE STATUS OR CONDITION OF**  
32 **AN AIR BAG.**

33 **(D) “MOTOR VEHICLE” HAS THE MEANING STATED IN § 11–135 OF THE**  
34 **TRANSPORTATION ARTICLE.**

1           **(E) “SALVAGED AIR BAG” MEANS AN ORIGINAL EQUIPMENT**  
2 **MANUFACTURER NONDEPLOYED AIR BAG THAT HAS BEEN REMOVED FROM A**  
3 **MOTOR VEHICLE FOR USE IN ANOTHER MOTOR VEHICLE.**

4 **14-3802.**

5           **(A) A PERSON MAY NOT INSTALL OR REINSTALL IN A MOTOR VEHICLE**  
6 **ANY OBJECT IN LIEU OF AN AIR BAG, INCLUDING ANY LIGHT MANIPULATING**  
7 **SYSTEM.**

8           **(B) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY DEVICE WITH**  
9 **THE INTENT THAT THE DEVICE WILL REPLACE AN AIR BAG IN A MOTOR VEHICLE**  
10 **IF THE PERSON KNOWS OR REASONABLY SHOULD KNOW THAT THE DEVICE DOES**  
11 **NOT MEET APPLICABLE FEDERAL SAFETY REQUIREMENTS.**

12           **(C) A PERSON MAY NOT SELL OR OFFER FOR SALE ANY DEVICE,**  
13 **INCLUDING A LIGHT MANIPULATING SYSTEM, THAT WHEN INSTALLED IN A**  
14 **MOTOR VEHICLE GIVES THE FALSE IMPRESSION THAT A VIABLE AIR BAG IS**  
15 **INSTALLED IN THE MOTOR VEHICLE.**

16           **(D) A PERSON MAY NOT INTENTIONALLY MISREPRESENT THE**  
17 **PRESENCE OF AN AIR BAG IN A MOTOR VEHICLE.**

18 **14-3803.**

19           **(A) A PERSON ENGAGED IN THE BUSINESS OF BUYING, SELLING, OR**  
20 **INSTALLING SALVAGED AIR BAGS SHALL MAINTAIN, FOR A PERIOD OF 5 YEARS,**  
21 **A WRITTEN OR ELECTRONIC RECORD OF THE PURCHASE, SALE, OR**  
22 **INSTALLATION OF EACH SALVAGED AIR BAG THAT INCLUDES:**

23                   **(1) THE VEHICLE IDENTIFICATION NUMBER OF THE MOTOR**  
24 **VEHICLE FROM WHICH THE SALVAGED AIR BAG WAS REMOVED;**

25                   **(2) THE NAME, ADDRESS, AND DRIVER’S LICENSE NUMBER AND**  
26 **ISSUING STATE OF THE PERSON FROM WHOM THE SALVAGED AIR BAG WAS**  
27 **PURCHASED; AND**

28                   **(3) FOR A SALVAGED AIR BAG THAT IS INSTALLED IN A MOTOR**  
29 **VEHICLE, THE VEHICLE IDENTIFICATION NUMBER OF THE MOTOR VEHICLE.**

30           **(B) A PERSON WHO INSTALLS A NEW REPLACEMENT AIR BAG SHALL**  
31 **MAINTAIN, FOR A PERIOD OF 5 YEARS AFTER THE INSTALLATION, A WRITTEN OR**  
32 **ELECTRONIC RECORD OF:**

1           (1) THE NAME AND TAX IDENTIFICATION NUMBER OF THE  
2 SUPPLIER OF THE AIR BAG;

3           (2) THE IDENTIFICATION NUMBER OF THE AIR BAG THAT WAS  
4 INSTALLED; AND

5           (3) THE IDENTIFICATION NUMBER OF THE PREVIOUSLY  
6 DEPLOYED AIR BAG THAT WAS REPLACED.

7           (C) (1) RECORDS REQUIRED TO BE MAINTAINED UNDER THIS  
8 SECTION SHALL BE MADE AVAILABLE FOR INSPECTION DURING NORMAL  
9 BUSINESS HOURS AT THE REQUEST OF ANY LAW ENFORCEMENT OFFICER OF  
10 THE STATE.

11           (2) ON REQUEST, A COPY OF THE PORTION OF A RECORD  
12 MAINTAINED UNDER THIS SECTION THAT IS RELEVANT TO A PARTICULAR  
13 TRANSACTION SHALL BE PROVIDED TO THE VEHICLE OWNER INVOLVED IN THE  
14 TRANSACTION AND THE VEHICLE OWNER'S INSURER.

15 14-3804.

16           (A) (1) (I) A PERSON WHO SELLS A SALVAGED AIR BAG SHALL  
17 DISCLOSE TO THE BUYER THAT THE AIR BAG IS SALVAGED.

18                           (II) A PERSON WHO INSTALLS A SALVAGED AIR BAG SHALL  
19 DISCLOSE TO THE OWNER OF THE MOTOR VEHICLE IN WHICH THE AIR BAG IS  
20 INSTALLED THAT THE AIR BAG IS A SALVAGED AIR BAG.

21           (2) (I) A PERSON WHO INSTALLS A SALVAGED AIR BAG IN A  
22 MOTOR VEHICLE SHALL APPLY TO THE DASHBOARD OF THE MOTOR VEHICLE A  
23 PERMANENT LABEL THAT CLEARLY STATES THAT THE MOTOR VEHICLE  
24 CONTAINS A SALVAGED AIR BAG.

25                           (II) A PERSON MAY NOT INTENTIONALLY REMOVE A LABEL  
26 REQUIRED UNDER THIS PARAGRAPH.

27           (B) A PERSON MAY NOT SELL OR INSTALL A SALVAGED AIR BAG THAT IS  
28 THE SUBJECT OF A MANUFACTURER'S RECALL.

29           (C) A PERSON WHO INSTALLS A NEW OR SALVAGED AIR BAG IN A MOTOR  
30 VEHICLE SHALL SUBMIT AN AFFIDAVIT TO THE MOTOR VEHICLE OWNER OR A  
31 REPRESENTATIVE OF THE MOTOR VEHICLE OWNER STATING THAT THE  
32 REPLACEMENT AIR BAG HAS BEEN PROPERLY INSTALLED.

1 **14-3805.**

2 A PERSON MAY NOT SELL OR TRADE A MOTOR VEHICLE IF THE PERSON  
3 HAS ACTUAL KNOWLEDGE THAT THE MOTOR VEHICLE'S AIR BAG IS INOPERABLE  
4 UNLESS THE PERSON GIVES WRITTEN NOTICE TO THE BUYER OF THE MOTOR  
5 VEHICLE OR THE PERSON ACQUIRING THE TRADE-IN MOTOR VEHICLE THAT  
6 THE AIR BAG IS INOPERABLE.

7 **14-3806.**

8 (A) A VIOLATION OF ANY PROVISION OF THIS SUBTITLE:

9 (1) IS AN UNFAIR OR DECEPTIVE PRACTICE WITHIN THE MEANING  
10 OF TITLE 13 OF THIS ARTICLE; AND

11 (2) IS SUBJECT TO THE ENFORCEMENT AND PENALTY  
12 PROVISIONS CONTAINED IN TITLE 13 OF THIS ARTICLE.

13 (B) IF A PERSON VIOLATES § 14-3802(A) OF THIS SUBTITLE AND THE  
14 VIOLATION CONTRIBUTES TO THE SERIOUS BODILY INJURY OF ANOTHER, AS  
15 DEFINED IN § 27-113 OF THE TRANSPORTATION ARTICLE, OR THE DEATH OF  
16 ANOTHER, THE PERSON IS GUILTY OF A FELONY AND ON CONVICTION, IN  
17 ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, IS SUBJECT TO  
18 IMPRISONMENT NOT EXCEEDING 5 YEARS OR A FINE NOT EXCEEDING \$5,000 OR  
19 BOTH.

20 **Article – Public Safety**

21 **3-508.**

22 A REPORT OF A MOTOR VEHICLE ACCIDENT COMPLETED BY A POLICE  
23 OFFICER SHALL INCLUDE INFORMATION AS TO WHETHER THE AIR BAG OR SEAT  
24 BELT PRETENSIONER OF EACH VEHICLE INVOLVED IN THE ACCIDENT WAS  
25 DEPLOYED.

26 **Article – Transportation**

27 **20-113.**

28 (a) (1) The Administration shall prepare and, on request, supply to police  
29 departments, sheriffs, and other appropriate agencies or individuals, forms for the  
30 written accident reports required by § 20-107 of this title.

1           (2)     The forms shall require sufficiently detailed information to disclose  
2 the cause of the reported accident, the conditions then existing, [and] the persons and  
3 vehicles involved, **AND WHETHER THE AIR BAG OR SEAT BELT PRETENSIONER OF**  
4 **EACH VEHICLE INVOLVED WAS DEPLOYED.**

5           (b)     Each written accident report required by § 20–107 of this title shall be  
6 made on the form that the Administration requires and shall contain all the available  
7 information required by the report.

8           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 October 1, 2010.