

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 7

FINAL READING

Introduced by Blood, 3; Hilkemann, 4; Hunt, 8; Slama, 1.

Read first time January 10, 2019

Committee: Judiciary

- 1 A BILL FOR AN ACT relating to crimes and offenses; to amend section
- 2 28-101, Revised Statutes Cumulative Supplement, 2018; to adopt the
- 3 Counterfeit Airbag Prevention Act; to provide penalties and
- 4 eliminate a penalty; to harmonize provisions; to repeal the original
- 5 section; and to outright repeal section 28-635, Reissue Revised
- 6 Statutes of Nebraska.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-101, Revised Statutes Cumulative Supplement,
2 2018, is amended to read:

3 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
4 sections 2 to 5 of this act shall be known and may be cited as the
5 Nebraska Criminal Code.

6 Sec. 2. Sections 2 to 5 of this act shall be known and may be cited
7 as the Counterfeit Airbag Prevention Act.

8 Sec. 3. For purposes of the Counterfeit Airbag Prevention Act,
9 unless the context otherwise requires:

10 (1) Airbag means a motor vehicle inflatable occupant restraint
11 system device that is part of a supplemental restraint system;

12 (2) Counterfeit supplemental restraint system component means a
13 supplemental restraint system component that displays a mark identical or
14 substantially similar to the genuine mark of a motor vehicle manufacturer
15 or a supplier of parts to the manufacturer of a motor vehicle without
16 authorization from such manufacturer or supplier;

17 (3) Nonfunctional airbag means an airbag that meets any of the
18 following criteria:

19 (a) The airbag was previously deployed or damaged;

20 (b) The airbag has an electric fault that is detected by the motor
21 vehicle's diagnostic system when the installation procedure is completed
22 and (i) the motor vehicle is returned to the customer who requested the
23 work to be performed or (ii) ownership is intended to be transferred;

24 (c) The airbag includes a part or object installed in a motor
25 vehicle to mislead the owner or operator of the motor vehicle into
26 believing that a functional airbag has been installed; or

27 (d) The airbag is subject to the prohibitions of subsection (j) of
28 49 U.S.C. 30120, as such section existed on January 1, 2019; and

29 (4) Supplemental restraint system means an inflatable restraint
30 system as defined in 49 C.F.R. 571.208, as such regulation existed on
31 January 1, 2019, designed for use in conjunction with an active safety

1 system. A supplemental restraint system includes one or more airbags and
2 all components required to ensure that an airbag works as designed by the
3 motor vehicle manufacturer, including both of the following:

- 4 (a) The airbag operates as necessary in the event of a crash; and
5 (b) The airbag is designed in accordance with federal motor vehicle
6 safety standards for the specific make, model, and year of the motor
7 vehicle in which it is or will be installed.

8 Sec. 4. A person violates the Counterfeit Airbag Prevention Act if
9 the person does any of the following:

10 (1) Knowingly and intentionally manufactures, imports, installs,
11 reinstalls, distributes, sells, or offers for sale any device intended to
12 replace a supplemental restraint system component in any motor vehicle if
13 the device is a counterfeit supplemental restraint system component or a
14 nonfunctional airbag or does not meet federal safety requirements as
15 provided in 49 C.F.R. 571.208, as such regulation existed on January 1,
16 2019;

17 (2) Knowingly and intentionally sells, installs, or reinstalls a
18 device that causes a motor vehicle's diagnostic system to fail to warn
19 when the motor vehicle is equipped with a counterfeit supplemental
20 restraint system component or a nonfunctional airbag or when no airbag is
21 installed;

22 (3) Knowingly and intentionally represents to another person that a
23 counterfeit supplemental restraint system component or nonfunctional
24 airbag installed in a motor vehicle is not a counterfeit supplemental
25 restraint system component or a nonfunctional airbag; or

26 (4) Causes another person to violate this section or assists another
27 person in violating this section.

28 Sec. 5. (1) Except as otherwise provided in this section, a
29 violation of the Counterfeit Airbag Prevention Act is a Class IV felony.

30 (2) A violation of the act is a Class IIIA felony if the defendant
31 has been previously convicted of a violation of the act.

1 (3) A violation of the act is a Class III felony if the violation
2 resulted in an individual suffering bodily injury.

3 (4) A violation of the act is a Class IIA felony if the violation
4 resulted in an individual suffering serious bodily injury.

5 (5) A violation of the act is a Class II felony if the violation
6 resulted in the death of an individual.

7 Sec. 6. Original section 28-101, Revised Statutes Cumulative
8 Supplement, 2018, is repealed.

9 Sec. 7. The following section is outright repealed: Section 28-635,
10 Reissue Revised Statutes of Nebraska.