

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 43

HOUSE BILL 328

Introduced by
REPRESENTATIVE WILLIAM "BILL" R. REHM



CHAPTER 43

AN ACT

1
2 RELATING TO MOTOR VEHICLES; PROHIBITING THE ALTERATION OF
3 AIRBAGS; PROHIBITING THE SALE AND INSTALLATION OF COUNTERFEIT
4 OR NONFUNCTIONAL AIRBAGS; REQUIRING AIRBAGS IN RENTAL VEHICLES
5 OR VEHICLES FOR HIRE; PROHIBITING MISREPRESENTATION WITH
6 RESPECT TO AIRBAGS; PROVIDING PENALTIES.

7
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

9 SECTION 1. A new section of the Motor Vehicle Code is
10 enacted to read:

11 "AIRBAG VIOLATIONS.--

12 A. It is unlawful for a person to knowingly:

13 (1) fail to install an airbag in a motor
14 vehicle after representing to another person that the person
15 will install an airbag in the motor vehicle;

16 (2) install or reinstall a counterfeit or
17 nonfunctional airbag in a motor vehicle;

18 (3) import, manufacture or sell or offer for
19 sale a counterfeit or nonfunctional airbag to be installed in
20 a motor vehicle;

21 (4) sell any device, install or reinstall in
22 any vehicle any device or take any action that causes the
23 vehicle's diagnostic system to inaccurately indicate that the
24 vehicle is equipped with a functional airbag when a
25 counterfeit airbag, nonfunctional airbag or no airbag is

1 installed;

2 (5) represent to another that a counterfeit
3 or nonfunctional airbag is an original equipment manufacturer
4 part;

5 (6) intentionally alter an airbag in a
6 manner that causes the airbag to become a counterfeit or
7 nonfunctional airbag or otherwise defective;

8 (7) sell, lease or rent a motor vehicle that
9 at the time of the sale, lease or rental has a counterfeit or
10 nonfunctional airbag installed;

11 (8) rent or offer for hire a motor vehicle
12 that is not equipped with airbags required to be in the motor
13 vehicle by the applicable federal safety regulations for the
14 make, model and year of the vehicle; or

15 (9) assist another in violating the
16 provisions of this subsection with the intent that the crime
17 be committed.

18 B. Whoever violates this section is guilty of a
19 misdemeanor and shall be sentenced pursuant to the provisions
20 of Section 31-19-1 NMSA 1978.

21 C. A violation of the provisions of this section
22 that results in great bodily harm or death is a fourth degree
23 felony, and the offender shall be sentenced pursuant to the
24 provisions of Section 31-18-15 NMSA 1978.

25 D. This section shall not apply to airbags,

1 counterfeit airbags or nonfunctional airbags in a motor
2 vehicle operated solely on a closed course or track.

3 E. As used in this section:

4 (1) "airbag" means a motor vehicle
5 inflatable occupant restraint system or any component thereof
6 that:

7 (a) operates in the event of a crash;

8 and

9 (b) is designed in accordance with
10 federal motor vehicle safety standards for the specific make,
11 model and year of the motor vehicle in which it is or will be
12 installed;

13 (2) "counterfeit airbag" means a replacement
14 airbag or any component thereof displaying a mark identical or
15 similar to the genuine mark of a motor vehicle manufacturer
16 without authorization of the motor vehicle manufacturer;

17 (3) "great bodily harm" means an injury to a
18 person that creates a high probability of death, that causes
19 serious disfigurement or that results in permanent or
20 protracted loss or impairment of the function of any member or
21 organ of the body;

22 (4) "knowingly" or "known" means having
23 actual knowledge of the violation; and


24 (5) "nonfunctional airbag" means a
25 replacement airbag or any component thereof that:


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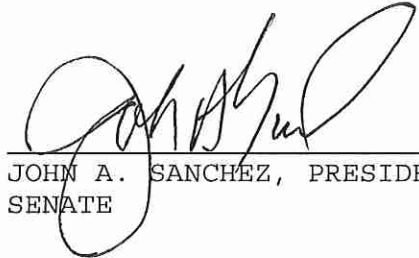
(a) was previously deployed or damaged;
(b) has a fault that was detected by
the vehicle diagnostic system after the installation procedure
was completed; or

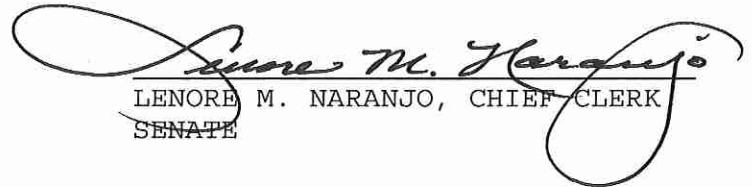
(c) includes any part or object, such
as a repaired airbag cover, that is installed in a motor
vehicle in order to mislead the owner or operator of the motor
vehicle into believing that a functional airbag has been
installed."

SECTION 2. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2015. _____



DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES


DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES


JOHN A. SANCHEZ, PRESIDENT
SENATE


LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 6th day of April, 2015


SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO