

By: Representative Yancey

To: Business and Commerce

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1092

1 AN ACT TO AMEND SECTION 63-7-62, MISSISSIPPI CODE OF 1972, TO
2 ESTABLISH STANDARDS REGARDING THE INSTALLATION OF AUTOMOBILE
3 AIRBAGS AND SUPPLEMENTAL RESTRAINT SYSTEMS; AND FOR RELATED
4 PURPOSES.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

6 **SECTION 1.** Section 63-7-62, Mississippi Code of 1972, is
7 amended as follows:

8 63-7-62. (1) As used in this section, the following words
9 and phrases have the meanings ascribed in this subsection unless
10 the context clearly requires otherwise:

11 (a) "Airbag" means an inflatable restraint device for
12 occupants of motor vehicles which is part of an automobile
13 supplemental restraint system.

14 (b) "Automobile supplemental restraint system" means a
15 passive inflatable crash protection system that a vehicle
16 manufacturer designs to protect automobile occupants in
17 conjunction with a seat belt assembly, as defined in 49 CFR
18 571.209, and which has one or more airbags and all components
19 required to ensure that each airbag:



20 (i) Operates as designed in a crash; and
21 (ii) Meets federal motor vehicle safety standards
22 for the specific make, model and year of manufacture of the
23 vehicle in which the airbag is installed.

24 (c) "Counterfeit automobile supplemental restraint
25 system component" means a replacement component, including an
26 airbag, that without the authorization of a manufacturer, or a
27 person who supplies parts to the manufacturer, displays a
28 trademark that is identical or substantially similar to the
29 manufacturer's or supplier's genuine trademark.

30 (d) "Nonfunctional airbag" means a replacement airbag
31 that:

32 (i) Was previously deployed or damaged;

33 (ii) Has a fault that a motor vehicle's diagnostic
34 systems detect once the airbag is installed;

35 (iii) May not be sold or leased under 49 USC
36 30120(j); or

37 (iv) Includes a counterfeit automobile
38 supplemental restraint system component or other part or object
39 that is installed for the purpose of misleading a motor vehicle
40 owner or operator into believing that a functional airbag is
41 installed.

42 "Nonfunctional airbag" does not include a salvaged airbag, or
43 an airbag that is installed in a motor vehicle: that has been
44 declared a total loss or is otherwise a totaled vehicle; or for



45 which the owner was issued a salvage title certificate or a
46 similar title from another state.

47 (e) "Salvaged airbag" means an original equipment
48 manufacturer nondeployed airbag that has been removed from a motor
49 vehicle for use in another motor vehicle.

50 (2) A person may not knowingly or intentionally:

51 (a) Manufacture, import, distribute, offer for sale,
52 sell or lease or otherwise transfer, or install or reinstall into
53 a motor vehicle a counterfeit automobile supplemental restraint
54 system component, a nonfunctional airbag, or an object that
55 replaces an automobile supplemental restraint system component
56 which does not comply with Standard No. 208, 49 CFR 571.208, for
57 the make, model and year of the motor vehicle; or

58 (b) Install or reinstall as part of an automobile
59 supplemental restraint system any object, component, part or
60 device that causes a motor vehicle's diagnostic system to fail to
61 warn the motor vehicle operator that an airbag is not installed or
62 that a counterfeit automobile supplemental restraint system
63 component or nonfunctional airbag is installed in the motor
64 vehicle.

65 (c) For purposes of paragraph (b) of this subsection,
66 the time when an installation of a counterfeit automobile
67 supplemental restraint system component, a nonfunctional airbag,
68 or an object that replaces an automobile supplemental restraint
69 system component which does not comply with Standard No. 208, 49



70 CFR 571.208, for the make, model and year of the motor vehicle
71 occurs is when the installation work is complete and the earlier
72 of these two (2) conditions occurs:

73 (i) The motor vehicle is returned to the operator;

74 or

75 (ii) Title to the motor vehicle is transferred.

76 (3) Any person who knowingly installs or reinstalls any
77 object in lieu of an airbag * * * or automobile supplemental
78 restraint system designed in accordance with federal safety
79 regulations for the make, model and year of vehicle, as a part of
80 a vehicle inflatable restraint system, * * * is guilty of a
81 misdemeanor and, upon conviction thereof, shall be punished by a
82 fine of not more than Five Thousand Dollars (\$5,000.00), or by
83 imprisonment for not more than one (1) year, or both.

84 **SECTION 2.** This act shall take effect and be in force from
85 and after July 1, 2024.

