

By: Representative Yancey

To: Business and Commerce

HOUSE BILL NO. 1092  
(As Sent to Governor)

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

86 (4) For purposes of this section, in the event that a  
87 franchised motor vehicle dealer, as defined in Section 63-17-55,  
88 or its owners, did not know and should not have reasonably known,  
89 that a counterfeit automobile supplemental restraint system  
90 component, nonfunctional airbag or other component device has been  
91 imported, manufactured, sold, offered for sale, installed or  
92 reinstalled in lieu of a supplemental restraint system component  
93 at the franchised motor vehicle dealer's place of business or  
94 elsewhere, knowledge by any other person shall not be imputed to



95 the franchised motor vehicle dealer or its owners, and the  
96 franchised motor vehicle dealer or its owners shall not have any  
97 criminal liability under this section.

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

