

AN ACT

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

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

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

"AIRBAG VIOLATIONS.--

A. It is unlawful for a person to knowingly:

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

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

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

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

installed;

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

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

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

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

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

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

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

D. This section shall not apply to airbags,

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

E. As used in this section:

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

(a) operates in the event of a crash;

and

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

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

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

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

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

(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. _____