

HOUSE BUSINESS AND INDUSTRY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 501

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING THE ALTERATION OF
AIRBAGS AND THE SALE, INSTALLATION OR MISREPRESENTATION OF
COUNTERFEIT 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:

"~~[NEW MATERIAL]~~ 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;

(2) install a counterfeit airbag in a motor
vehicle;

(3) make or sell a counterfeit airbag to be

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1 installed in a motor vehicle;

2 (4) represent to another that a counterfeit
3 airbag is not counterfeit;

4 (5) intentionally alter an airbag that is not
5 counterfeit in a manner that causes the airbag to not meet all
6 applicable federal safety regulations for an airbag designed to
7 be installed in a motor vehicle of a particular make, model and
8 year;

9 (6) sell a vehicle containing a counterfeit
10 airbag without first warning the purchaser, in writing, of the
11 counterfeit airbag and the safety hazards associated with the
12 airbag; or

13 (7) assist another in violating the provisions
14 of this subsection.

15 B. A first conviction pursuant to this section is a
16 misdemeanor and the offender shall be sentenced pursuant to the
17 provisions of Section 31-19-1 NMSA 1978.

18 C. Upon a second or subsequent conviction pursuant
19 to this section, an offender is guilty of a fourth degree
20 felony and shall be sentenced pursuant to the provisions of
21 Section 31-18-15 NMSA 1978.

22 D. A person that causes great bodily harm to a
23 human being as a result of a violation of the provisions of
24 this section is guilty of a third degree felony and shall be
25 sentenced pursuant to the provisions of Section 31-18-15 NMSA

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1 1978.

2 E. As used in this section:

3 (1) "counterfeit airbag" means an airbag that
4 does not meet all applicable federal safety regulations for an
5 airbag designed to be installed in a motor vehicle of a
6 particular make, model and year; and

7 (2) "great bodily harm" means an injury to a
8 person that creates a high probability of death, that causes
9 serious disfigurement or that results in permanent or
10 protracted loss or impairment of the function of any member or
11 organ of the body.

12 F. This section shall not apply to airbags or
13 counterfeit airbags in a vehicle operated solely on a closed
14 course or track."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the
16 provisions of this act is July 1, 2011.

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