

BILL ANALYSIS

Senate Research Center
80R11600 DWS-D

H.B. 71
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Transportation & Homeland Security
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

One in 25 previously damaged vehicles will have a nonfunctioning counterfeit airbag installed in place of a deployed or stolen airbag, because the cost of replacing the airbag legitimately can cost up to \$2,000.

H.B. 71 makes it an offense to knowingly install a counterfeit airbag. The bill makes a second violation of the law a third degree felony, and a violation of the law that leads to the bodily injury of a person a second degree felony.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 547.614, Transportation Code, as follows:

Sec. 547.614. RESTRICTIONS ON AIRBAGS. (a) Defines “counterfeit airbag.”

(a-1) Provides that a person commits an offense if the person knowingly fails to install an airbag or installs a counterfeit airbag. Deletes existing text providing that a person commits an offense if the person knowingly does not install an airbag that meets all applicable federal safety regulations for an airbag installed in a vehicle of that make, model, and year.

(a-2) Provides that a person commits an offense if the person takes certain actions set forth in this subsection related to the making, use, or false representation of a counterfeit airbag.

(b) Makes a conforming change.

(c) Provides that an offense under this section is a felony of the third degree if it is shown on the trial of the offense that the defendant has been previously convicted of an offense under this section.

(d) Provides that an offense under this section is a felony of the second degree if it is shown on the trial of the offense that as a result of the offense, an individual suffered bodily injury.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.