

BILL ANALYSIS

Senate Research Center

H.B. 38
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Transportation
5/2/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The National Highway Traffic Safety Administration issued a report in 2012 showing that automobile repair shops across the country have been using counterfeit airbags as replacement parts. In many cases, these airbags have been shown to malfunction and pose a risk of bodily harm or death to the occupants of the vehicle. H.B. 38 amends the Texas Transportation Code by increasing the penalty for the offense of installing a counterfeit airbag.

H.B. 38 amends current law relating to the penalty for an offense involving motor vehicle airbags.

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, by amending Subsections (a-2) and (b) and adding Subsection (e), as follows:

(a-2) Provides that a person commits an offense if the person:

- (1) knowingly or recklessly makes or sells a counterfeit airbag to be installed in a motor vehicle;
- (2)-(3) Makes no change to these subdivisions;
- (4) knowingly or recklessly sells a motor vehicle in which an airbag is not installed without clearly disclosing that the vehicle does not have an airbag; or
- (5) causes another person to violate Subsection (a-1) or Subdivision (1), (2), (3), or (4) or assists a person in violating Subsection (a-1) or Subdivision (1), (2), (3), or (4).

Makes nonsubstantive changes.

(b) Provides that, except as provided by Subsections (c), (d), and (e), an offense under this section is a state jail felony, rather than a Class A misdemeanor. Makes nonsubstantive changes.

(e) Provides that an offense under this section is a felony of the first degree if it is shown on the trial of the offense that the offense resulted in the death of a person.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: September 1, 2013.