

AN ACT

To amend section 4549.20 of the Revised Code to prohibit the manufacture, import, or sale of a counterfeit or nonfunctional motor vehicle air bag, to prohibit the sale, installation, or reinstallation of a device in a motor vehicle that causes the vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a functional air bag, and to increase the penalty for improper replacement of a motor vehicle air bag if the violation results in serious physical harm to an individual.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That section 4549.20 of the Revised Code be amended to read as follows:

Sec. 4549.20. (A) As used in this section, ~~"air;~~

(1) "Air bag" has the same meaning as in 49 C.F.R. 579.4, as amended.

(2) "Counterfeit air bag" means an air bag displaying a mark identical or similar to the genuine mark of a motor vehicle manufacturer, without the authorization of the motor vehicle manufacturer.

(3) "Nonfunctional air bag" means any of the following:

(a) A replacement air bag that has been previously deployed or damaged;

(b) A replacement air bag that has an electrical fault that is detected by the air bag diagnostic system of a vehicle after the air bag is installed;

(c) A counterfeit air bag, air bag cover, or some other object that is installed in a vehicle to deceive an owner or operator of the vehicle into believing that a functional air bag has been installed.

(B) No person shall install or reinstall in any motor vehicle a counterfeit or nonfunctional air bag or any object intended to fulfill the function of an air bag, ~~including an air bag,~~ other than an air bag that was designed in conformance with or that is regulated by federal motor vehicle safety standard number 208 for the make, model, and model year of the vehicle, knowing that the object is not in accordance with that standard.

(C) ~~Whoever~~ No person shall knowingly manufacture, import, sell, or offer for sale any of the following:

(1) A counterfeit air bag;

(2) A nonfunctional air bag;

(3) Any other object that is intended to be installed in a motor vehicle to fulfill the function of an air bag and that is not in conformance with federal motor vehicle safety standard number 208 for the make, model, and model year of the vehicle in which the object is intended to be installed.

(D) No person shall knowingly sell, install, or reinstall a device in a motor vehicle that causes the diagnostic system of a vehicle to inaccurately indicate that the vehicle is equipped with a functional air bag.

(E) (1) Whoever violates division (B) or (D) of this section is guilty of improper replacement of a motor vehicle air bag, a misdemeanor of the first degree on a first offense. On each subsequent offense, or if the violation results in serious physical harm to an individual, the person is guilty of a felony of the fifth degree.

(2) A violation of division (C) of this section is a felony of the fifth degree except as provided as follows:

(a) If the cumulative sales price of the air bags or objects involved in the violation of division (C) of this section is five thousand dollars or more but less than one hundred thousand dollars or if the number of air bags or objects involved in the violation of division (C) of this section is more than one hundred but less than one thousand, a violation of division (C) of this section is a felony of the fourth degree.

(b) If the cumulative sales price of the air bags or objects involved in the violation of division (C) of this section is one hundred thousand dollars or more or if the number of air bags or objects involved in the violation of division (C) of this section is one thousand or more, a violation of division (C) of this section is a felony of the third degree.

(3) Each manufacture, importation, installation, reinstallation, sale, or offer for sale in violation of this section shall constitute a separate and distinct violation.

SECTION 2. That existing section 4549.20 of the Revised Code is hereby repealed.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

Am. H. B. No. 177

130th G.A.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____