

# SENATE BILL REPORT

## SB 6160

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As Reported by Senate Committee On:  
Law & Justice, January 26, 2016

**Title:** An act relating to the manufacture, sale, distribution, and installation of motor vehicle air bags.

**Brief Description:** Regulating the manufacture, sale, distribution, and installation of motor vehicle air bags.

**Sponsors:** Senators O'Ban, Frockt, Fain, Hobbs, Nelson, Rolfes, Conway and Becker.

**Brief History:**

**Committee Activity:** Law & Justice: 1/12/16, 1/26/16 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 6160 be substituted therefor, and the substitute bill do pass.

Signed by Senators Padden, Chair; O'Ban, Vice Chair; Pedersen, Ranking Minority Member; Darneille, Frockt, Pearson and Roach.

**Staff:** Tim Ford (786-7423)

**Background:** An air bag is a safety device in motor vehicles that restrains the driver and passengers by quickly inflating and then deflating during a collision. Since 1998 federal law requires the use of dual front air bags in all cars and light trucks sold in the United States. The National Highway Traffic Safety Administration estimates that frontal air bags have saved 25,782 lives between 1987 and 2008. Several auto manufacturers in recent years have conducted safety recalls affecting millions of cars for defects in air bags causing ruptures.

In Washington State, it is a gross misdemeanor to knowingly install, reinstall, or distribute a previously deployed airbag as part of a vehicle's safety restraint system. Whenever a previously deployed air bag is replaced with a new air bag, the air bag must conform to the original equipment manufacturer requirements, and the installer must verify that the air bag is operating properly using a self-diagnostic test.

**Summary of Bill (Recommended Substitute):** An air bag includes all parts that operate in the event of a crash and are designed in accordance with federal standards. A counterfeit air

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bag means a replacement air bag that displays the mark of a manufacturer without authorization. A nonfunctional air bag is an installed replacement which was previously deployed or damaged, has a detected electrical fault, or includes counterfeit parts or a repaired air bag cover.

It is a class C felony to knowingly manufacture, import, sell, or offer for sale a device to replace an air bag if the device is a counterfeit air bag, a nonfunctional air bag, or does not otherwise meet federal safety standards. It is a class C felony to sell, install, or reinstall any device that causes the vehicle's diagnostic system to inaccurately indicate that the air bag is functional if the air bag installed is counterfeit or nonfunctional, or where no air bag is installed or the installer does not verify that the inflatable restraint system is operating properly using a self-diagnostic system.

**EFFECT OF CHANGES MADE BY LAW & JUSTICE COMMITTEE (Recommended Substitute):**

- “Cushion material” is added to the definitions of airbag, counterfeit airbag, and nonfunctional airbag.
- Criminal negligence is the legal standard for the crime of installing or replacing an airbag with a counterfeit, nonfunctional, damaged, or previously deployed airbag.
- The crimes created by the act do not apply to non-deployed salvage airbags that conform to original equipment manufacturer requirements.
- The crimes created by the act are class C felonies ranked at a seriousness level VII where they cause death or injury, and a seriousness level V where they do not cause death or injury.
- A violation of this act is also a violation of the Consumer Protection Act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** PRO: This bill will prohibit the manufacture, importation, installation, reinstallation or sale of counterfeit and nonfunctional airbags in Washington. Airbags are essential to vehicle safety. In 2010 the federal government made manufacturers aware of a growing problem of cheap and ineffective counterfeit airbags entering the U.S. from China. Because of shortcomings in federal law, it is necessary to push for legislation in states to protect the safety of drivers and passengers. We would support an amendment that makes the sale of counterfeit airbags a violation of the consumer protection act.

OTHER: The Alliance of Automobile Manufacturers has no problem with the intent of the bill but has technical concerns regarding the definition of a salvage bag and their uses as well as other technical concerns.

**Persons Testifying on Original Bill:** PRO: Tom McBride and Steve Osborn, American Honda.

OTHER: Gary Smith, Independent Business Association; Cliff Webster, General Motors.

**Persons Signed In To Testify But Not Testifying on Original Bill:** No one.