

# HOUSE BILL REPORT

## SSB 5117

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### As Passed House:

April 9, 2003

**Title:** An act relating to sale, distribution, or installation of air bags.

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

**Sponsors:** By Senate Committee on Highways & Transportation (originally sponsored by Senators Eide and Kohl-Welles).

### Brief History:

#### Committee Activity:

Transportation: 3/25/03, 4/2/03 [DP].

#### Floor Activity:

Passed House: 4/9/03, 87-4.

### Brief Summary of Substitute Bill

- Makes it a gross misdemeanor to knowingly install, reinstall, or distribute as an auto part, previously deployed motor vehicle airbags, and establishes penalties to include a fine of up to \$5,000 and/or up to one year in jail.
- Requires that when a previously deployed air bag is replaced with either a new or nondeployed salvage airbag, the replacement must conform to the original equipment manufacturer requirements and requires installers to verify that the entire airbag system is operating properly.

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## HOUSE COMMITTEE ON TRANSPORTATION

**Majority Report:** Do pass. Signed by 26 members: Representatives Murray, Chair; Rockefeller, Vice Chair; Simpson, Vice Chair; Ericksen, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Bailey, Campbell, Clibborn, Cooper, Dickerson, Edwards, Flannigan, Hankins, Hatfield, Hudgins, Kristiansen, Lovick, Morris, Nixon, Romero, Schindler, Shabro, Sullivan, Wallace, Wood and Woods.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Anderson, Armstrong and Mielke.

**Staff:** Jill Satran (786-7315).

**Background:**

When a vehicle airbag has been deployed in an accident or other circumstances, a replacement airbag may be installed. Recent studies suggest that new or non-deployed salvage airbags may be safely installed as replacements, as long as they are undamaged and properly handled and installed. In some cases, however, vehicle repair facilities have installed previously-deployed airbags that will not function in an accident. Under current law, no vehicle equipment standard has been established to govern the installation or distribution of previously-deployed airbags.

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**Summary of Bill:**

Persons who knowingly install, reinstall, or distribute as an auto part, previously deployed motor vehicle airbags are guilty of a gross misdemeanor, and subject to a maximum \$5,000 fine and/or a jail sentence of up to one year.

When previously deployed airbags are replaced, either by new or nondeployed salvaged airbags, the replacement airbag must conform to original equipment manufacturer requirements. Installers must verify, when replacing airbag systems, that the entire airbag system is operating properly.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Testimony For:** (With concerns) Placing criminal liability on distributors is concerning. Unlike installers who are working directly with a particular air bag system, distributors may be dealing with large quantities of product in sealed boxes. There is also concern that this bill goes beyond model legislation, which limits criminal liability to those who knowingly install previously deployed airbags, by adding the phrase "or reasonably should have known."

**Testimony Against:** None.

**Testified:** (With concerns) Larry Steven, Washington Auto Wholesalers Association.