

By Senator Villalobos

37-279-01

1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 860.145, F.S.; requiring that motor vehicle
4 airbags be identified with a number;
5 prohibiting certain acts regarding airbags;
6 providing penalties; providing an effective
7 date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 860.145, Florida Statutes, is
12 amended to read:

13 860.145 Airbag Antitheft Act.--

14 (1) SHORT TITLE.--This section may be cited as the
15 "Airbag Antitheft Act."

16 (2) DEFINITIONS.--As used in this section, the term
17 "airbag" means an inflatable restraint system that is designed
18 to be installed and to operate in a motor vehicle to activate
19 in the event of a crash; and the term "salvaged airbag" means
20 an airbag that has been removed from a motor vehicle.

21 (3) PURCHASE, SALE, OR INSTALLATION OF SALVAGED
22 AIRBAGS; RECORDS.--Any person engaged in the business of
23 purchasing, selling, or installing salvaged airbags shall
24 maintain a manual or electronic record of the purchase, sale,
25 or installation, which must include the identification number
26 of the salvaged airbag; the vehicle identification number of
27 the vehicle from which the salvaged airbag was removed; the
28 name, address, and driver's license number or other means of
29 identification of the person from whom the salvaged airbag was
30 purchased; and, if ~~in the event that~~ the salvaged airbag is
31 installed, the vehicle identification number of the vehicle

1 into which the airbag is installed. Such record must be
2 maintained for 36 months following the transaction and may be
3 inspected during normal business hours by any law enforcement
4 officer of this state or other authorized representative of
5 the agency charged with administration of this section. Any
6 person who sells a salvaged airbag or who installs a salvaged
7 airbag must disclose to the purchaser or consumer that the
8 airbag is salvaged. Upon request, information within a portion
9 of such record pertaining to a specific transaction must be
10 provided to an insurer or consumer.

11 (4) IDENTIFICATION NUMBER.--Airbags installed by a
12 motor vehicle manufacturer, in addition to any other
13 identification, must be marked with the vehicle identification
14 number of the vehicle in which the airbags are installed.

15 (5)~~(4)~~ PROHIBITION; PENALTIES.--

16 (a) It is unlawful for any person to knowingly
17 possess, sell, or install a stolen uninstalled airbag; a new
18 or salvaged airbag from which the manufacturer's part
19 identification number has been removed, altered, or defaced;
20 or an airbag taken from a stolen motor vehicle. Any person who
21 violates this paragraph commits a felony of the third degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 (b) Any person who fails to maintain complete and
25 accurate records, to prepare complete and accurate documents,
26 to provide information within a portion of such record upon
27 request, or to properly disclose that an airbag is salvaged,
28 as required by this act, commits a misdemeanor of the first
29 degree, punishable as provided in s. 775.082 or s. 775.083.

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1 Section 2. It is a felony of the second degree,
2 punishable as provided in section 775.082, section 775.083, or
3 section 775.084 to:

4 (1) Knowingly possess, sell, or install in any
5 vehicle:

6 (a) A fake airbag or other device that appears to be
7 an airbag but that does not function as an airbag; or

8 (b) A deployed airbag with or without the inflatable
9 portion attached.

10 (2) Place in an airbag compartment any material that
11 does not function in the same manner or to the same extent as
12 an airbag to protect the occupants of the vehicle in a crash.

13 Section 3. This act shall take effect July 1, 2001.

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16 SENATE SUMMARY

17 Requires that airbags be identified by number.
18 Prohibiting the possession, sale, or installation of
19 certain prohibited devices purporting to be airbags.
20 Prohibiting the placing of certain material in airbag
21 compartments.