

# SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

BILL: CS/SB 260

SPONSOR: Transportation Committee and Senator Geller

SUBJECT: Motor Vehicles

DATE: March 19, 2001                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vickers	Meyer	TR	Favorable/CS
2.	Dugger	Cannon	CJ	Favorable
3.	_____	_____	APJ	_____
4.	_____	_____	AP	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**I. Summary:**

This CS creates s. 860.146, F.S., to define the terms “Fake airbag” and “Junk-filled airbag compartment.” The CS provides it is unlawful to knowingly purchase, sell, or install any fake or junk-filled airbag compartment. Violation of this provision is punishable as a second-degree felony.

This CS creates section 860.146, Florida Statutes.

**II. Present Situation:**

Section 860.145, F.S., (“Airbag Antitheft Act”) provides any person engaged in the business of purchasing, selling, or installing salvaged airbags must maintain a record of the purchase, sale, or installation. This record must include the following information: the identification number of the salvaged airbag; the vehicle identification number of the vehicle from which the salvaged airbag was removed; the name, address, and driver’s license number or other means of identification of the person from whom the salvaged airbag was purchased; and, in the event the salvaged airbag is installed, the vehicle identification number of the vehicle into which the airbag is installed. Records must be maintained for 36 months following the transaction and may be inspected during normal business hours by any law enforcement officer or other authorized state representative. Any person who sells a salvaged airbag or who installs a salvaged airbag must disclose to the purchaser or consumer that the airbag is salvaged.

This section also provides it is unlawful for any person to knowingly possess, sell, or install any of the following: a stolen uninstalled airbag; a new or salvaged airbag from which the manufacturer’s part identification number has been removed, altered, or defaced; or an airbag

taken from a stolen motor vehicle. Any person who violates this provision commits a felony of the third degree.

Since 1998, federal law has required all newly manufactured cars and trucks to have driver and front passenger airbags. If an airbag is deployed in an accident, it must be replaced. Airbag replacement costs range from \$400 to \$1,500. The expense associated with airbags has created a market for used airbags (those not deployed, but still serviceable) salvaged from wrecked cars. Law enforcement agencies report that in the last several years, it has become increasingly popular among thieves to steal airbags for resale purposes. A recent undercover sting operation (“Operation Hot Air”) in North Miami Beach revealed that several local body shops were purchasing and installing altered airbags.

A related problem is the installation of junk or fake airbags. For example, a recent California investigation revealed that 1 out of every 25 vehicles inspected was equipped with a fake airbag. Police in California found that instead of replacing airbags after crashes, fake airbags are stuffed with anything to give them the weight and feel of a properly repaired air bag. The bags are then sewn back into the steering column and the vehicle is returned to unsuspecting owners.

### **III. Effect of Proposed Changes:**

This CS creates s. 860.146, F.S., to define the terms “Fake airbag” and “Junk-filled airbag compartment.” The CS also provides that it is unlawful to knowingly purchase, sell, or install any fake or junk-filled airbag compartment. Violation of this provision is punishable as a second-degree felony.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

### **V. Economic Impact and Fiscal Note:**

#### **A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

This CS provides that it is a second-degree felony to knowingly deal in any fake airbag or junk-filled airbag compartment. Potentially, a person convicted of this crime could be subjected to a fine not exceeding \$10,000.

**C. Government Sector Impact:**

The CS creates an unranked second-degree felony. The Criminal Justice Estimating Conference (CJEC) customarily finds that there is insignificant prison bed impact in these cases because the recommended sentence for an unranked second-degree felony is a non-state prison sanction under the Criminal Punishment Code. The CJEC is planning to officially review the CS after the writing of this analysis.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

Insurance industry estimates predict approximately 170,000 airbag thefts per year by the year 2010. Factoring in the cost per unit, this loss could cost policyholders between \$127 and \$253 million per year in higher premiums. Moreover, stolen airbags cannot guarantee the safety standards, which are essential for proper use of this device.

This bill implements recommendations developed by the Florida Motor Vehicle Theft Prevention Task Force.

**VIII. Amendments:**

None.