

By Senator Geller

29-122A-01

1                                   A bill to be entitled  
 2           An act relating to motor vehicles; amending s.  
 3           860.145, F.S.; increasing a criminal penalty  
 4           under the Airbag Antitheft Act; requiring  
 5           airbags to be marked with vehicle  
 6           identification numbers; creating s. 860.146,  
 7           F.S.; defining the terms "fake airbag" and  
 8           "junk-filled airbag compartment"; prohibiting  
 9           the sale, purchase, or installation of fake  
 10          airbags or junk-filled airbag compartments;  
 11          providing criminal penalties; providing an  
 12          effective date.

13

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

15

16           Section 1. Paragraph (a) of subsection (4) of section  
 17          860.145, Florida Statutes, is amended and subsection (5) is  
 18          added to that section to read:

19           860.145 Airbag Antitheft Act.--

20           (4) PROHIBITION; PENALTIES.--

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

29           (5) AIRBAG IDENTIFICATION.--An airbag installed by the  
 30          manufacturer must be marked with the vehicle identification  
 31          number of the vehicle in which the airbag is placed. This

1 vehicle identification number may be in lieu of or in addition  
2 to any other identification number.

3 Section 2. Section 860.146, Florida Statutes, is  
4 created to read:

5 860.146 Fake airbags; junk-filled airbag  
6 compartment.--

7 (1) As used in this section, the term:

8 (a) "Fake airbag" means any item made to look like or  
9 simulate an airbag which is not in fact an airbag and cannot  
10 function as an airbag.

11 (b) "Junk-filled airbag compartment" means an airbag  
12 compartment that is filled with any substance that does not  
13 function in the same manner or to the same extent as an airbag  
14 to protect vehicle occupants in a vehicle crash.

15 (2) It is unlawful for anyone to knowingly purchase,  
16 sell, or install on any vehicle any fake airbag or junk-filled  
17 airbag compartment. Any person who violates this subsection  
18 commits a felony of the second degree, punishable as provided  
19 in s. 775.082, s. 775.083, or 775.084.

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

21  
22 \*\*\*\*\*

23 SENATE SUMMARY

24 Requires manufacturer-installed airbags to be marked with  
25 the vehicle identification number. Increases a criminal  
26 penalty under the Airbag Antitheft Act. Defines the terms  
27 "fake airbag" and "junk-filled airbag compartment."  
28 Prohibits the sale, purchase, or installation of fake  
29 airbags or junk-filled airbag compartments. Provides  
30 criminal penalties.  
31