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HOUSE BILL 501

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO MOTOR VEHICLES; PROHIBITING THE ALTERATION OF
AIRBAGS AND THE SALE, INSTALLATION OR MISREPRESENTATION OF
COUNTERFEIT AIRBAGS; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Motor Vehicle Code is
enacted to read:

"[NEW MATERIAL] AIRBAG VIOLATIONS.--

A. It is unlawful for a person to:

(1) knowingly fail to install an airbag in a
motor vehicle after representing to another person that the
person will install an airbag;

(2) knowingly install a counterfeit airbag in
a motor vehicle;

(3) make or sell a counterfeit airbag to be

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1 installed in a motor vehicle;

2 (4) represent to another that a counterfeit
3 airbag is not counterfeit;

4 (5) intentionally alter an airbag that is not
5 counterfeit in a manner that causes the airbag to not meet all
6 applicable federal safety regulations for an airbag designed to
7 be installed in a motor vehicle of a particular make, model and
8 year; or

9 (6) assist another in violating the provisions
10 of this subsection.

11 B. A first conviction pursuant to this section is a
12 misdemeanor and the offender shall be sentenced pursuant to the
13 provisions of Section 31-18-15 NMSA 1978.

14 C. Upon a second or subsequent conviction pursuant
15 to this section, an offender is guilty of a third degree felony
16 and shall be sentenced pursuant to the provisions of Section
17 31-18-5 NMSA 1978.

18 D. A person that causes great bodily harm to a
19 human being as a result of a violation of the provisions of
20 this section is guilty of a second degree felony and shall be
21 sentenced pursuant to the provisions of Section 31-18-5 NMSA
22 1978.

23 E. As used in this section:

24 (1) "counterfeit airbag" means an airbag that
25 does not meet all applicable federal safety regulations for an

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1 airbag designed to be installed in a motor vehicle of a
2 particular make, model and year; and

3 (2) "great bodily harm" means an injury to a
4 person that creates a high probability of death, that causes
5 serious disfigurement or that results in permanent or
6 protracted loss or impairment of the function of any member or
7 organ of the body."

8 SECTION 2. EFFECTIVE DATE.--The effective date of the
9 provisions of this act is July 1, 2011.