



2023 South Dakota Legislature
House Bill 1158
ENROLLED

AN ACT

ENTITLED An Act to ban counterfeit airbags.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 32-15 be amended with a NEW SECTION:

Terms used in this Act mean:

- (1) "Airbag," a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system;
- (2) "Counterfeit supplemental restraint system component," a replacement supplemental restraint system component, including an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively;
- (3) "Nonfunctional airbag," a replacement airbag that meets any of the following criteria:
 - (a) The airbag was previously deployed or damaged;
 - (b) The airbag has an electric fault that is detected by the motor vehicle airbag diagnostic system when the installation procedure is completed, and the motor vehicle is returned to the customer who requested the work performed or when ownership is intended to be transferred;
 - (c) The airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or
 - (d) The airbag is subject to the prohibitions of 49 U.S.C. § 30120(j) as of November 15, 2021;

- (4) "Supplemental Restraint System," one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer and the airbags:
 - (a) Operate as designed in the event of a crash; and
 - (b) Are designed to meet federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

Section 2. That chapter 32-15 be amended with a NEW SECTION:

No person may knowingly:

- (1) Import, manufacture, sell, offer for sale, install, or reinstall in a motor vehicle a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with 49 C.F.R. § 571.208 as of September 26, 2022, for the make, model, and year of the motor vehicle;
- (2) Sell, offer for sale, install, or reinstall in any motor vehicle a device that causes the diagnostic system of the motor vehicle to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; and
- (3) Sell, lease, trade, or transfer a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with 49 C.F.R. § 571.208 as of September 26, 2022, for the make, model, and year of the motor vehicle, has been installed in the motor vehicle as part of the airbag.

A person who violates this section is guilty of a Class 2 misdemeanor.

Section 3. That chapter 32-15 be amended with a NEW SECTION:

Section 2 of this Act does not apply to:

- (1) A person installing, reinstalling, or replacing an airbag or other component of an airbag in a motor vehicle used solely for police work; or
- (2) An owner or employee of a motor vehicle dealership or the owner of a motor vehicle who, before the sale of the motor vehicle, does not have knowledge that the airbag, or another component of the motor vehicle's supplemental restraint system is counterfeit or nonfunctional.

This Act does not create liability of any party in a civil action, or create a duty that, before the sale of a vehicle, an owner or employee of a motor vehicle dealership or the owner of the vehicle must inspect a vehicle in possession of the dealership or owner to

determine whether the airbag, or another component of the vehicle's supplemental restraint system, is counterfeit or nonfunctional.

An Act to ban counterfeit airbags.

I certify that the attached Act originated in the:

Received at this Executive Office this ____ day of _____,

House as Bill No. 1158

2023 at _____ M.

Chief Clerk

By _____
for the Governor

Speaker of the House

The attached Act is hereby approved this _____ day of _____, A.D., 2023

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2023
at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1158
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State