

AMENDMENTS TO LB989
(Amendments to AM2787)

Introduced by Blood, 3.

1 1. Insert the following new sections:

2 Sec. 9. Section 28-101, Revised Statutes Supplement, 2017, is
3 amended to read:

4 28-101 Sections 28-101 to 28-1357 and 28-1601 to 28-1603 and
5 sections 10 to 13 of this act shall be known and may be cited as the
6 Nebraska Criminal Code.

7 Sec. 10. Sections 10 to 13 of this act shall be known and may be
8 cited as the Counterfeit Airbag Prevention Act.

9 Sec. 11. For purposes of the Counterfeit Airbag Prevention Act,
10 unless the context otherwise requires:

11 (1) Airbag means a motor vehicle inflatable occupant restraint
12 system device that is part of a supplemental restraint system;

13 (2) Counterfeit supplemental restraint system component means a
14 replacement supplemental restraint system component that displays a mark
15 identical or substantially similar to the genuine mark of a motor vehicle
16 manufacturer or a supplier of parts to the manufacturer of a motor
17 vehicle without authorization from that manufacturer or supplier,
18 respectively;

19 (3) Nonfunctional airbag means a replacement airbag that meets any
20 of the following criteria:

21 (a) The airbag was previously deployed or damaged;

22 (b) The airbag has an electric fault that is detected by the motor
23 vehicle's diagnostic system when the installation procedure is completed
24 and the motor vehicle is returned to the customer who requested the work
25 to be performed or when ownership is intended to be transferred;

26 (c) The airbag includes a part or object, including, but not limited

1 to, a supplemental restraint system component installed in a motor
2 vehicle to mislead the owner or operator of the motor vehicle into
3 believing that a functional airbag has been installed; or

4 (d) The airbag is subject to the prohibitions of subsection (j) of
5 49 U.S.C. 30120, as such subsection existed on January 1, 2018; and

6 (4) Supplemental restraint system means an inflatable restraint
7 system as defined in 49 C.F.R. 571.208, as such regulation existed on
8 January 1, 2018, designed for use in conjunction with an active safety
9 system. A supplemental restraint system includes one or more airbags and
10 all components required to ensure that an airbag works as designed by the
11 motor vehicle manufacturer, including both of the following:

12 (a) The airbag operates as necessary in the event of a crash; and

13 (b) The airbag is designed in accordance with federal motor vehicle
14 safety standards for the specific make, model, and year of the motor
15 vehicle in which it is or will be installed.

16 Sec. 12. A person violates the Counterfeit Airbag Prevention Act if
17 the person does any of the following:

18 (1) Knowingly and intentionally manufactures, imports, installs,
19 reinstalls, distributes, sells, or offers for sale any device intended to
20 replace a supplemental restraint system component in any motor vehicle if
21 the device is a counterfeit supplemental restraint system component, a
22 nonfunctional airbag, or does not meet federal safety requirements as
23 provided in 49 C.F.R. 571.208, as such regulation existed on January 1,
24 2018;

25 (2) Knowingly and intentionally sells, installs, or reinstalls in a
26 motor vehicle a device that causes the motor vehicle's diagnostic system
27 to fail to warn when the motor vehicle is equipped with a counterfeit
28 supplemental restraint system component, nonfunctional airbag, or no
29 airbag is installed;

30 (3) Knowingly and intentionally represents to another person that a
31 counterfeit supplemental restraint system component or nonfunctional

1 airbag installed in a motor vehicle is not a counterfeit supplemental
2 restraint system component or a nonfunctional airbag; or

3 (4) Causes another person to violate this section or assists another
4 person in violating this section.

5 Sec. 13. (1) Except as otherwise provided in this section, a
6 violation of the Counterfeit Airbag Prevention Act is a Class IV felony.

7 (2) A violation of the Counterfeit Airbag Prevention Act is a Class
8 IIIA felony if the defendant has been previously convicted of a violation
9 of the act.

10 (3) A violation of the Counterfeit Airbag Prevention Act is a Class
11 III felony if the violation resulted in an individual suffering bodily
12 injury.

13 (4) A violation of the Counterfeit Airbag Prevention Act is a Class
14 IIA felony if the violation resulted in an individual suffering serious
15 bodily injury.

16 (5) A violation of the Counterfeit Airbag Prevention Act is a Class
17 II felony if the violation resulted in the death of an individual.

18 Sec. 14. Original section 28-101, Revised Statutes Supplement,
19 2017, is repealed.

20 Sec. 15. The following section is outright repealed: Section
21 28-635, Reissue Revised Statutes of Nebraska.