Hearing Date: Wednesday January 23, 2019
Committee On: Judiciary
Introducer: Blood
One Liner: Adopt the Counterfeit Airbag Prevention Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Brandt, Chambers, DeBoer, Lathrop, Morfeld, Pansing Brooks, Slama, Wayne
Nay:
Absent:
Present Not Voting:

Oral Testimony:
Proponents: Representing:
Senator Carol Blood Introducer Ember Brillhart Honda

Opponents: Representing:
Neutral:
Representing:

Summary of purpose and/or changes:
Section 1 Adds sections to the Nebraska Criminal Code
Section 2 Title: Counterfeit Airbag Prevention Act
Section 3 Definitions
(1) Airbag Inflatable occupant restraint system
(2) Counterfeit supplemental restraint system component Displays mark of manufacturer or supplier without permission
(3) Nonfunctional airbag Previously deployed or damaged, electrical fault, or part that misleads owner that it is functional, prohibited by 42 USC 30120
(4) Supplemental restraint system 49 CFR 571.208, operates in crash and designed specifically for vehicle

Section 4 Person violates Act by knowingly and intentionally manufacturing, installing, selling or offers for sale a counterfeit or nonfunctional airbag or restraint system or one that does not meet federal safety requirements. Also knowingly and intentionally installs a device that causes the diagnostic system to fail to warn about a counterfeit or nonfunctional airbag. Causing or assisting a violation of this section.
Section 5 Penalties Violation of Act-Class IV felony. Violation resulting in bodily injury-Class III felony. Violation resulting in serious bodily injury-Class IIA felony. Resulting in death - Class II felony.

Section 6 Repeals original section.

Section 7 Repeals 28-635 which makes it a Class I misdemeanor to install material other than the airbag designed for the vehicle.

**Explanation of amendments:**
The Committee Amendment addresses two changes to LB 7. First, the definition of nonfunctional airbag is amended to add language to include electric faults detected by diagnostic systems for vehicles that are intended to be transferred as well as those where the work is requested by a customer. Second, the amendment strikes language in the definition of nonfunctional airbag regarding a supplemental restraint system component.

Steve Lathrop, Chairperson