

434.415 Counterfeit, nonfunctional, and noncompliant airbags and restraint systems -- Penalties.

- (1) As used in this section:
 - (a) "Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system;
 - (b) "Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including but not limited to 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;
 - (c) "Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:
 1. The airbag was previously deployed or damaged;
 2. The airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;
 3. 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
 4. The airbag is subject to the provisions of 49 U.S.C. sec. 30120(j); and
 - (d) "Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 C.F.R. sec. 571.209. A supplemental restraint system includes one (1) or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:
 1. The airbag operates as designed in the event of a crash; and
 2. The airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.
- (2) Notwithstanding KRS Chapter 534, a person who does any of the following shall be fined not more than five thousand dollars (\$5,000), or be confined in the county jail for not more than twelve (12) months, or both:
 - (a) Knowingly imports, manufactures, sells, offers for sale, installs, or reinstalls in a motor vehicle, a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208 provided in 49 C.F.R. sec. 571.208 for the make, model, and year of the motor vehicle;
 - (b) Knowingly sells, offers for sale, installs, or reinstalls in any motor vehicle a

device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or

- (c) Knowingly sells, leases, trades, or transfers 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 Federal Motor Vehicle Safety Standard No. 208 provided in 49 C.F.R. sec. 571.208 for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's inflatable restraint system.
- (3) This section shall not apply to an owner or employee of a motor vehicle dealership or the owner of a vehicle, who, before the sale of the vehicle, does not have knowledge that the vehicle's airbag, or another component of the vehicle's supplemental restraint system, is counterfeit or nonfunctioning.

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