



SENATE OF PENNSYLVANIA BILL SUMMARY

House Bill 1476 Printer's No. 2077

Prime Sponsor: Representative Boback
Committee: Judiciary

SYNOPSIS:

This bill establishes the Counterfeit Airbag Prevention Act and prohibits certain conduct relating to counterfeit airbags in vehicles.

SUMMARY:

Prohibited Conduct

If a person knows or reasonably should know that a product is a counterfeit airbag or nonfunctioning airbag, this bill declares it unlawful to do any of the following:

- Make, import, offer to distribute, distribute, offer to sell, or sell the product
- Install or reinstall the product in any motor vehicle
- Install or reinstall the product so that the diagnostic system or any component parts, including indicator lights, falsely display or register that the product is in proper working order
- Represent to another person that the product is an airbag

Civil Remedies

The bill authorizes the Attorney General to determine facts, issue subpoenas, and pursue a civil action under the Unfair Trade Practices and Consumer Protection Law. The remedies for a violation include injunctive relief; a civil penalty for a first violation in the amount of \$1,000 for each separate manufacture, importation, installation, sale, or offer; and a civil penalty for subsequent violations in the amount of \$5,000 for each separate manufacture, importation, installation, sale, or offer.

Criminal Penalties

A person who engages in any of the prohibited conduct commits a misdemeanor of the second degree. The offender shall pay a fine of not less than \$2,500 and not more than \$50,000 for each separate offense. The offender may also be sentenced to imprisonment for a period of not more than five years for each separate offense.

If the offense results in death or bodily injury, the offense is graded as a felony of the third degree. The offender shall be sentenced to pay a fine of not less than \$5,000 and not more than \$75,000 for each separate offense. The offender may also be sentenced to a period of imprisonment of not more than 20 years for each separate offense.

EFFECTIVE DATE:

This bill is effective in 60 days.

BILL HISTORY:

Passed the House of Representatives on December 2, 2015 by a vote of 191-0.

Prepared by: Cawley 9/22/2016