

SESSION OF 2023

SUPPLEMENTAL NOTE ON SENATE BILL NO. 106

As Amended by Senate Committee on
Transportation

Brief*

SB 106, as amended, would prohibit knowingly or intentionally manufacturing, importing, distributing, selling, offering for sale, installing, or reinstalling a device intended to replace a supplemental restraint system component in a vehicle if the device is counterfeit, a nonfunctional airbag, or an object not designed in accordance with federal safety regulations for the make, model, and year of the vehicle.

Violation of this prohibition would be a class A nonperson misdemeanor.

The bill would define four terms:

- “Airbag,” to mean an inflatable occupant restraint system device that is part of a supplemental restraint system in a vehicle;
- “Counterfeit supplemental restraint system component,” to mean a replacement component displaying a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or parts supplier without authorization from that manufacturer or supplier;
- “Nonfunctional airbag,” to mean a replacement airbag that was previously deployed or damaged, has an electric fault that is detected by the vehicle’s diagnostic systems, includes a part or object

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

installed in the vehicle to mislead the owner into believing that a functional airbag has been installed, or is an airbag prohibited by federal law; and

- “Supplemental restraint system,” to mean a passive inflatable vehicle occupant crash protection system designed for use in conjunction with active restraint systems [*i.e.*, seatbelts] that includes each airbag, installed according to the vehicle manufacturer’s design, and all components required to ensure the airbag operates as designed and meeting federal safety standards.

The bill would add these provisions to the Uniform Act Regulating Traffic on Highways.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced upon request of a representative of the Alliance for Automotive Innovation.

Senate Committee on Transportation

In the Senate Committee hearing, a representative of American Honda Motor Company provided **proponent** testimony. Written-only proponent testimony was provided by representatives of the Alliance for Automotive Innovation, Automotive Anti-Counterfeiting Council, Coalition Against Insurance Fraud, and Kansas Automobile Dealers Association. Proponents generally stated counterfeit airbags pose significant safety risks to consumers.

No other testimony was provided.

The Senate Committee amended the bill to make it effective upon publication in the *Kansas Register*.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration indicates enactment of the bill could increase the number of cases filed in district court because it would create a new crime, which would increase the workload of judicial and nonjudicial personnel and could require more supervision of offenders by court services officers. Enactment also could result in collection of supervision fees, docket fees, and fines. However, a fiscal effect cannot be determined because the number of additional cases cannot be estimated.

The Kansas Department of Transportation indicates enactment of the bill would increase revenues to the Traffic Records Enhancement Fund and the Seat Belt Safety Fund from fines collected, but any increase is expected to be negligible.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2024 Governor's Budget Report*.

Airbag; vehicle; counterfeit; consumer protection