

Sale of a Towed Vehicle; Counterfeit Airbags; Vehicle Ground Effect Lighting; HB 2147

HB 2147 creates and amends law to change procedures regarding purchase of a vehicle that had been towed. It also amends the Uniform Act Regulating Traffic on Highways to add law to prohibit counterfeit airbags and to amend law to authorize certain ground effect lighting on vehicles.

Selling an Abandoned or Towed Vehicle

The bill creates law to require a public agency or towing or wrecking service lawfully selling an abandoned or towed motor vehicle to provide a certification to the purchaser that statutory recovery, storage, notification, and verification requirements associated with abandoned or towed vehicles have been satisfied, and that vehicle identification number inspection requirements have been met, beginning January 1, 2024.

The certification of compliance will allow the purchaser of such a vehicle to apply for and receive a certificate of title free and clear of liens, security interests, and encumbrances.

The bill requires the certification to be completed on a form and in a manner approved by the Secretary of Revenue, or the Secretary's designee, and subject to a fee of \$20 to be paid by the public agency or towing or wrecking service, to be retained by the county treasurer, Division of Vehicles of the Department of Revenue, or contractor that processes the certification of compliance form. The bill specifies the fee could be passed on to a purchaser or the vehicle's original owner upon reclamation.

The bill amends statutes regarding sale of a vehicle that has been abandoned or towed to require a notice to the owner or lienholder of a towed vehicle to be mailed within 15 calendar days, rather than 10 days, after receipt of verification of the last owner and any lienholders.

The bill also makes conforming amendments to continuing law.

Counterfeit Airbags

The bill creates the crime of 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.

The violation will be a class A nonperson misdemeanor.

The bill defines 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 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.*, seat belts) 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 adds these provisions to the Uniform Act Regulating Traffic on Highways.

Ground Effect Lighting

The bill authorizes equipping a motor vehicle with any type of ground effect lighting rather than only neon ground effect lighting, as authorized by current law. The bill makes conforming amendments to specify that no portion of the bulb or lighting fixture, rather than neon tubes, can be visible and makes conforming amendments to the definition of “ground effect lighting,” which is lighting that illuminates the ground below the vehicle.