

**HOUSE BILL NO. 74**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY REPRESENTATIVE TOMASZEWSKI**

**Introduced: 1/29/25**

**Referred: Labor and Commerce, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1   **"An Act establishing the crime of airbag fraud."**

2   **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3       \* **Section 1.** AS 28.35 is amended by adding a new section to read:

4               **Sec. 28.35.248. Airbag fraud.** (a) A person commits the crime of airbag fraud  
5               if the person

6                               (1) knowingly sells, offers for sale, imports, installs, or reinstalls

7                                       (A) a replacement airbag that does not comply with federal  
8               safety regulations specific to the vehicle's make, model, and year;

9                                       (B) an airbag that is counterfeit or nonfunctioning; or

10                                      (C) a part or device that is intended to conceal a counterfeit or  
11               nonfunctioning airbag;

12                               (2) knowingly manufactures

13                                      (A) a counterfeit or nonfunctioning airbag; or

14                                      (B) a part or device that is intended to conceal a counterfeit or  
15               nonfunctioning airbag; or

1 (3) intentionally sells, leases, or trades or offers for sale, lease, or trade  
2 a vehicle that the person knows has

3 (A) a replacement airbag that does not comply with federal  
4 safety regulations specific to the vehicle's make, model, and year; or

5 (B) a counterfeit or nonfunctioning airbag.

6 (b) This section does not apply to

7 (1) a person installing, reinstalling, or replacing an airbag on a vehicle  
8 used solely for police work;

9 (2) an owner or employee of a motor vehicle dealership or the owner  
10 of a vehicle who, before the sale of the vehicle, does not have knowledge that the  
11 vehicle's airbag is counterfeit or nonfunctioning;

12 (3) a person who transfers a vehicle title to an insurance company to  
13 satisfy an insurance claim when the insurance company declares the vehicle to be an  
14 actual total loss or constructive total loss; or

15 (4) an insurance company that sells or otherwise disposes of a vehicle  
16 as authorized by law or regulation.

17 (c) This section does not

18 (1) preclude liability of any party in a civil action; or

19 (2) create a duty that, before the sale of a vehicle, an owner or  
20 employee of a motor vehicle dealership or the owner of the vehicle inspect a vehicle in  
21 the possession of the dealership or owner to determine whether the airbag is  
22 counterfeit or nonfunctioning.

23 (d) In this section,

24 (1) "airbag" includes an airbag component;

25 (2) "counterfeit" means a replacement airbag displaying an  
26 unauthorized mark that is identical, or substantially similar, to the genuine mark of a  
27 motor vehicle manufacturer or supplier of parts to a motor vehicle manufacturer;

28 (3) "nonfunctioning" means a replacement airbag that is inoperable,  
29 damaged, or recalled, has previously been deployed, will cause a vehicle's diagnostic  
30 system to inaccurately indicate that the vehicle is equipped with a properly functioning  
31 airbag, or results in an electric fault detected by a vehicle's diagnostic system after the

1 installation procedure is complete;

2 (4) "recalled" means an airbag that was removed from a vehicle  
3 because a manufacturer or federal agency determined the airbag created an  
4 unreasonable safety risk or did not meet minimum safety standards and that federal  
5 law has not exempted from reinstallation.

6 (e) Airbag fraud is

7 (1) a class A misdemeanor; or

8 (2) a class C felony if death or serious physical injury to another  
9 person results from

10 (A) the manufacture, sale, importation, installation, or  
11 reinstallation of a replacement airbag that does not comply with federal safety  
12 regulations specific to the vehicle's make, model, and year or a counterfeit or  
13 nonfunctioning airbag; or

14 (B) the sale, lease, or trade of a vehicle that has a replacement  
15 airbag that does not comply with federal safety regulations specific to the  
16 vehicle's make, model, and year or a counterfeit or nonfunctioning airbag.