

34-LS0183\N  
C. Radford  
4/9/25

**CS FOR SENATE BILL NO. 17(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATOR CLAMAN**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

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

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

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

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

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

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

(2) knowingly manufactures

(A) a counterfeit or nonfunctioning airbag; or

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

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

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

(B) a counterfeit or nonfunctioning airbag.

(b) This section does not apply to

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

(2) 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 is counterfeit or nonfunctioning;

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

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

(5) a person who, before the sale, lease, or trade of a vehicle, discloses to the buyer or lessee that the vehicle contains an airbag that is inoperable, damaged, recalled, has previously been deployed, causes a vehicle's diagnostic system to inaccurately indicate that the vehicle is equipped with a properly functioning airbag, or results in an electric fault detected by a vehicle's diagnostic system after the installation procedure was completed.

(c) This section does not

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

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

(d) In this section,

(1) "airbag" includes an airbag component;

(2) "counterfeit" means a replacement airbag displaying an

1 unauthorized mark that is identical, or substantially similar, to the genuine mark of a  
2 motor vehicle manufacturer or supplier of parts to a motor vehicle manufacturer;

3 (3) "nonfunctioning" means a replacement airbag that

4 (A) is inoperable;

5 (B) is damaged;

6 (C) is recalled;

7 (D) has previously been deployed;

8 (E) will cause a vehicle's diagnostic system to inaccurately  
9 indicate that the vehicle is equipped with a properly functioning airbag; or

10 (F) results in an electric fault detected by a vehicle's diagnostic  
11 system after the installation procedure is complete;

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

16 (e) Airbag fraud is

17 (1) a class A misdemeanor; or

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

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

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