



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2285

Introduced 2/10/2023, by Sen. Ram Villivalam

SYNOPSIS AS INTRODUCED:

720 ILCS 5/17-11.2

Amends the Criminal Code of 2012. In lieu of the offense of installation of object in lieu of airbag, creates the offense of airbag fraud. Provides that a person commits the offense when he or she knowingly: (1) imports, manufactures, sells, offers for sale, installs or reinstalls in a vehicle a counterfeit supplemental restraint system component, a non-functional airbag, or an object that does not comply with federal safety regulations for the make, model, and year of the vehicle in which it is or will be installed; (2) sells, offers for sale, installs, or reinstalls in any motor vehicle a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or (3) sells, leases, trades, or transfers a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a non-functional airbag, or an object that does not comply with federal safety regulations for the make, model, and year of the vehicle as part of a vehicle inflatable restraint system. Provides that these provisions do not apply to 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, or another component of the vehicle's supplemental restraint system, is counterfeit or non-functioning. Provides that a violation is a Class A misdemeanor. Effective immediately.

LRB103 28416 RLC 54796 b

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Criminal Code of 2012 is amended by
5 changing Section 17-11.2 as follows:

6 (720 ILCS 5/17-11.2)

7 Sec. 17-11.2. Airbag fraud ~~Installation of object in lieu~~
8 ~~of air bag.~~

9 (a) Definitions. In this Section:

10 "Airbag" means a motor vehicle inflatable occupant
11 restraint system device that is part of a vehicle's
12 supplemental restraint system.

13 "Counterfeit supplemental restraint system component"
14 means a replacement supplemental restraint system component,
15 including but not limited to an airbag, that displays a mark
16 identical to, or substantially similar to, the genuine mark of
17 a motor vehicle manufacturer or a supplier of parts to the
18 manufacturer of a motor vehicle without authorization from
19 that manufacturer or supplier, respectively.

20 "Non-functional airbag" means a replacement airbag that
21 meets any of the following criteria:

22 (1) the airbag was previously deployed or damaged;

23 (2) the airbag has an electric fault that is detected

1 by the vehicle's diagnostic system when the installation
2 procedure is completed and the vehicle is returned to the
3 customer who requested the work to be performed or when
4 ownership is intended to be transferred;

5 (3) the airbag includes a part or object, including a
6 supplemental restraint system component, that is installed
7 in a motor vehicle to mislead the owner or operator of the
8 motor vehicle into believing that a functional airbag has
9 been installed; or

10 (4) the airbag is subject to the provisions of 49
11 U.S.C. 30120(j).

12 "Supplemental restraint system" means a passive inflatable
13 motor vehicle occupant crash protection system designed for
14 use in conjunction with a seat belt assembly as defined in 49
15 CFR 571.209. "Supplemental restraint system" includes one or
16 more airbags and all components required to ensure that an air
17 bag works as designed by the vehicle manufacturer, including
18 both of the following:

19 (1) the airbag operates as designed in the event of a
20 crash; and

21 (2) the airbag is designed to meet federal motor
22 vehicle safety standards for the specific make, model, and
23 year of the vehicle in which it is or will be installed.

24 (b) A person commits airbag fraud ~~installation of object~~
25 ~~in lieu of airbag~~ when he or she, for consideration,
26 knowingly:

1 (1) imports, manufactures, sells, offers for sale,
2 installs or reinstalls in a vehicle a counterfeit
3 supplemental restraint system component, a non-functional
4 airbag, or an object that does not comply ~~any object in~~
5 ~~lieu of an air bag that was designed in accordance~~ with
6 federal safety regulations for the make, model, and year
7 of the vehicle in which it is or will be installed;

8 (2) sells, offers for sale, installs, or reinstalls in
9 any motor vehicle a device that causes a motor vehicle's
10 diagnostic system to inaccurately indicate that the motor
11 vehicle is equipped with a properly functioning airbag; or

12 (3) sells, leases, trades, or transfers a motor
13 vehicle if the person knows that a counterfeit
14 supplemental restraint system component, a non-functional
15 airbag, or an object that does not comply with federal
16 safety regulations for the make, model, and year of the
17 vehicle as part of a vehicle inflatable restraint system.

18 (c) This Section does not apply to an owner or employee of
19 a motor vehicle dealership or the owner of a vehicle, who,
20 before the sale of the vehicle, does not have knowledge that
21 the vehicle's airbag, or another component of the vehicle's
22 supplemental restraint system, is counterfeit or
23 non-functioning as part of a vehicle inflatable restraint
24 system.

25 (d) Sentence. A violation of this Section is a Class A
26 misdemeanor.

1 (Source: P.A. 96-1551, eff. 7-1-11.)

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.