



**Am. H.B. 219**

125th General Assembly

(As Reported by S. Highways and Transportation)

**Reps. Schlichter, DeWine, C. Evans, Hollister, Husted, McGregor, Reinhard, Schmidt, Setzer, Jerse, Otterman, S. Patton, Price, Redfern, Aslanides, Flowers, Hoops, Sferra, Widowfield, Allen, Beatty, Carmichael, Chandler, Cirelli, Daniels, DeBose, DeGeeter, Gilb, Hartnett, Hughes, Latta, Niehaus, Perry, Reidelbach, Skindell, G. Smith, S. Smith, Taylor, Walcher**

**Sen. Carey**

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**BILL SUMMARY**

- Prohibits installing in any motor vehicle any object to fulfill the function of an air bag other than an air bag that was designed in conformance with federal safety standards for the make, model, and model year of the vehicle, knowing that the object is not in accordance with that standard.
- Provides that a violation of this prohibition is a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense.

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**CONTENT AND OPERATION**

The bill prohibits any person from installing or reinstalling in any motor vehicle any object to fulfill the function of an air bag,<sup>1</sup> including an air bag, other than an air bag that was designed in conformance with or that is regulated by Federal Motor Vehicle Safety Standard Number 208 for the make, model, and model year of the vehicle, knowing that the object is not in accordance with that standard (sec. 4549.20(B)). (See **COMMENT**.)

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<sup>1</sup> "Air bag" is defined by cross-reference to the federal definition found in 49 C.F.R. 579.4 (see **COMMENT**).

Whoever violates this prohibition is guilty of improper replacement of a motor vehicle air bag, a misdemeanor of the first degree on a first offense and a felony of the fifth degree on each subsequent offense (sec. 4549.20(C)).<sup>2</sup>

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## COMMENT

Federal Rule 49 C.F.R. 579.4 defines an "air bag" as:

An air bag or other automatic occupant restraint device (other than a "seat belt" . . . ) installed in a motor vehicle that restrains an occupant in the event of a vehicle crash without requiring any action on the part of the occupant to obtain the benefit of the restraint. This term includes inflatable restraints (front and side air bags), knee bolsters, and any other automatic restraining device that may be developed that does not include a restraining belt or harness. This term also includes all air bag-related components, such as the inflator assembly, air bag module, control module, crash sensors and all hardware and software associated with the air bag. This term includes all associated switches, control units, connective elements (such as wiring harnesses, hoses, piping, etc.), and mounting elements (such as brackets, fasteners, etc.). (Sec. 4549.20(A).)

Federal Motor Vehicle Safety Standard No. 208 governs motor vehicle occupant crash protection for various automobile makes, models, and model years (49 C.F.R. 571.208).

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	06-11-03	p. 582
Reported, H. Transportation & Public Safety	01-27-04	p. 1556
Passed House (96-0)	03-09-04	pp. 1667-1668
Reported, S. Highways & Transportation	05-11-04	p. 1891

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<sup>2</sup> A first degree misdemeanor is punishable by a term of imprisonment of not more than six months, a fine of not more than \$1,000, or both. A fifth degree felony is punishable by a definite prison term of 6 to 12 months and a possible fine of not more than \$2,500.