



January 31, 2002

HOUSE BILL No. 1254

DIGEST OF HB 1254 (Updated January 29, 2002 7:29 PM - DI 96)

Citations Affected: IC 34-24; IC 35-43.

Synopsis: Improper repair of vehicle air bags. Makes it a Class C felony to install in a motor vehicle's inflatable restraint system any object in place of an air bag if the installed object fails to comply with federal requirements. Provides that a person who may recover damages and certain other compensation after suffering a pecuniary loss as a result of an offense against property or certain other criminal offenses is not subject to certain other provisions regarding punitive damage awards.

Effective: July 1, 2002.

Aguilera, Stevenson, Goodin

January 14, 2002, read first time and referred to Committee on Roads and Transportation.
January 30, 2002, amended, reported — Do Pass.

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HB 1254—LS 6825/DI 107+



January 31, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

HOUSE BILL No. 1254

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-24-3-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) For purposes of
3 determining the amount of damages recoverable under section 1(1) of
4 this chapter, there is an irrebuttable presumption that a retailer who
5 brings a civil action under this chapter (or IC 34-4-30 before its repeal)
6 as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3
7 (conversion) suffers a pecuniary loss in the amount of:
8 (1) one hundred dollars (\$100) regardless of whether:
9 (A) the property is returned to the retailer; or
10 (B) the actual retail value of the property is less than one
11 hundred dollars (\$100); or
12 (2) the retailer's actual damages;
13 whichever is greater.
14 (b) An individual found liable in a civil action under this chapter (or
15 IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3
16 may not be indemnified or insured for any penalties, damages, or
17 settlement arising from the violation.

HB 1254—LS 6825/DI 107+



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1 **(c) Damages recoverable under section 1(1) of this chapter are**
2 **not subject to the provisions of IC 34-51-3.**
3 SECTION 2. IC 35-43-1-5 IS ADDED TO THE INDIANA CODE
4 AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY**
5 **1, 2002]: Sec. 5. A person who knowingly or intentionally installs**
6 **an object:**
7 **(1) in place of an air bag; and**
8 **(2) that does not comply with federal safety regulations for the**
9 **make, model, and year of a motor vehicle as part of the motor**
10 **vehicle's inflatable restraint system;**
11 **commits air bag tampering, a Class C felony.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1254, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert the following:

"SECTION 1. IC 34-24-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) For purposes of determining the amount of damages recoverable under section 1(1) of this chapter, there is an irrebuttable presumption that a retailer who brings a civil action under this chapter (or IC 34-4-30 before its repeal) as the result of a violation of IC 35-43-4-2 (theft) or IC 35-43-4-3 (conversion) suffers a pecuniary loss in the amount of:

- (1) one hundred dollars (\$100) regardless of whether:
 - (A) the property is returned to the retailer; or
 - (B) the actual retail value of the property is less than one hundred dollars (\$100); or
- (2) the retailer's actual damages;

whichever is greater.

(b) An individual found liable in a civil action under this chapter (or IC 34-4-30 before its repeal) for violating IC 35-43-4-2 or IC 35-43-4-3 may not be indemnified or insured for any penalties, damages, or settlement arising from the violation.

(c) Damages recoverable under section 1(1) of this chapter are not subject to the provisions of IC 34-51-3."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1254 as introduced.)

COOK, Chair

Committee Vote: yeas 12, nays 0.

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