



March 21, 2003

**ENGROSSED
SENATE BILL No. 6**

DIGEST OF SB 6 (Updated March 19, 2003 4:02 PM - DI 96)

Citations Affected: IC 9-13; IC 9-19; noncode.

Synopsis: Air bag tampering. Makes it a Class A misdemeanor to knowingly or intentionally install in a motor vehicle any object in place of an airbag in the motor vehicle's inflatable restraint system if the installed object fails to comply with federal requirements, and a Class D felony if an injury occurs as a result of the installation. Makes it a Class D felony to knowingly or intentionally sell, lease, trade, or transfer a motor vehicle that has been installed with any object in place of an air bag in the motor vehicle's inflatable restraint system if the installed object fails to comply with federal requirements.

Effective: July 1, 2003.

Meeks C, Howard

(HOUSE SPONSORS — AGUILERA, DUNCAN, STUTZMAN, AYRES)

January 7, 2003, read first time and referred to Committee on Commerce and Consumer Affairs.
January 30, 2003, reported favorably — Do Pass.
February 3, 2003, read second time, ordered engrossed. Engrossed.
February 4, 2003, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

March 4, 2003, read first time and referred to Committee on Roads and Transportation.
March 20, 2003, amended, reported — Do Pass.

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March 21, 2003

First Regular Session 113th General Assembly (2003)

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 2002 Regular or Special Session of the General Assembly.

ENGROSSED SENATE BILL No. 6

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

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

- 1 SECTION 1. IC 9-13-2-79.7 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 79.7. "Inflatable restraint system", for purposes of**
4 **IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-1.**
5 SECTION 2. IC 9-13-2-105, AS AMENDED BY P.L.143-2002,
6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
7 JULY 1, 2003]: Sec. 105. (a) "Motor vehicle" means, except as
8 otherwise provided in this section, a vehicle that is self-propelled. The
9 term does not include a farm tractor, an implement of husbandry, or an
10 electric personal assistive mobility device.
11 (b) "Motor vehicle", for purposes of IC 9-21, means:
12 (1) a vehicle except a motorized bicycle that is self-propelled; or
13 (2) a vehicle that is propelled by electric power obtained from
14 overhead trolley wires, but not operated upon rails.
15 (c) "Motor vehicle", for purposes of **IC 9-19-10.5 and** IC 9-25,
16 means a vehicle that is self-propelled upon a highway in Indiana. The
17 term does not include a farm tractor.

ES 6—LS 6019/DI 107+



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1 (d) "Motor vehicle", for purposes of IC 9-30-10, does not include a
2 motorized bicycle.

3 SECTION 3. IC 9-19-10.5 IS ADDED TO THE INDIANA CODE
4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2003]:

6 **Chapter 10.5. Inflatable Restraint Systems**

7 **Sec. 1. As used in this chapter, "inflatable restraint system"**
8 **means an air bag that is activated in a crash.**

9 **Sec. 2. A person may not knowingly or intentionally install in a**
10 **motor vehicle, as part of the motor vehicle's inflatable restraint**
11 **system, an object that does not comply with Federal Motor Vehicle**
12 **Safety Standard Number 208 (49 CFR 571.208) for the make,**
13 **model, and year of the motor vehicle.**

14 **Sec. 3. A person may not knowingly or intentionally:**

- 15 (1) sell;
- 16 (2) lease;
- 17 (3) trade; or
- 18 (4) transfer;

19 **a motor vehicle in which is installed, as part of the motor vehicle's**
20 **inflatable restraint system, an object that does not comply with**
21 **Federal Motor Vehicle Safety Standard Number 208 (49 CFR**
22 **571.208) for the make, model, and year of the motor vehicle to an**
23 **Indiana resident.**

24 **Sec. 4. A person who violates section 2 of this chapter commits**
25 **a Class A misdemeanor. However, the offense is a Class D felony**
26 **if a person in a motor vehicle is injured as a result of the air bag**
27 **tampering.**

28 **Sec. 5. A person who violates section 3 of this chapter commits**
29 **a Class D felony.**

30 SECTION 4. [EFFECTIVE JULY 1, 2003] IC 9-19-10.5-4 and
31 IC 9-19-10.5-5, both as added by this act, apply only to acts
32 committed after June 30, 2003.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Commerce and Consumer Affairs, to which was referred Senate Bill No. 6, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 6 as introduced.)

SERVER, Chairperson

Committee Vote: Yeas 10, Nays 0.

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SENATE MOTION

Mr. President: I move that Senator Howard be added as coauthor of Engrossed Senate Bill 6.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred Senate Bill 6, 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:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Page 1, delete lines 1 through 14.

Page 1, line 15, delete "commits air bag tampering, a Class A misdemeanor." and insert:

"SECTION 1. IC 9-13-2-79.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 79.7. "Inflatable restraint system", for purposes of IC 9-19-10.5, has the meaning set forth in IC 9-19-10.5-1.**

SECTION 2. IC 9-13-2-105, AS AMENDED BY P.L.143-2002, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 105. (a) "Motor vehicle" means, except as otherwise provided in this section, a vehicle that is self-propelled. The term does not include a farm tractor, an implement of husbandry, or an electric personal assistive mobility device.

(b) "Motor vehicle", for purposes of IC 9-21, means:

- (1) a vehicle except a motorized bicycle that is self-propelled; or
- (2) a vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

(c) "Motor vehicle", for purposes of **IC 9-19-10.5** and IC 9-25, means a vehicle that is self-propelled upon a highway in Indiana. The term does not include a farm tractor.

(d) "Motor vehicle", for purposes of IC 9-30-10, does not include a motorized bicycle.

SECTION 3. IC 9-19-10.5 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]:

Chapter 10.5. Inflatable Restraint Systems

Sec. 1. As used in this chapter, "inflatable restraint system" means an air bag that is activated in a crash.

Sec. 2. A person may not knowingly or intentionally install in a motor vehicle, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle.

ES 6—LS 6019/DI 107+



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Sec. 3. A person may not knowingly or intentionally:

- (1) sell;
- (2) lease;
- (3) trade; or
- (4) transfer;

a motor vehicle in which is installed, as part of the motor vehicle's inflatable restraint system, an object that does not comply with Federal Motor Vehicle Safety Standard Number 208 (49 CFR 571.208) for the make, model, and year of the motor vehicle to an Indiana resident.

Sec. 4. A person who violates section 2 of this chapter commits a Class A misdemeanor."

Page 1, line 16, delete "Class C" and insert "**Class D**".

Page 1, line 17, after "tampering" insert ".

Sec. 5. A person who violates section 3 of this chapter commits a Class D felony.

SECTION 4. [EFFECTIVE JULY 1, 2003] IC 9-19-10.5-4 and IC 9-19-10.5-5, both as added by this act, apply only to acts committed after June 30, 2003."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 6 as printed January 31, 2003.)

RESKE, Chair

Committee Vote: yeas 13, nays 0.

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