

STAND. COM. REP. NO. 1266-20

Honolulu, Hawaii

JUL 02 , 2020

RE: S.B. No. 3158
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3158, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,"

begs leave to report as follows:

The purpose of this measure is to prohibit intentionally or knowingly:

- (1) Manufacturing, importing, installing, reinstalling, distributing, selling, or offering for sale any counterfeit supplemental restraint system component, nonfunctional air bag, or air bag that does not meet federal safety requirements, with the intent of replacing an air bag in any motor vehicle, with:
 - (A) A counterfeit supplemental restraint system component;
 - (B) A nonfunctional air bag; or
 - (C) An air bag that does not meet federal safety requirements; and

SB3158 HD1 HSCR JUD HMS 2020-2182



- (2) Selling, offering for sale, installing, or reinstalling in a motor vehicle any device that causes the motor vehicle's diagnostic systems to fail to warn that the motor vehicle is equipped with a counterfeit supplemental restraint system component, nonfunctional air bag, or air bag that does not meet federal safety requirements, or that no air bag is installed, as applicable.

Your Committee received testimony in support of this measure from the Department of Transportation; Alliance for Automotive Innovation; American Honda Motor Company; Automotive Anti-Counterfeiting Council, Inc; and National Insurance Crime Bureau. Your Committee received comments on this measure from the City and County of Honolulu Department of the Prosecuting Attorney.

Your Committee finds that air bags are a critical component of vehicle safety systems and are responsible for saving lives. Your Committee further finds that counterfeit air bags compromise these vehicle safety systems. Counterfeit air bags may be filled with sawdust, newspaper, or nothing at all, which can endanger unknowing consumers. This measure is necessary for the protection of Hawaii consumers and aligns the State with twenty-two other states that have enacted similar legislation.

Your Committee has amended this measure by:

- (1) Changing the definition of "motor vehicle" to "air-bag-required motor vehicle";
- (2) Clarifying that the prohibition against intentionally or knowingly manufacturing, importing, installing, reinstalling, distributing, selling, or offering for sale any counterfeit supplemental restraint system component, nonfunctional air bag, or air bag that does not meet federal safety requirements applies only to persons who do so with the intent that such device replace an air bag in any air-bag-required motor vehicle; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3158, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3158, S.D. 1, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



