

STAND. COM. REP. NO.

2158

Honolulu, Hawaii

FEB 14 2020

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

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committees on Transportation and Public Safety,  
Intergovernmental, and Military Affairs, to which was referred  
S.B. No. 3158 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to increase highway safety by making it a violation of Hawaii's highway safety law to intentionally or knowingly manufacture, import, distribute, sell, and install nonfunctional or counterfeit airbags, or to intentionally or knowingly sell or install a device that causes the diagnostic system of a motor vehicle to fail to warn of the counterfeit, nonfunctional, or of the absence of an airbag in the motor vehicle.

Your Committees received testimony in support of this measure from the Department of Transportation; National Insurance Crime Bureau; Alliance for Automotive Innovation; Automotive Anti-Counterfeiting Council, Inc.; Honda North America, Inc.; and one individual. Your Committees received testimony in opposition to this measure from the Hawaii Auto Dealers Association.

Your Committees find that airbags that meet federal safety requirements that are properly installed are an important safety device and vehicle owners who have them repaired expect that the repaired airbag to also meet the same federal safety requirements



and are properly installed in the motor vehicle. Your Committees find that counterfeit airbags present a serious public safety risk to consumers. Counterfeit airbags are known to malfunction by either failing to inflate or by inflating but expelling dangerous shrapnel. This measure provides recourse for motor vehicle owners who have the misfortune of having an airbag replaced with a worthless counterfeit. Your Committees note that the measure as written could have the unintended consequence of exposing a person who sells a used vehicle not knowing that the used vehicle has a nonfunctioning or counterfeit airbag to felony prosecution. Therefore, your Committees have amended this measure by adding language to clarify that the penalty only applies to a person who has the intent that the counterfeit airbag replace the original automaker airbag.

As affirmed by the records of votes of the members of your Committees on Transportation and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 3158, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 3158, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Public Safety,  
Intergovernmental, and Military  
Affairs,

  
CLARENCE K. NISHIHARA, Chair

  
LORRAINE R. INOUE, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Transportation**  
**TRS**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB3158	TRS/PSM, JDC	2/7/20		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	✓			
HARIMOTO, Breene (VC)	✓			
ENGLISH, J. Kalani				✓
SHIMABUKURO, Maile S.L.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"><i>Breene Hunt</i></div>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency            Committee File Copy				

\*Only one measure per Record of Votes

