

# SENATE BILL NO. 1276

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOUGH.

4767S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 407.295, RSMo, and to enact in lieu thereof one new section relating to replacement vehicle components.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 407.295, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 407.295, to read as follows:

407.295. 1. As used in this section, the following terms mean:

(1) "Aftermarket crash part", a replacement for any of the nonmechanical sheet metal or plastic parts which generally constitute the exterior of a motor vehicle, including inner and outer panels;

(2) "Airbag", an inflatable device that is part of a supplemental restraint system in a motor vehicle;

(3) "Counterfeit supplemental restraint system component", a replacement supplemental restraint system component that displays a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer or supplier of parts to a motor vehicle manufacturer without authorization from that manufacturer or supplier;

(4) "Insurer", an insurance company and any person authorized to represent the insurer with respect to a claim;

**[(3)]** (5) "Nonfunctional airbag", a replacement airbag that:

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

- 19           (a) Was previously deployed or damaged;
- 20           (b) Has an electric fault that is detected by the  
21 motor vehicle's diagnostic systems when the installation  
22 procedure is completed and the motor vehicle is returned to  
23 the customer who requested the work to be performed or when  
24 ownership is intended to be transferred;
- 25           (c) Includes a part or object, including a  
26 supplemental restraint system component, installed in a  
27 motor vehicle to mislead the owner or operator of the motor  
28 vehicle into believing that a functional airbag has been  
29 installed; or
- 30           (d) Is prohibited in accordance with 49 U.S.C. Section  
31 30120(j) from being sold or leased;
- 32           (6) "Nonoriginal equipment manufacturer (Non-OEM)  
33 aftermarket crash part", aftermarket crash parts not made  
34 for or by the manufacturer of the motor vehicle;
- 35           (7) "Supplemental restraint system", a passive motor  
36 vehicle occupant crash protection system designed for use in  
37 conjunction with active restraint systems as described in 49  
38 CFR 571.208. Such term shall include:
- 39           (a) Each airbag installed in accordance with the motor  
40 vehicle manufacturer's design; and
- 41           (b) All components required to ensure that an airbag  
42 operates as designed in the event of a crash and in  
43 accordance with the federal motor vehicle safety standards  
44 for the specific make, model, and year of the motor vehicle.
- 45           2. Any aftermarket crash part supplied by a  
46 nonoriginal equipment manufacturer for use in this state  
47 after January 1, 1990, shall have affixed thereto or  
48 inscribed thereon the logo or name of its manufacturer.  
49 Such manufacturer's logo or name shall be visible after  
50 installation whenever practicable.

51           3. No insurer shall specify directly or indirectly the  
52 use of non-OEM aftermarket crash parts in the repair of an  
53 insured's motor vehicle without disclosing the intended use  
54 of such parts. In all instances where non-OEM aftermarket  
55 crash parts are intended for use by an insurer:

56           (1) The written estimate shall clearly identify each  
57 such part; and

58           (2) A disclosure document containing the following  
59 information in ten-point or larger type shall appear on or  
60 be attached to the insured's copy of the estimate: "This  
61 estimate has been prepared based on the use of one or more  
62 crash parts supplied by a source other than the manufacturer  
63 of your motor vehicle. Warranties applicable to these  
64 replacement parts are provided by the parts manufacturer or  
65 distributor rather than by the manufacturer of your vehicle."

66           4. **No person shall knowingly or intentionally**  
67 **manufacture, import, distribute, sell, offer for sale,**  
68 **install, or reinstall a device intended to replace a**  
69 **component of a supplemental restraint system if the device**  
70 **is:**

71           (1) **A counterfeit supplemental restraint system**  
72 **component;**

73           (2) **A nonfunctional airbag; or**

74           (3) **Any object in lieu of a supplemental restraint**  
75 **system component if the object was not designed in**  
76 **accordance with federal safety regulations for the make,**  
77 **model, and year of the motor vehicle in which such device is**  
78 **or will be installed.**

79           5. Any violation of this section shall be deemed an  
80 unlawful practice as the term is used in sections 407.010 to  
81 407.130, and shall be subject to the enforcement provisions  
82 of sections 407.010 to 407.130.

83 [5. This section shall become effective January 1,  
84 1990.]

