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## CRIMES AND OFFENSES Forgery and Fraudulent Practices: Create Provisions Prohibiting Certain Air Bag Installation Practices

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## CRIMES AND OFFENSES

### *Forgery and Fraudulent Practices: Create Provisions Prohibiting Certain Air Bag Installation Practices*

CODE SECTION:	O.C.G.A. § 16-9-111 (new)
BILL NUMBER:	HB 1192
ACT NUMBER:	776
GEORGIA LAWS:	2002 Ga. Laws 629
SUMMARY:	The Act makes the installation or reinstallation of any object in lieu of a vehicle airbag, a high and aggravated misdemeanor.
EFFECTIVE DATE:	July 1, 2002

#### *History*

The high cost of replacing used air bags in automobiles has led to unscrupulous practices in air bag replacement.<sup>1</sup> Recent investigations have revealed instances where repair persons have fraudulently repaired deployed air bags in order to save the thousands of dollars that properly replaced air bags can cost.<sup>2</sup>

Examples of fraudulent repair tactics include, installing dummy air bags that are stuffed with old newspapers, polystyrene, or, in some cases, even cut-up training shoes or aluminum cans.<sup>3</sup> Another fraudulent practice has been simply to charge for a repair that was never completed.<sup>4</sup>

Installing foreign objects in place of the air bag, or fraudulently claiming the repair is complete, endangers the safety of drivers who rely on a properly functioning air bag.

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1. *Airbag Theft Risks Lives*, AUTOMOTIVE MANAGEMENT, available at <http://www.autobodyprojects.co.uk/news/messages/1003.shtml> [hereinafter AUTOMOTIVE MANAGEMENT].

2. Jim Wetzel, *Air Bags . . . Lot of Hot Air?*, AUTOPEdia, available at <http://autopedia.com/html/HVAA1.html> (indicating that the cost range for replacing air bags can be from \$1200 to \$4000); AUTOMOTIVE MANAGEMENT, *supra* note 1; Audio Recording of House Proceedings, Feb. 18, 2002 (remarks by Rep. Mike Snow), at <http://www.state.ga.us/services/leg/audio/2002archive> [hereinafter Snow Floor Remarks].

3. AUTOMOTIVE MANAGEMENT, *supra* note 1; Snow Floor Remarks, *supra* note 2.

4. *Georgia House Information Office Daily Report Number 20*, at [http://www.legis.state.ga.us/Legis/2001\\_02/house/hinfo/daily20b.htm](http://www.legis.state.ga.us/Legis/2001_02/house/hinfo/daily20b.htm).

HB 1192 was introduced to deal with those people who engage in fraudulent air bag practices, thereby increasing the safety of automobile operators.<sup>5</sup>

## *HB 1192*

### *Introduction*

Representative Mike Snow of the 2nd District introduced HB 1192 on February 1, 2002.<sup>6</sup> The House assigned the bill to its Motor Vehicles Committee, which favorably reported the bill, as introduced, on February 12, 2002.<sup>7</sup> The House passed the bill on February 18, 2002, by a vote of 158 to 3.<sup>8</sup>

The Senate assigned HB 1192 to its Veterans and Consumer Affairs Committee on February 19, 2002.<sup>9</sup> The Veterans and Consumer Affairs Committee favorably reported the bill, without change, on April 1, 2002.<sup>10</sup> The Senate unanimously passed HB 1192 on April 10, 2002.<sup>11</sup>

The House forwarded the bill to Governor Roy Barnes on April 24, 2002.<sup>12</sup> Governor Barnes signed the bill into law on May 9, 2002.<sup>13</sup>

### *Consideration by the House*

Representative Snow of the 2nd District introduced HB 1192 on February 1, 2002.<sup>14</sup> The bill makes it a misdemeanor of a high and aggravated nature to install or reinstall any object in lieu of the properly designed air bag according to federal safety regulations for the specific make, model, and year of the vehicle.<sup>15</sup>

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5. Snow Floor Remarks, *supra* note 2.

6. State of Georgia Final Composite Status Sheet, HB 1192, Apr. 12, 2002.

7. *Id.*

8. *Id.*

9. *Id.*

10. *Id.*

11. *Id.*

12. State of Georgia Final Composite Status Sheet, HB 1192, Apr. 12, 2002.

13. *Id.*

14. *Id.*

15. O.C.G.A. § 16-9-111 (Supp. 2002).

During introduction, a question was raised whether the violation of this Act should be a felony instead of an aggravated misdemeanor.<sup>16</sup> Representative Snow agreed that a tougher penalty should be attached; however, he also stated that legislative counsel informed him that an aggravated misdemeanor was “the best we could do.”<sup>17</sup>

This criticism apparently carried some weight as Representative Bob Lane of the 97th District stated that he opposed the bill, and would vote “no,” because he “didn’t think the penalty was strong enough” for such a potentially life threatening crime.<sup>18</sup>

Representative Barbara Bunn of the 74th District confirmed that this bill in no way precluded civil liability, which would still attach to anyone who committed the act of intentionally installing a foreign object or defective airbag in place of the appropriate airbag unit.<sup>19</sup>

Finally, Representative Mike Barnes of the 97th District inquired whether the penalty would apply to repair persons or others who discover second-hand that a faulty repair had been made, but did not take the proper steps to fix the problem.<sup>20</sup> Representative Snow indicated that he was not sure, but he imagined that such a concern would be a matter of civil liability.<sup>21</sup>

The House passed HB 1192 on February 18, 2002, by a vote of 158 to 3.<sup>22</sup>

### *Consideration by the Senate*

The bill was introduced in the Senate on February 19, 2002.<sup>23</sup> The Senate assigned the bill to its Veterans and Consumer Affairs Committee, which favorably reported the bill, as introduced, on April

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16. Snow Floor Remarks, *supra* note 2. A misdemeanor of a high and aggravated nature is punishable by up to a \$5000 fine and one year in jail. O.C.G.A. § 17-10-4 (2000). This differs from a misdemeanor that is only punishable by a \$1000 fine and one year in jail. O.C.G.A. § 17-10-3 (2000).

17. Snow Floor Remarks, *supra* note 2.

18. Telephone Interview with Rep. Bob Lane, House District No. 146 (June 20, 2002).

19. Audio Recording of House Proceedings, Feb. 18, 2002 (remarks by Rep. Barbara Bunn), at <http://www.state.ga.us/services/leg/audio/2002archive> [hereinafter Bunn Floor Remarks].

20. Audio Recording of House Proceedings, Feb. 18, 2002 (remarks by Rep. Mike Barnes), at <http://www.state.ga.us/services/leg/audio/2002archive> [hereinafter Barnes Floor Remarks].

21. Snow Floor Remarks, *supra* note 2.

22. State of Georgia Final Composite Status Sheet, HB 1192, Apr. 12, 2002.

23. *Id.*

1, 2002.<sup>24</sup> The Senate passed the bill unanimously, without comment, question, or amendment, on April 10, 2002.<sup>25</sup>

*The Act*

The Act makes it a misdemeanor of a high and aggravated nature to install or reinstall any object in lieu of the properly designed air bag according to federal safety regulations for the specific make, model, and year of the vehicle.<sup>26</sup>

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24. *Id.*

25. *Id.*

26. O.C.G.A § 16-9-111 (Supp. 2002).