

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 21-0424.01 Yelana Love x2295

**HOUSE BILL 21-1193**

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**HOUSE SPONSORSHIP**

**Gray, Bennett, Bird, Duran, Exum, Ricks**

**SENATE SPONSORSHIP**

**Priola,**

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**House Committees**  
Business Affairs & Labor

**Senate Committees**  
Business, Labor, & Technology

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**A BILL FOR AN ACT**

101 **CONCERNING CONSUMER PROTECTION FOR ACTS RELATED TO A**  
102 **SUPPLEMENTAL RESTRAINT SYSTEM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill makes it a deceptive trade practice for a person to knowingly or intentionally manufacture, import, distribute, sell, offer for sale, install, or reinstall a device intended to replace a supplemental restraint system component if the device is:

- A counterfeit supplemental restraint system component;
- A nonfunctional airbag; or

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
2nd Reading Unamended  
April 22, 2021

HOUSE  
3rd Reading Unamended  
March 29, 2021

HOUSE  
2nd Reading Unamended  
March 26, 2021

- Any object in lieu of a supplemental restraint system component that was not designed in accordance with federal safety regulations for the make, model, and year of the vehicle in which it is or will be installed.

The bill also prohibits a motor vehicle repair facility or any employee or contract laborer of the facility from installing or reinstalling 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, the motor vehicle is equipped with a nonfunctional airbag, or no airbag is installed.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, 6-1-710, **amend** (1);  
3 and **add** (3) as follows:

4           **6-1-710. Trafficking of false airbag - deceptive trade practices**  
5 **- criminal liability - definitions.** (1) A person engages in a deceptive  
6 trade practice when ~~such~~ THE person KNOWINGLY OR INTENTIONALLY  
7 MANUFACTURES, IMPORTS, DISTRIBUTES, SELLS, OFFERS FOR SALE, installs,  
8 or reinstalls ~~as part of a vehicle inflatable restraint system~~, A DEVICE  
9 INTENDED TO REPLACE A SUPPLEMENTAL RESTRAINT SYSTEM COMPONENT  
10 IF THE DEVICE IS:

11           (a) A COUNTERFEIT SUPPLEMENTAL RESTRAINT SYSTEM  
12 COMPONENT;

13           (b) A NONFUNCTIONAL AIRBAG; OR

14           (c) Any object in lieu of ~~an air bag~~ A SUPPLEMENTAL RESTRAINT  
15 SYSTEM COMPONENT that was NOT designed in accordance with federal  
16 safety regulations for the make, model, and year of the MOTOR vehicle IN  
17 WHICH IT IS OR WILL BE INSTALLED.

18           (3) AS USED IN THIS SECTION:

19           (a) "AIRBAG" MEANS A MOTOR VEHICLE INFLATABLE OCCUPANT  
20 RESTRAINT SYSTEM DEVICE THAT IS PART OF A SUPPLEMENTAL RESTRAINT

1 SYSTEM.

2 (b) "COUNTERFEIT SUPPLEMENTAL RESTRAINT SYSTEM  
3 COMPONENT" MEANS A REPLACEMENT SUPPLEMENTAL RESTRAINT SYSTEM  
4 COMPONENT THAT DISPLAYS A MARK IDENTICAL OR SUBSTANTIALLY  
5 SIMILAR TO THE GENUINE MARK OF A MOTOR VEHICLE MANUFACTURER OR  
6 A SUPPLIER OF PARTS TO THE MANUFACTURER OF A MOTOR VEHICLE  
7 WITHOUT AUTHORIZATION FROM THAT MANUFACTURER OR SUPPLIER.

8 (c) "NONFUNCTIONAL AIRBAG" MEANS A REPLACEMENT AIRBAG  
9 THAT:

10 (I) WAS PREVIOUSLY DEPLOYED OR DAMAGED;

11 (II) HAS AN ELECTRIC FAULT THAT IS DETECTED BY THE MOTOR  
12 VEHICLE'S DIAGNOSTIC SYSTEMS WHEN THE INSTALLATION PROCEDURE IS  
13 COMPLETED AND THE MOTOR VEHICLE IS RETURNED TO THE CUSTOMER  
14 WHO REQUESTED THE WORK TO BE PERFORMED OR WHEN OWNERSHIP IS  
15 INTENDED TO BE TRANSFERRED;

16 (III) INCLUDES A PART OR OBJECT, INCLUDING A SUPPLEMENTAL  
17 RESTRAINT SYSTEM COMPONENT, INSTALLED IN A MOTOR VEHICLE TO  
18 MISLEAD THE OWNER OR OPERATOR OF THE MOTOR VEHICLE INTO  
19 BELIEVING THAT A FUNCTIONAL AIRBAG HAS BEEN INSTALLED; OR

20 (IV) IS PROHIBITED FROM BEING SOLD OR LEASED IN ACCORDANCE  
21 WITH 49 U.S.C. SEC. 30120 (j).

22 (d) "SUPPLEMENTAL RESTRAINT SYSTEM" MEANS A PASSIVE  
23 INFLATABLE MOTOR VEHICLE OCCUPANT CRASH PROTECTION SYSTEM  
24 DESIGNED FOR USE IN CONJUNCTION WITH ACTIVE RESTRAINT SYSTEMS AS  
25 DESCRIBED IN 49 CFR 571.208. A SUPPLEMENTAL RESTRAINT SYSTEM  
26 INCLUDES:

27 (I) EACH AIRBAG INSTALLED IN ACCORDANCE WITH THE MOTOR

1 VEHICLE MANUFACTURER'S DESIGN; AND

2 (II) ALL COMPONENTS REQUIRED TO ENSURE THAT AN AIRBAG  
3 OPERATES AS DESIGNED IN THE EVENT OF A CRASH AND IN ACCORDANCE  
4 WITH THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR THE SPECIFIC  
5 MAKE, MODEL, AND YEAR OF THE MOTOR VEHICLE.

6 **SECTION 2.** In Colorado Revised Statutes, 42-9-111, **amend** (1)  
7 introductory portion and (1)(j); and **add** (2) as follows:

8 **42-9-111. Prohibited acts - definitions.** (1) ~~No~~ A motor vehicle  
9 repair facility or any employee or contract laborer of ~~such~~ THE facility  
10 shall NOT:

11 (j) (I) Install or reinstall, as part of a vehicle inflatable restraint  
12 system, any ~~object in lieu of an air bag that was designed in accordance~~  
13 ~~with federal safety regulations for the make, model, and year of the~~  
14 ~~vehicle~~ DEVICE THAT CAUSES THE MOTOR VEHICLE'S DIAGNOSTIC SYSTEMS  
15 TO FAIL TO WARN THAT:

16 (A) THE MOTOR VEHICLE IS EQUIPPED WITH A COUNTERFEIT  
17 SUPPLEMENTAL RESTRAINT SYSTEM COMPONENT;

18 (B) THE MOTOR VEHICLE IS EQUIPPED WITH A NONFUNCTIONAL  
19 AIRBAG; OR

20 (C) NO AIRBAG IS INSTALLED.

21 (II) FOR PURPOSES OF SUBSECTION (1)(j)(I) OF THIS SECTION, AN  
22 INSTALLATION OR REINSTALLATION DOES NOT OCCUR UNTIL THE WORK IS  
23 COMPLETED AND THE MOTOR VEHICLE IS RETURNED TO THE CUSTOMER, OR  
24 TITLE IS TRANSFERRED.

25 (2) AS USED IN THIS SECTION:

26 (a) "AIRBAG" MEANS A MOTOR VEHICLE INFLATABLE OCCUPANT  
27 RESTRAINT SYSTEM DEVICE THAT IS PART OF A SUPPLEMENTAL RESTRAINT

1 SYSTEM.

2 (b) "COUNTERFEIT SUPPLEMENTAL RESTRAINT SYSTEM  
3 COMPONENT" MEANS A REPLACEMENT SUPPLEMENTAL RESTRAINT SYSTEM  
4 COMPONENT THAT DISPLAYS A MARK IDENTICAL OR SUBSTANTIALLY  
5 SIMILAR TO THE GENUINE MARK OF A MOTOR VEHICLE MANUFACTURER OR  
6 A SUPPLIER OF PARTS TO THE MANUFACTURER OF A MOTOR VEHICLE  
7 WITHOUT AUTHORIZATION FROM THAT MANUFACTURER OR SUPPLIER.

8 (c) "NONFUNCTIONAL AIRBAG" MEANS A REPLACEMENT AIRBAG  
9 THAT:

10 (I) WAS PREVIOUSLY DEPLOYED OR DAMAGED;

11 (II) HAS AN ELECTRIC FAULT THAT IS DETECTED BY THE MOTOR  
12 VEHICLE'S DIAGNOSTIC SYSTEMS WHEN THE INSTALLATION PROCEDURE IS  
13 COMPLETED AND THE MOTOR VEHICLE IS RETURNED TO THE CUSTOMER  
14 WHO REQUESTED THE WORK TO BE PERFORMED OR WHEN OWNERSHIP IS  
15 INTENDED TO BE TRANSFERRED;

16 (III) INCLUDES A PART OR OBJECT, INCLUDING A SUPPLEMENTAL  
17 RESTRAINT SYSTEM COMPONENT, INSTALLED IN A MOTOR VEHICLE TO  
18 MISLEAD THE OWNER OR OPERATOR OF THE MOTOR VEHICLE INTO  
19 BELIEVING THAT A FUNCTIONAL AIRBAG HAS BEEN INSTALLED; OR

20 (IV) IS PROHIBITED FROM BEING SOLD OR LEASED IN ACCORDANCE  
21 WITH 49 U.S.C. SEC. 30120 (j).

22 (d) "SUPPLEMENTAL RESTRAINT SYSTEM" MEANS A PASSIVE  
23 INFLATABLE MOTOR VEHICLE OCCUPANT CRASH PROTECTION SYSTEM  
24 DESIGNED FOR USE IN CONJUNCTION WITH ACTIVE RESTRAINT SYSTEMS AS  
25 DESCRIBED IN 49 CFR 571.208. A SUPPLEMENTAL RESTRAINT SYSTEM  
26 INCLUDES:

27 (I) EACH AIRBAG INSTALLED IN ACCORDANCE WITH THE MOTOR

1 VEHICLE MANUFACTURER'S DESIGN; AND

2 (II) ALL COMPONENTS REQUIRED TO ENSURE THAT AN AIRBAG  
3 OPERATES AS DESIGNED IN THE EVENT OF A CRASH AND IN ACCORDANCE  
4 WITH THE FEDERAL MOTOR VEHICLE SAFETY STANDARDS FOR THE SPECIFIC  
5 MAKE, MODEL, AND YEAR OF THE MOTOR VEHICLE.

6 **SECTION 3. Act subject to petition - effective date -**  
7 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following  
8 the expiration of the ninety-day period after final adjournment of the  
9 general assembly; except that, if a referendum petition is filed pursuant  
10 to section 1 (3) of article V of the state constitution against this act or an  
11 item, section, or part of this act within such period, then the act, item,  
12 section, or part will not take effect unless approved by the people at the  
13 general election to be held in November 2022 and, in such case, will take  
14 effect on the date of the official declaration of the vote thereon by the  
15 governor.

16 (2) This act applies to offenses committed on or after the  
17 applicable effective date of this act.