

CHAPTER 162

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 97-1098

BY REPRESENTATIVE Owen;
also SENATOR Tebedo.**AN ACT**CONCERNING MOTOR VEHICLE INFLATABLE RESTRAINT SYSTEMS, AND, IN CONNECTION THEREWITH,
ESTABLISHING REQUIREMENTS INTENDED TO ENSURE THE SAFETY OF AUTOMOBILE AIR BAGS AND
DETER THEFT OF SUCH AIR BAGS.*Be it enacted by the General Assembly of the State of Colorado:***SECTION 1.** Part 6 of article 4 of title 10, Colorado Revised Statutes, 1994 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:**10-4-614. Inflatable restraint systems - replacement - verification of claims.**

(1) IF AN INSURED RECEIVES PAYMENT FOR A POLICY CLAIM FOR AN INFLATABLE RESTRAINT SYSTEM THAT HAS INFLATED AND DEPLOYED OR BEEN STOLEN, THE INSURED SHALL REPLACE SUCH INFLATABLE RESTRAINT SYSTEM IN THE MOTOR VEHICLE. UPON RECEIVING SUCH A POLICY CLAIM, THE INSURER IS AUTHORIZED TO INSPECT THE VEHICLE FOR WHICH THE CLAIM IS BEING FILED TO VERIFY THAT THE INFLATABLE RESTRAINT SYSTEM DID INFLATE AND DEPLOY OR WAS STOLEN.

(2) FOR THE PURPOSES OF THIS SECTION, "INFLATABLE RESTRAINT SYSTEM" HAS THE SAME MEANING AS IS SET FORTH IN 49 C.F.R. SEC. 507.208 S4.1.5.1 (b).

SECTION 2. 42-9-102 (1), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended, and the said 42-9-102 is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:**42-9-102. Definitions.** As used in this article, unless the context otherwise requires:

(1) "~~Customer~~" means the owner, the agent of the owner, or a family member,

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

~~employee, or any other person whose use of the vehicle is authorized by the owner.~~
"AUTOPARTS RECYCLER" MEANS ANY PERSON WHO PURCHASES MOTOR VEHICLES FOR THE PURPOSE OF DISMANTLING AND SELLING THE COMPONENTS THEREOF AND WHO COMPLIES WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS. "AUTO PARTS RECYCLER" INCLUDES A VEHICLE DISMANTLER.

(1.2) "CUSTOMER" MEANS THE OWNER, THE AGENT OF THE OWNER, OR A FAMILY MEMBER, EMPLOYEE, OR ANY OTHER PERSON WHOSE USE OF THE VEHICLE IS AUTHORIZED BY THE OWNER.

(1.5) "INFLATABLE RESTRAINT SYSTEM" HAS THE SAME MEANING AS IS SET FORTH IN 49 C.F.R. SEC. 507.208 S4.1.5.1 (b).

SECTION 3. 42-9-104 (2) (a) (III), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-9-104. When consent and estimate required - original transaction - disassembly. (2) (a) (III) The estimate provided to the customer shall state conspicuously that, except for body shop repair parts and ~~except for~~ exchanged or warranty parts, which shall only be presented to the customer for examination and not returned, AND EXCEPT FOR INFLATABLE RESTRAINT SYSTEM COMPONENTS, the customer is entitled to the return of the replaced parts if the customer so requests at the time of consenting to or authorizing the repairs.

SECTION 4. 42-9-109, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-9-109. Return of replaced parts. Except for body shop repair parts, INFLATABLE RESTRAINT SYSTEM COMPONENTS, and parts that the motor vehicle repair garage is required to return to the manufacturer or distributor under a warranty or exchange arrangement, the motor vehicle repair garage shall return replaced parts to the customer at the time of the completion of the repairs if the customer so requests at the time of consenting to or authorizing the repairs. A MOTOR VEHICLE REPAIR GARAGE IS NOT AUTHORIZED TO RETURN ANY COMPONENTS OF AN INFLATABLE RESTRAINT SYSTEM TO THE CONSUMER.

SECTION 5. Article 9 of title 42, Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

42-9-109.5. Inflatable restraint systems - replacement. (1) (a) A MOTOR VEHICLE REPAIR GARAGE MAY REPLACE AN INFLATABLE RESTRAINT SYSTEM ONLY WITH AN INFLATABLE RESTRAINT SYSTEM THAT IS NEWLY MANUFACTURED OR AN INFLATABLE RESTRAINT SYSTEM SALVAGED AND SOLD BY A VEHICLE DISMANTLER OR AUTO PARTS RECYCLER.

(b) A MOTOR VEHICLE REPAIR GARAGE IS NOT REQUIRED TO INSTALL A SALVAGED INFLATABLE RESTRAINT SYSTEM AND MAY DO SO ONLY UPON OBTAINING SPECIFIC WRITTEN AUTHORIZATION FROM THE CUSTOMER. A MOTOR VEHICLE REPAIR GARAGE INSTALLING A SALVAGED INFLATABLE RESTRAINT SYSTEM SHALL INCLUDE THE PHRASE "SALVAGED INFLATABLE RESTRAINT SYSTEM" PROMINENTLY ON THE FACE OF THE INVOICE. A MOTOR VEHICLE REPAIR GARAGE MAY NOT USE OTHER TERMS,

INCLUDING BUT NOT LIMITED TO "USED" OR "AS IS", TO DESCRIBE A SALVAGED INFLATABLE RESTRAINT SYSTEM ON AN INVOICE.

(2) (a) IF A VEHICLE DISMANTLER OR AUTO PARTS RECYCLER SELLS A SALVAGED INFLATABLE RESTRAINT SYSTEM, THE VEHICLE DISMANTLER OR AUTO PARTS RECYCLER SHALL STATE THE FOLLOWING INFORMATION ON THE INVOICE:

(I) THE DATE OF SALE OF THE SALVAGED INFLATABLE RESTRAINT SYSTEM;

(II) THE VEHICLE IDENTIFICATION NUMBER OF THE VEHICLE FROM WHICH THE INFLATABLE RESTRAINT SYSTEM WAS SALVAGED; AND

(III) THE PART NUMBER OF THE SALVAGED INFLATABLE RESTRAINT SYSTEM, IF SUCH NUMBER IS AVAILABLE.

(b) A VEHICLE DISMANTLER OR AUTO PARTS RECYCLER SHALL MAINTAIN THE BILL OF SALE FOR ANY SALE OF A SALVAGED INFLATABLE RESTRAINT SYSTEM FOR AT LEAST THREE YEARS AFTER THE DATE OF THE SALE.

SECTION 6. 42-4-1606 (4) (a) (I), Colorado Revised Statutes, 1993 Repl. Vol., as amended, is amended to read:

42-4-1606. Duty to report accidents. (4) (a) (I) It is the duty of all law enforcement officers who receive notification of traffic accidents within their respective jurisdictions or who investigate such accidents either at the time of or at the scene of the accident or thereafter by interviewing participants or witnesses to submit reports of all such accidents to the department on the form provided, including insurance information received from any driver, within five days of the time they receive such information or complete their investigation. THE LAW ENFORCEMENT OFFICER SHALL INDICATE IN SUCH REPORT WHETHER THE INFLATABLE RESTRAINT SYSTEM IN THE VEHICLE, IF ANY, INFLATED AND DEPLOYED IN THE ACCIDENT. FOR THE PURPOSES OF THIS SECTION, "INFLATABLE RESTRAINT SYSTEM" HAS THE SAME MEANING AS SET FORTH IN 49 C.F.R. SEC. 507.208 S4.1.5.1 (b).

SECTION 7. Effective date - applicability. (1) This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article v, section 1 (3) of the state constitution; except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

(2) The provisions of this act shall apply to insurance claims for accidents occurring on or after the applicable effective date of this act and to motor vehicle repairs made on or after the applicable effective date of this act.

Approved: May 16, 1997