

CHAPTER 72

CRIMINAL LAW AND PROCEDURE

HOUSE BILL 02-1145

BY REPRESENTATIVE(S) Rippy, Groff, Coleman, Miller, Plant, Romanoff, Saliman, Sanchez, Stengel, and Swenson;
also SENATOR(S) Linkhart, Hernandez, Nichol, and Tupa.

AN ACT

CONCERNING A PROHIBITION AGAINST INSTALLING AS A COMPONENT OF AN AIR BAG SYSTEM ANY OBJECT THAT IS NOT DESIGNED IN ACCORDANCE WITH FEDERAL SAFETY REGULATIONS FOR A PARTICULAR VEHICLE.

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

SECTION 1. 42-9-111 (1) (h) and (1) (i), Colorado Revised Statutes, are amended, and the said 42-9-111 (1) is further amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

42-9-111. Prohibited acts. (1) No motor vehicle repair facility or any employee or contract laborer of such facility shall:

(h) Require a customer to sign a work order that does not state the repairs that are requested by the customer; ~~or~~

(i) Fail to state the motor vehicle odometer reading, unless such reading is unfeasible due to the condition of the odometer; OR

(j) ~~INSTALL OR REINSTALL, AS PART OF A VEHICLE INFLATABLE RESTRAINT SYSTEM, ANY OBJECT IN LIEU OF AN AIR BAG THAT WAS DESIGNED IN ACCORDANCE WITH FEDERAL SAFETY REGULATIONS FOR THE MAKE, MODEL, AND YEAR OF THE VEHICLE.~~

SECTION 2. 42-9-112 (2) and (2.5), Colorado Revised Statutes, are amended, and the said 42-9-112 is further amended BY THE ADDITION OF A NEW SUBSECTION, to read:

42-9-112. Criminal penalties. (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, any motor vehicle repair facility or any employee

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

of such facility who violates section 42-9-111 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars nor more than one thousand dollars per violation. No portion of the minimum fine for repeat offenders shall be suspended.

(2.5) Any motor vehicle repair facility or any employee of such facility who violates any provision of this article other than the provisions for which penalties are provided in subsections (1), ~~and~~ (2), AND (4) of this section is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of five hundred dollars per violation.

(4) ANY MOTOR VEHICLE REPAIR FACILITY OR ANY EMPLOYEE OF SUCH FACILITY WHO VIOLATES THE PROVISIONS OF SECTION 42-9-111 (1) (j) IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS PER VIOLATION, OR IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR, OR BOTH.

SECTION 3. Part 7 of article 1 of title 6, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

6-1-710. Installation or reinstallation of false air bag - deceptive trade practices - criminal liability. (1) A PERSON ENGAGES IN A DECEPTIVE TRADE PRACTICE WHEN SUCH PERSON INSTALLS OR REINSTALLS, AS PART OF A VEHICLE INFLATABLE RESTRAINT SYSTEM, ANY OBJECT IN LIEU OF AN AIR BAG THAT WAS DESIGNED IN ACCORDANCE WITH FEDERAL SAFETY REGULATIONS FOR THE MAKE, MODEL, AND YEAR OF THE VEHICLE.

(2) ANY PERSON WHO VIOLATES SUBSECTION (1) OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE OF NOT LESS THAN TWO THOUSAND FIVE HUNDRED DOLLARS AND NOT MORE THAN FIVE THOUSAND DOLLARS PER VIOLATION, OR IMPRISONMENT IN THE COUNTY JAIL FOR UP TO ONE YEAR, OR BOTH.

SECTION 4. Effective date - applicability. This act shall take effect July 1, 2002, and shall apply to offenses committed on or after said date.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 3, 2002