

§ 20-136.2. Counterfeit supplemental restraint system components and nonfunctional airbags.

(a) It shall be unlawful for any person, firm, or corporation to knowingly import, manufacture, sell, offer for sale, distribute, install or reinstall a counterfeit supplemental restraint system or nonfunctional airbag in any motor vehicle, or other component device that causes a motor vehicle to fail to meet federal motor vehicle safety standards as provided in 49 C.F.R. § 571.208. Any person, firm, or corporation violating this section shall be guilty of a Class 1 misdemeanor, and violation constitutes an unfair and deceptive trade practice under G.S. 75-1.1. If a violation of this section contributes to a person's physical injury or death, the person, firm, or corporation violating this section shall be guilty of a Class H felony. For purposes of this section, in the event that a franchised motor vehicle dealer, as defined in G.S. 20-286(8b) or its owners, have no actual knowledge that a counterfeit supplemental restraint system component, nonfunctional airbag, or other component device has been imported, manufactured, sold, offered for sale, installed, or reinstalled in lieu of a supplemental restraint system component at the franchised motor vehicle dealer's place of business or elsewhere, knowledge by any other person shall not be imputed to the franchised motor vehicle dealer or its owners, and the franchised motor vehicle dealer or its owners shall not be deemed to have committed an unlawful act under this section and shall not have any criminal liability under this section.

(b) Nothing in this section is intended to prohibit automotive dealers, repair professionals, recyclers, original equipment manufacturers, or contractors from disposing of counterfeit supplemental restraint system components or nonfunctional airbags in accordance with federal and State law. (2003-258, s. 3; 2019-155, s. 3.)