

**SENATE BILL No. 106**

By Committee on Transportation

1-26

1 AN ACT concerning motor vehicles; relating to ~~devices that are~~  
2 ~~counterfeit supplemental restraint system components and~~  
3 ~~nonfunctional airbags~~ **the uniform act regulating traffic on**  
4 **highways**; creating the crime of knowingly or intentionally  
5 manufacturing, importing, distributing, selling, offering for sale,  
6 installing or reinstalling ~~such devices~~ **counterfeit supplemental**  
7 **restraint system components and nonfunctional airbags** and  
8 providing for criminal penalties for violation thereof; **expanding**  
9 **permitted lighting equipment on vehicles to include all ground**  
10 **effect lighting; amending K.S.A. 8-1723 and repealing the existing**  
11 **section.**  
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) No person shall knowingly or intentionally  
15 manufacture, import, distribute, sell, offer for sale, install or reinstall a  
16 device intended to replace a supplemental restraint system component if  
17 the device is:

- 18 (1) A counterfeit supplemental restraint system component;  
19 (2) a nonfunctional airbag; or  
20 (3) any object in lieu of a supplemental restraint system component  
21 that was not designed in accordance with federal safety regulations for the  
22 make, model and year of the motor vehicle in which such device is or will  
23 be installed.  
24 (b) Violation of subsection (a) shall be a class A nonperson  
25 misdemeanor.  
26 (c) As used in this section:  
27 (1) "Airbag" means a motor vehicle inflatable occupant restraint  
28 system device that is part of a supplemental restraint system.  
29 (2) "Counterfeit supplemental restraint system component" means a  
30 replacement supplemental restraint system component that displays a mark  
31 identical or substantially similar to the genuine mark of a motor vehicle  
32 manufacturer or a supplier of parts to the manufacturer of a motor vehicle  
33 without authorization from that manufacturer or supplier.  
34 (3) "Nonfunctional airbag" means a replacement airbag that:

1 (A) Was previously deployed or damaged;

2 (B) has an electric fault that is detected by the motor vehicle's  
3 diagnostic systems when the installation procedure is completed and the  
4 motor vehicle is returned to the customer who requested the work to be  
5 performed or when ownership is intended to be transferred;

6 (C) includes a part or object, including a supplemental restraint  
7 system component, installed in a motor vehicle to mislead the owner or  
8 operator of the motor vehicle into believing that a functional airbag has  
9 been installed; or

10 (D) is prohibited from being sold or leased in accordance with 49  
11 U.S.C. § 30120(j).

12 (4) "Supplemental restraint system" means a passive inflatable motor  
13 vehicle occupant crash protection system designed for use in conjunction  
14 with active restraint systems as described in 49 C.F.R. § 571.208. A  
15 supplemental restraint system includes:

16 (A) Each airbag installed in accordance with the motor vehicle  
17 manufacturer's design; and

18 (B) all components required to ensure that an airbag operates as  
19 designed in the event of a crash and in accordance with the federal motor  
20 vehicle safety standards for the specific make, model and year of the motor  
21 vehicle.

22 (d) This section shall be a part of and supplemental to the uniform act  
23 regulating traffic on highways.

24 **{Sec. 2. K.S.A. 8-1723 is hereby amended to read as follows: 8-  
25 1723. (a) Any motor vehicle may be equipped with not more than two  
26 side cowl or fender lamps which shall emit an amber or white light  
27 without glare.**

28 **(b) Any motor vehicle may be equipped with not more than one  
29 running-board courtesy lamp on each side which shall emit a white or  
30 amber light without glare.**

31 **(c) Any motor vehicle may be equipped with one or more back-up  
32 lamps either separately or in combination with other lamps, but any  
33 such back-up lamp or lamps shall not be lighted when the motor  
34 vehicle is in forward motion.**

35 **(d) Any vehicle 80 inches or more in overall width, if not  
36 otherwise required by K.S.A. 8-1710, and amendments thereto, may  
37 be equipped with not more than three identification lamps showing to  
38 the front which shall emit an amber light without glare and not more  
39 than three identification lamps showing to the rear which shall emit a  
40 red light without glare. Such lamps shall be mounted as specified in  
41 subsection (g) of K.S.A. 8-1710(g), and amendments thereto.**

42 **(e) Any vehicle may be equipped with one or more side marker  
43 lamps and any such lamp may be flashed in conjunction with turn or**

1 vehicular hazard warning signals. Side marker lamps located toward  
2 the front of a vehicle shall be amber and side marker lamps located  
3 toward the rear shall be red.

4 (f) Any motor vehicle may be equipped with ~~neon~~ ground effect  
5 lighting, except that such lighting shall not flash, be any shade of red  
6 nor shall any portion of the ~~neon tubes~~ bulb or lighting fixture be visible.  
7 "Neon—Ground effect lighting" means ~~neon tubes~~ lights placed  
8 underneath the motor vehicle for the purpose of illuminating the  
9 ground below the motor vehicle creating a halo light effect.

10 (g) Any motor vehicle may be equipped with head lamps which  
11 alternately flash or simultaneously flash when such motor vehicle is  
12 being used as the lead motor vehicle of a funeral procession. A funeral  
13 hearse may serve as a funeral lead vehicle.}

14 Sec. 3. K.S.A. 8-1723 is hereby repealed.

15 Sec. ~~2~~ 4. This act shall take effect and be in force from and after its  
16 publication in the ~~statute book~~ *Kansas register*.