



SPONSOR: Rep. Briggs King & Rep. Osienski & Sen. Cloutier &  
Sen. Pettyjohn & Sen. Wilson

HOUSE OF REPRESENTATIVES  
150th GENERAL ASSEMBLY

HOUSE BILL NO. 28

AN ACT TO AMEND TITLE 6 OF THE DELAWARE CODE RELATING TO AUTO REPAIR FRAUD PREVENTION,  
AND PROHIBITED TRADE PRACTICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 4902A, Title 6 of the Delaware Code by making deletions as shown by strikethrough and  
insertions as shown by underline as follows:

§ 4902A. Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) “Airbag” means a motor vehicle inflatable occupant restraint system device that is part of a supplemental  
restraint system.

~~(1)(2)~~ “Automotive repair facility” means any person who performs auto repair work on a motor vehicle for  
financial profit.

~~(2)(3)~~ “Auto repair work” means performing or attempting to perform repairs and/or maintenance on a motor  
vehicle for financial profit.

(4) “Counterfeit supplemental restraint system component” means a replacement supplemental restraint system  
component, including, but not limited to, an airbag, that displays a mark identical to, or substantially similar to, the genuine  
mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization  
from that manufacturer or supplier, respectively.

~~(3)(5)~~ “Motor vehicle” is as defined by 21 § 101(35).

(6) “Nonfunctional airbag” means a replacement airbag that meets any of the following criteria:

a. The airbag was previously deployed or damaged;

b. The airbag has an electric fault that is detected by the vehicle’s airbag diagnostic systems when the installation  
procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when  
ownership is intended to be transferred;

c. The airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or

d. The airbag is subject to the prohibitions of 49 U.S.C. § 30120(i).

~~(4)~~(7) "Pattern of violations" means 3 or more violations within a 1-year period.

~~(5)~~(8) "Person" includes an individual, corporation, statutory trust, business trust, estate, trust, partnership, association, 2 or more persons having a joint or common interest or any other legal or commercial entity.

(9) "Supplemental Restraint System" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with active restraint systems as defined in 49 CFR 571.208. A supplemental restraint system includes one or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer including both of the following:

a. The airbag operates as designed in the event of a crash; and

b. The airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.

Section 2. Amend § 4903A, Title 6 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4903A. Unlawful practices.

(b) Acts or practices by an automotive repair facility prohibited by subsection (a) of this section shall include but are not limited to:

(1) Refusing to return a customer's motor vehicle because the customer refused to pay for unauthorized auto repair work in violation of § 4907A of this title;

(2) Misrepresenting that auto repair work has been made to a motor vehicle;

(3) Misrepresenting that auto repair work is necessary to a motor vehicle repair;

(4) Misrepresenting that the motor vehicle is in a dangerous condition or that the customer's continued use of the vehicle may be harmful or cause significant damage to the vehicle;

(5) Misrepresenting that the motor vehicle will or will not pass state inspection requirements or is not otherwise in compliance with state or federal requirements in connection with soliciting auto repair work;

(6) Performing unauthorized auto repair work in connection with a misrepresentation;

(7) Installing or reinstalling in a motor vehicle any ~~nonoperative air bag or object~~ in lieu of an operative air bag ~~that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle as part of the~~

51 ~~vehicle inflatable restraint system~~ including a counterfeit supplemental restraint system component or a nonfunctional  
52 ~~airbag~~;

53 (8) Selling, installing or reinstalling any device that causes the vehicle's diagnostic systems to fail to warn when  
54 the vehicle is equipped with a counterfeit supplemental restraint system component, nonfunctional airbag, or when no  
55 airbag is installed.

56 (8)(9) Fraudulently altering any customer contract, estimate, invoice or other document;

57 (9)(10) Fraudulently misusing a customer's credit card; or

58 (40)(11) Engaging in a pattern of violations of § 4904A, § 4905A, § 4906A or § 4907A of this title or violating §  
59 4904A, § 4905A, § 4906A or § 4907A of this title with the intent to hinder the discovery of practices or acts prohibited by  
60 this section.

61 c. A person shall not knowingly manufacture, import, distribute, sell, or offer for sale any device intended to  
62 replace a supplemental restraint system component in any motor vehicle if the device is a counterfeit supplemental restraint  
63 system component, a nonfunctional airbag, or a device that causes a vehicle to fail to meet federal motor vehicle safety  
64 standards as provided in 49 CFR 571.208.

#### SYNOPSIS

This bill clarifies definitions relating to airbags, counterfeit supplemental restraint system components, nonfunctional airbags, and supplemental restraint systems, and prohibited trade practices.