

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

PROPOSED REGULATORY LANGUAGE
Airbag Safety

Legend: Added text is indicated with an underline.
Omitted text is indicated by (* * * *)

Modified text (15-day comment period):
Added text is indicated with a double underline.
Deleted text is indicated with a ~~double strikeout~~.

Amend section 3367 of Article 8 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations to read as follows:

§ 3367. Inflatable Restraint Systems; Airbags.

(a) An ~~A~~utomotive ~~R~~epair ~~D~~dealer shall not manufacture, import, install, or-reinstall, or distribute, or-sell, or offer for sale any airbag or airbag part or component which is part of an inflatable restraint system known, or which by the exercise of reasonable care should be known, to:

- (1) have been previously deployed, and which is part of an inflatable restraint system
- (2) have an electrical fault,
- (3) include a part or component designed to mislead the vehicle's supplemental restraint system electronic control unit to incorrectly determine that a functional airbag has been installed, or
- (4) display a mark identical or substantially similar to the genuine mark of a motor vehicle manufacturer, or of a supplier of parts to the manufacturer of a motor vehicle, without authorization from that manufacturer or supplier, or
- (5) be subject to an airbag-related safety recall issued by the original equipment manufacturer or the National Highway Traffic Safety Administration.

(b) An automotive repair dealer shall replace an airbag that is part of an inflatable restraint system to its original operating condition as designed by the original equipment manufacturer and in accordance with the accepted trade standards for good and workmanlike repair in this Article. If the manufacturer of the vehicle has published a position statement(s) related to airbag parts or components, the replacement of any airbag parts or components shall not contradict any currently operative position statement(s) from the manufacturer of the vehicle for which the airbag is being replaced.

(c) An automotive repair dealer shall only purchase replacement airbag parts and components from the following:

(1) The original equipment manufacturer of the vehicle;

(2) A supplier or reseller authorized by the original equipment manufacturer to manufacture, assemble, provide for vehicle production, or sell new or replacement airbags; or

(3) An automotive dismantler licensed by the Department of Motor Vehicles, provided the ARD has verified:

A) The replacement airbag parts or components are original equipment manufacturer parts or components,

B) ~~None of the~~ The airbag individual replacement parts or components required for the safe deployment of an airbag, including but not limited to the control units or impact sensors, have not triggered ~~experienced an~~ previous airbag deployment,

C) The assembly, including the inflator module, shows no indication of damage, previous deployment, or tampering, and

D) Any airbag-related recalls have been performed on the vehicle from which the replacement airbag parts or components are being removed.

~~(d) An automotive repair dealer shall not purchase a replacement airbag part or component if the airbag part or component is subject to a recall issued by the original equipment manufacturer or the National Highway Traffic Safety Administration.~~

(ed) An automotive repair dealer shall retain receipts for all parts received or purchased, and the receipts shall be maintained in accordance with section 3358 of this Chapter.

~~(b)(e)~~ Any violation of this section shall be cause for administrative disciplinary action. The authority of the bureau to impose discipline pursuant to this section shall be in addition to, and not a limitation on, its authority to take disciplinary action or other legal action, pursuant to any other provision of law.

NOTE: Authority cited: Sections 9882, ~~and~~ 9884.19, ~~and~~ 9884.76, Business and Professions Code; and Section 27317, Vehicle Code. Reference: Sections 490 and 9884.7, Business and Professions Code; and Section 27317, Vehicle Code.