



KANSAS AUTOMOBILE DEALERS ASSOCIATION

February 2, 2023

To: The Honorable Mike Petersen, Chairman
and Members of the Senate Committee on Transportation

From: Don McNeely, KADA President

Re: SB 106 - AN ACT concerning motor vehicles; relating to devices that are counterfeit supplemental restraint system components and nonfunctional airbags; creating the crime of knowingly or intentionally manufacturing, importing, distributing, selling, offering for sale, installing or reinstalling such devices and providing for criminal penalties for violation thereof.

Good morning, Chairman Petersen and Members of the Senate Committee on Transportation. My name is Don McNeely and I am the President of the Kansas Automobile Dealers Association, which represents the franchised new car and truck dealers in Kansas. On behalf of KADA, I am submitting this written testimony on behalf of the Kansas Automobile Dealers Association in support of SB 106.

Counterfeit airbags pose a serious threat to the health and safety of the motoring public, as they are not made to airbag manufacturers' specifications, are not subject to quality control tests or application of industry safety measures and do not abide by existing federal regulations. According to testing conducted by the National Highway Traffic Safety Administration (NHTSA), counterfeit airbags have shown consistent malfunctions ranging from non-deployment to the expulsion of metal shrapnel during deployment.

While counterfeit airbags are typically comprised completely of counterfeit components, another variety of counterfeit airbags have been found to be comprised of certain used original equipment manufacturer (OEM) components cobbled together with counterfeit components so as to appear to be complete OEM airbags—an inflator from one vehicle may be combined with an airbag from a different vehicle, shielded by a counterfeit airbag cover.

In October 2012, NHTSA issued a consumer advisory alerting vehicle owners and repair professionals to the dangers of counterfeit airbags and their prevalence in the marketplace. Since then, a coalition of automakers, dealers, insurers, law enforcement professionals, safety advocates, and other stakeholders have worked together to enact legislation which prohibits the installation or reinstallation of airbags that do not meet federal safety standards in 30 states (AL, CA, CO, CT, DE, FL, GA, HI, IA, IN, KY, LA, MA, MD, MI, NC, ND, NE, NH, NJ, NM, NY, OH, RI, SC, TN, TX, VA, WA, WV)

On behalf of the Kansas Automobile Dealers Association, I thank you for your consideration of our comments in support of SB 106.

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