

CONTRIBUTING TO A PERSON'S [PHYSICAL INJURY] [DEATH] BY [IMPORTING] [MANUFACTURING] [SELLING] [OFFERING TO SELL] [INSTALLING] [REINSTALLING] A [COUNTERFEIT SUPPLEMENTAL RESTRAINT SYSTEM] [NONFUNCTIONAL AIRBAG]. FELONY.

GENERAL CRIMINAL VOLUME

JUNE 2020

N.C. Gen. Stat. § 20-136.2

271.98 CONTRIBUTING TO A PERSON'S [PHYSICAL INJURY] [DEATH] BY [IMPORTING] [MANUFACTURING] [SELLING] [OFFERING TO SALE] [INSTALLING] [REINSTALLING] A [COUNTERFEIT SUPPLEMENTAL RESTRAINT SYSTEM] [NONFUNCTIONAL AIRBAG]. FELONY.

NOTE WELL: If a violation of this section did not contribute to a person's physical injury or death, use N.C.P.I.—Crim. 271.97.

NOTE WELL: Pursuant to N.C. Gen. Stat. § 20-136.2(a), violation of this section applies to any person, firm, or corporation.

NOTE WELL: 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. See N.C. Gen. Stat. § 20-136.2(b).

The defendant has been charged with contributing to a person's [physical injury] [death] by [importing] [manufacturing] [selling] [offering to sell] [installing] (or) [reinstalling] a [counterfeit supplemental restraint system]^{1 2} [nonfunctional³ airbag⁴].

For you to find the defendant guilty of this offense, the State must prove three things beyond a reasonable doubt:

First, that on or about the alleged date, the defendant [imported] [manufactured] [sold] [offered to sell] [installed] [reinstalled] a counterfeit [supplemental restraint system] (or) [nonfunctional airbag];

Second, that the defendant did so knowingly;

And Third, by [importing] [manufacturing] [selling] [offering to sell] [installing] (or) [reinstalling] the [counterfeit supplemental restraint system] [nonfunctional airbag], the defendant contributed to a person's [physical injury] [death].

CONTRIBUTING TO A PERSON'S [PHYSICAL INJURY] [DEATH] BY
[IMPORTING] [MANUFACTURING] [SELLING] [OFFERING TO SELL]
[INSTALLING] [REINSTALLING] A [COUNTERFEIT SUPPLEMENTAL
RESTRAINT SYSTEM] [NONFUNCTIONAL AIRBAG]. FELONY.

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant knowingly [imported] [manufactured] [sold] [offered to sell] [installed] (or) [reinstalled] a [counterfeit supplemental restraint system] [nonfunctional airbag] and by [importing] [manufacturing] [selling] [offering to sell] [installing] (or) [reinstalling] a [counterfeit supplemental restraint system][nonfunctional airbag] the defendant contributed to a person's [physical injury] [death], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.

1. N.C. Gen. Stat. § 20-4.01(46a) defines "**supplemental restraint system**" as a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in C.F.R. § 571.209, and 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: (1) The airbag operates as designed in the event of a crash. (2) The airbag is designed in accordance with federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

2. N.C. Gen Stat. § 20-4.01(4b) defines a "**counterfeit supplemental restraint system component**" as a replacement supplemental restraint system component, including an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or supplier of parts to the manufacturer of a motor vehicle, without authorization from the manufacturer or supplier.

3. N.C. Gen. Stat. § 20-4.01(23a) defines "**nonfunctional airbag**" as a replacement airbag that meets any of the following criteria: (1) the airbag was previously deployed or damaged; (2) 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; (3) 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 (4) the airbag is subject to the prohibitions of 49 U.S.C. § 30120(j).

4. N.C. Gen. Stat. § 20-4.01(1) defines "**airbag**" as a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system.