



# House of Representatives

## File No. 724

General Assembly

January Session, 2001

**(Reprint of File No. 43)**

Substitute House Bill No. 6660  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 10, 2001

### **AN ACT CONCERNING AIR BAG FRAUD.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 53a-119 of the general statutes is amended by adding  
2 subdivision (16) as follows:

3 (NEW) (16) A person is guilty of air bag fraud when such person,  
4 with intent to defraud another person, obtains property from such  
5 other person or a third person by knowingly installing or reinstalling  
6 any object in lieu of an air bag that was designed in accordance with  
7 federal safety requirements as provided in 49 CFR 571.208, as  
8 amended, and which is proper for the make, model and year of the  
9 vehicle, as part of the vehicle inflatable restraint system.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** None

**Affected Agencies:** Various Criminal Justice Agencies

**Municipal Impact:** None

**Explanation**

**State Impact:**

The bill would make air bag fraud a specific category of larceny. Since knowingly installing or reinstalling an object in lieu of an airbag with intent to defraud is already subject to the crime of larceny, the bill is not expected to result in a fiscal impact.

House "A" made a technical change that did not result in a fiscal impact.

**OLR Amended Bill Analysis**

sHB 6660 (as amended by House "A")

**AN ACT CONCERNING AIR BAG FRAUD.****SUMMARY:**

This bill establishes a specific larceny category called "air bag fraud." People commit this offense when, with intent to defraud, they obtain money or other property from someone for knowingly installing or reinstalling any object instead of an airbag designed according to federal safety regulations, and which is proper for the make, model, and year of the vehicle, as part of the vehicle inflatable restraint system. The penalty for this offense varies from a class C misdemeanor to a class B felony depending on the amount charged for the airbag. For example, if the amount charged was over \$1,000 but less than \$5,000 the penalty would be a class D felony punishable by a prison term of up to five years, a fine of up to \$5,000, or both.

EFFECTIVE DATE: October 1, 2001

\*House Amendment "A" adds the reference to the Code of Federal Regulations' safety regulations.

**BACKGROUND*****Larceny Defined***

Someone commits larceny when, with intent to deprive someone of his money or other property or to appropriate it to himself or a third person, he wrongfully takes, obtains, or withholds it from the owner.

***Larceny Penalties***

There are six different classifications of larceny based on the value of the property illegally obtained.

<i>Degree of Larceny</i>	<i>Amount of Property</i>	<i>Classification</i>		

	<i>Involved</i>		<i>Prison</i>	<i>Fine</i>
First Degree	Over \$10,000	Class B felony	Up to 20 years	Up to \$15,000
Second Degree	Over \$5,000	Class C Felony	Up to 10 years	Up to \$10,000
Third Degree	Over \$1,000	Class D felony	Up to 5 years	Up to \$5,000
Fourth Degree	Over \$500	Class A misdemeanor	Up to 1 year	Up to \$2,000
Fifth Degree	Over \$250	Class B misdemeanor	Up to 6 months	Up to \$1,000
Sixth Degree	\$250 or less	Class C misdemeanor	Up to 3 months	Up to \$500

In addition, certain other defined offenses, such as defrauding a public community and extortion, are classified in one of these degrees of larceny without regard to the value of the property obtained.

### ***Related Larceny Crimes***

A person commits the specific larceny crime of obtaining property by false pretense when, by any false token, pretense, or device, he obtains someone's property, with intent to defraud him or any other person.

A person commits the specific larceny crime of obtaining property by false promise, when, pursuant to a scheme to defraud, he obtains someone's property by means of a representation that he or a third person will engage in particular conduct, and when he does not intend to engage in such conduct or does not believe that the third person intends to engage in such conduct.

### ***Airbag Standards***

The Code of Federal Regulations specifies airbag and other performance standards to protect vehicle occupants in crashes (49 CFR 571.208).

## **COMMITTEE ACTION**

Judiciary Committee

Joint Favorable Substitute  
Yea 37    Nay 0