State of Wisconsin

Date of enactment:
2025 Senate Bill 537 Date of publication*:

2025 WISCONSIN ACT

AN ACT ***to renumber and amend*** 347.475 (1); ***to amend*** 347.475 (2) and 347.50 (2); ***to create*** 347.475 (1) (b) to (d), 347.475 (5), 347.475 (6) and 347.50 (2e) of the statutes; **relating to:** nonfunctional and counterfeit airbags and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 347.475 (1) of the statutes is renumbered 347.475 (1) (intro.) and amended to read:

347.475 **(1)** (intro.) In this section~~, "airbag"~~:

(a) "Airbag" means ~~an inflatable restraint system that is designed to be installed and to operate in a motor vehicle to deploy by inflating upon an impact of the vehicle with another object~~ any component of a passive inflatable motor vehicle occupant crash protection system designed by a motor vehicle manufacturer to operate in the event of a collision and designed to meet federal motor vehicle safety standards for the specific make, model, and year of the motor vehicle in which it is or will be installed.

SECTION 2. 347.475 (1) (b) to (d) of the statutes are created to read:

347.475 **(1)** (b) "Counterfeit airbag" means a replacement airbag, or an airbag component, that displays an unauthorized mark substantially similar to the mark of an original equipment manufacturer or a genuine supplier of parts to the manufacturer of a motor vehicle.

(c) "Nonfunctional airbag" means a replacement airbag to which any of the following applies:

1. The replacement airbag was previously deployed or damaged.

2. The replacement airbag has an electric fault that is detected by the motor vehicle's diagnostic system when the installation procedure is completed and the motor vehicle is returned to the motor vehicle owner or transferred to a new owner.

3. The replacement airbag includes a part or object intended to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed.

4. The replacement airbag is prohibited from being sold under 49 USC 30120 (j).

(d) "Replacement airbag" means an airbag intended to replace an original equipment manufacturer's airbag that is faulty, has deployed, was stolen, has been recalled, or is part of a motor vehicle restoration.

SECTION 3. 347.475 (2) of the statutes is amended to read:

347.475 **(2)** No person may, either personally or through an agent, import, manufacture, sell, offer for sale, install, reinstall, or distribute any previously deployed airbag or nonfunctional airbag. This subsection does not apply to the sale or transfer of a motor vehicle with a previously deployed airbag unless the deployment is concealed or disguised.

SECTION 4. 347.475 (5) of the statutes is created to read:

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

347.475 **(5)** No person may, either personally or through an agent, import, manufacture, sell, offer for sale, install, reinstall, or distribute a counterfeit airbag.

SECTION 5. 347.475 (6) of the statutes is created to read:

347.475 **(6)** This section does not apply to any of the following:

(a) A person installing, reinstalling, or replacing an airbag or other component of a passive inflatable motor vehicle occupant crash protection system in a motor vehicle used exclusively for police work.

(b) An owner or employee of a motor vehicle dealership or the owner of a motor vehicle who, before the sale of the vehicle, does not have knowledge that the vehicle's airbag, or another component of the vehicle's passive inflatable motor vehicle occupant crash protection system is counterfeit or nonfunctional.

(c) A person who transfers a vehicle title to an insurance company to satisfy an insurance claim when the insurance company declares the motor vehicle to be an actual total loss or constructive total loss.

(d) An insurance company, salvage yard, or other entity that sells, recycles, or otherwise disposes of a motor vehicle as authorized by law or regulation.

SECTION 6. 347.50 (2) of the statutes is amended to read:

347.50 **(2)** Any person violating s. 347.415 (1m), (2), and (3) to (5) ~~or 347.475~~ may be fined not more than $5,000 or imprisoned for not more than one year in the county jail, or both, for each violation.

SECTION 7. 347.50 (2e) of the statutes is created to read:

347.50 **(2e)** (a) Except as provided in pars. (b) to (e), any person violating s. 347.475 may be fined not more than $5,000 or imprisoned for not more than one year in the county jail, or both.

(b) Except as provided in pars. (c) to (e), any person violating s. 347.475 is guilty of a Class I felony for a 2nd or subsequent violation.

(c) Any person violating s. 347.475 is guilty of a Class H felony if the violation resulted in bodily harm, as defined in s. 939.22 (4), to a person.

(d) Any person violating s. 347.475 is guilty of a Class G felony if the violation resulted in great bodily harm, as defined in s. 939.22 (14), to a person.

(e) Any person violating s. 347.475 is guilty of a Class F felony if the violation resulted in the death of a person.

SECTION 8. Initial applicability.

(1) This act first applies to violations committed on the effective date of this subsection.