

The Issues with Using Salvaged Airbags

By Larry Montanez III, CDA and Jeff Lange, PE



Some of you might have read that the Rhode Island legislature passed House Bill 7301, modeled after the airbag anti-fraud Model Act created by the National Conference of Insurance Legislators (NCOIL). The bill, which targets airbag theft and fraud, makes it a specific crime to steal or purchase a stolen airbag component and requires repairers to keep detailed records of airbag component replacement operations and parts sources. The controversial NCOIL model, as well as the law passed in Rhode Island, contains a detailed record-keeping and consumer disclosure process for the use of salvaged airbag components for vehicle repair. The requirement does not indicate how or where that disclosure must be made, possibly allowing no clear disclosure for vehicle owners, or their passengers, that they may be riding in a car with airbags obtained from a salvaged vehicle that could open the repair facility who installed them and the owner of the vehicle to lawsuits for any injuries incurred in a collision event. Many industry experts argue that the NCOIL model and the very creation of any state-approved process for utilizing salvaged airbag components creates the appearance that that state is condoning the use of salvaged airbag components for the repair of collision-damaged vehicles.

Currently, there is no scientific evidence demonstrating that salvaged airbag components will work properly in a subsequent collision event. Any number of factors can compromise the quality of an airbag component after a vehicle is deemed a total loss and then is salvaged. Salvaged airbag components may have been exposed to conditions such as excessive heat, flood damage or damage resulting from improper removal, handling or storage of the airbag components. There is no known scientific evidence that would support the current testing procedures used to validate the operability and integrity of salvaged airbag components. With the exception of actual deployment of the airbag modules, there is presently no test that will confirm that they will operate as originally designed by the vehicle manufacturer.

An amendment authored by Kentucky Rep. Steve Riggs was added that reads, "Any person who installs a salvaged airbag in a vehicle shall apply a permanent, durable label that clearly states that the vehicle contains a salvaged airbag. Such label must be permanently installed on the dashboard of the vehicle. Any person who removes such a label shall be guilty of a criminal offense. Any car owner, including their passengers, who steps into a vehicle with salvage airbags installed, will know it immediately." This amendment might sound like a good idea, but it is seriously flawed in theory. There is no OEM that condones the use of

salvaged airbag components. In addition, labels affixed to the dashboard could fall off, fade due to UV exposure or can be removed by an unscrupulous seller of the vehicle, assuming the consumers will agree to affix such a label where one did not exist before. I-CAR, a liaison between the vehicle manufacturers, insurance industry and vehicle repair communities, does not "recommend or endorse the use of salvaged airbag components." So one may wonder what authority was consulted, utilized or otherwise referenced by the legislators in the drafting of such rules when the product manufacturer and the leader in collision repair industry training both stand against the use of salvage airbags.

The Property and Casualty Committee of NCOIL accepted the consumer disclosure amendment with only three dissenting votes. Committee Chairman Charles Curtiss of Tennessee was quoted in industry articles as stating, "It gives me a lot of grief that we are even talking about salvage airbags." Curtiss clearly endorsed the amendment requiring conspicuous consumer notification when he said, "If a customer is going to risk their life or their family's life, it's their choice. It is the subsequent owner we are worried about." Then, why would he endorse this proposal for a bill? Let's take a look at how airbag systems work and how using salvaged airbag components could seriously injure or even kill the occupants of a vehicle equipped with salvaged airbag components.

Let's review the laws of motion; we all know that moving objects have momentum (the product of the mass and the velocity of an object). Unless an outside force acts upon that object, the object will remain in motion. Motor vehicles consist of several such "objects," including the outer body panels, engine, transmission, suspension components, loose objects in the vehicle and, of course, the occupants. If a collision occurs, the vehicle stops abruptly; however, the occupants will continue to move at the pre-collision speed of the vehicle. The laws of physics indicate that the occupants will remain in motion until acted on by an outside force, such as the seatbelts and/or the deployed airbags. The goal of any supplemental restraint system is to help control the occupant's forward motion, while doing as little damage to the occupants as possible.

Airbag modules are designed to slow the occupant's speed to zero, with little or no damage. The time constraints in which the restraint system has to work within are huge. The airbag must be inflated in approximately 75 milliseconds (75 thousandths of a second) to be effective. Even with that minimal amount of space and time, there is a valuable amount of information sent to the airbag control module,

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which receives information from the crash sensors (generally accelerometers), seat position sensor, occupant weight classification module, seat belt position sensor and the vehicle speed, so the system can slow the forward motion of the occupants evenly rather than forcing an abrupt halt to their forward motion.

Since the early days of auto airbags, experts have cautioned that they are to be used in tandem with seat belts. Seat belts are completely necessary, because in front-end collisions, the seat belt restrains the occupants to allow time for the air bag to fully deploy and open, so the occupant(s) come in contact with the fully-inflated airbag, limiting the occupant(s) injuries or contact with the interior components.

There are many circumstances that can cause an airbag deployment. We have all experienced an airbag fault code telling you that another component is faulty after replacing the required components, even though the faulty component did not deploy. Now, just imagine a vehicle is deemed a total loss, the airbag components are salvaged and then sold to a repair facility. Without testing and verification of operation for those components, would you want to drive in that vehicle? What if your shop installed a sal-

vaged airbag component in a vehicle and in a subsequent collision event, the bags did not deploy and there were injuries suffered by the occupants? Would you like to be involved in the lawsuit? Remember, many vehicles are equipped with electronic data recorders ("black boxes") that record collision and, in some cases, airbag system diagnostic data. Specially-trained technicians can retrieve this data and utilize it in accessing airbag system operation. Such analysis is a common request of personal injury lawyers. Given these risks, consider that using salvaged airbag components may:

1. Expose you, your technicians and your shop to lawsuits that may not be defensible.
2. Put your customers and their passengers in a dangerous situation.
3. Expose your customers to lawsuits if they sell the vehicle.
4. Lead to the thought that your actions caused an injury and/or death.
5. Lead to bad business publicity.
6. Lead to legal ramifications, loss of business, loss of business license and all that you have built and achieved in life.

Regardless of what the law allows, the final decision to use a salvaged airbag component is your

Larry Montanez is a former I-CAR instructor and is co-owner of P&L Consultants with Peter Pratti Jr. P&L Consultants work with collision repair shops on estimating, production and proper repair procedures. P&L conducts repair workshops on MIG & resistance welding, measuring for estimating and advanced estimating skills. P&L also conducts investigations for insurers and repair shops for improper repairs. P&L can be reached by contacting Larry at (718) 891-4018 or larrygoju@aol.com.

Jeff Lange, PE is president of Lange Technical Services, Ltd. of Deer Park, N.Y. (www.LangeTech.net). Jeff is a licensed New York State professional engineer who specializes in investigating vehicle and component failures. Lange Technical Services, Ltd. is an investigative engineering firm performing forensic vehicle examinations and analysis for accident reconstruction, products liability and insurance issues. Jeff can be reached at 631-667-6128 or by e-mail at Jeff.Lange@LangeTech.net.

decision. Hopefully, this article has brought to your attention the importance of such a decision and how it affects returning a collision-damaged vehicle to pre-collision condition.

Feel free to contact us at any time if you have any questions that we could help with.

HEADLINERS

COLLISION COLLUSION TAKES DRPs TO TASK

Dan H. Wyatt may not be a household name, but you can be sure that insurers know him very well.

A professional post-repair inspector and diminished value expert, Wyatt has published his long-awaited second book, *Collision Collusion*. The follow-up to his debut volume, *Signs of a Wreck*, the 229-page *Collision Collusion* (subtitled "Auto Insurers – Modern-Day Gangsters in Collision Claim Payments") points a critical finger at certain insurer/shop relationships that Wyatt feels shortchange the customer.

As he writes in the book's introduction:

To me, Al Capone and all of the other gangsters of the 1920s and '30s are lightweights compared to insurance companies.

On the subject of DRPs, Wyatt writes: *With the direct-repair program, there is no need to worry about any negotiating with the insurance adjuster any more – the DRP shop IS THE ADJUSTER for the insurer.*

Wyatt has more than 25 years of auto body repair, used-car purchasing and sales experience. He is a licensed Motor Vehicle Damage Appraiser by the North Carolina Department of Insurance and has been assessing damaged, repaired vehicles for diminished value in 2003. Since 2004, he has been recognized as a diminished value expert in several North Carolina courts. Additionally, he has been a consultant to legal professionals in Arizona, Florida, Massachusetts, New Jersey, New York, North Carolina, South Carolina and Texas.

Wyatt says he originally wrote *Collision Collusion* to assist legal professionals in gaining a better understanding of the collision repair process and some of the more controversial issues surrounding the industry. Unsurprisingly, the opinionated author's self-described "dirty tell-all" has resulted in more than a few raised eyebrows.

"I'm getting more and more attorneys interested in the book," he says. "I love the body shop industry, but to make change, you have to bust somebody's hind end once in awhile."

For more information on how to order *Collision Collusion*, visit www.collisioncollusions.com.