

New Mexico targets Takata, auto makers over faulty air bags

January 20 2017, by Susan Montoya Bryan



In this May 4, 2016, file photo, visitors walk by a Takata Corp. desk at an automaker's showroom in Tokyo. New Mexico Attorney General Hector Balderas has announced a lawsuit against Japanese manufacturer Takata and a long list of auto makers in connection with the sale of cars with dangerous air bag inflators. The attorney general's office argues in a lawsuit being filed Friday, Jan. 20, 2017 that the manufacturers had a duty to ensure their products were safe and that concealment of air bag defects amounted to unfair, deceptive and unconscionable trade practices under New Mexico law. (AP Photo/Shizuo Kambayashi, File)

New Mexico Attorney General Hector Balderas is suing Japanese manufacturer Takata and a long list of automakers in connection with the sale of cars with dangerous air bag inflators.

The attorney general's office argues in a lawsuit filed Friday that the manufacturers had a duty to ensure their products were safe and that concealment of air bag defects amounted to unfair, deceptive and unconscionable trade practices under New Mexico law.

Takata already has agreed to pay \$1 billion in fines and restitution as part of plea agreement with the U.S. Justice Department over the yearslong scheme to conceal the deadly defect in its inflators. It also faces class-action lawsuits as well as litigation filed last year by the state of Hawaii.

Takata spokesman Jared Levy declined comment Friday.

Aside from targeting the air bag manufacturer, New Mexico's case also spreads the blame to numerous automakers that used the faulty bags in their vehicles. The complaint lists dozens of models that include some of the most popular vehicles in the U.S.

The state is seeking civil penalties for each defective air bag that entered the New Mexico market and penalties for each day the manufacturers misrepresented the safety of their products. State prosecutors also are demanding a jury trial.

Takata inflators can explode with too much force, spewing shrapnel into drivers and passengers. At least 11 people have been killed in the U.S. and 16 worldwide because of the defect. More than 180 have been injured.

The problem touched off the largest automotive recall in U.S. history

covering 42 million vehicles and 69 million inflators. Officials have said it will take years for the recalls to be completed.

Unlike most other air bag makers, Takata's inflators use explosive ammonium nitrate to fill the bags in a crash. But the chemical can deteriorate over time and burn too fast, blowing apart a metal canister.

In its complaint, New Mexico argues that Takata understood the risks from the time the company began investigating ammonium nitrate in the late 1990s.

The lawsuit does not document any deaths or injuries in New Mexico. It does detail some of the deadly cases elsewhere, saying the manufacturers conducted investigations but tried to minimize the incidents and failed to alert safety regulators to the defects.

The attorney general's office is bringing the case against Takata and the car makers with help from Grant and Eisenhofer, a national law firm that handles class-action securities litigation and major consumer protection lawsuits.

Balderas worked with the same firm in filing the state's suit against Volkswagen over the emissions scandal last year.

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