

Introduced by Senator Morrow

February 22, 2002

An act to amend Section 13190.3 of the Health and Safety Code, relating to fire extinguishers.

LEGISLATIVE COUNSEL'S DIGEST

SB 1862, as introduced, Morrow. Fire safety: fire extinguishers.

(1) Existing law requires any portable fire extinguisher required to be installed by any statute or ordinance to be maintained in accordance with regulations adopted by the State Fire Marshal. Existing law makes the owner or occupant of a property in which portable fire extinguishers are located responsible for their inspection, maintenance, and recharging, and requires maintenance, servicing, and recharging to be done by licensed firms. Existing regulations require monthly inspections and annual maintenance of portable fire extinguishers. Existing law makes the violation of these provisions or regulations a misdemeanor.

This bill would require dry chemical portable fire extinguishers to be inspected at least monthly by the building owner, the occupant, his or her authorized agent, or a licensed concern. It would also require these fire extinguishers to be subject to a maintenance procedure under prescribed circumstances. The bill would create a state-mandated local program, by creating new crimes.

(2) No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because a local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by this act, within the meaning of Section 17556 of the Government Code.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13190.3 of the Health and Safety Code
2 is amended to read:
3 13190.3. ~~Any~~ (a) *Except as provided in this section, any*
4 *portable fire extinguisher that is required to be installed by any*
5 *statute or ordinance shall be maintained in accordance with the*
6 *regulations adopted pursuant to Section 13160.*
7 ~~(a)~~
8 (b) *The owner or occupant of a property in which fire*
9 *extinguishers are located shall be responsible for the inspection,*
10 *maintenance, and recharging of the fire extinguishers.*
11 ~~(b)~~
12 (c) *Maintenance, servicing, and recharging shall be performed*
13 *by concerns licensed by the State Fire Marshal having available the*
14 *appropriate servicing manual, the proper types of tools, recharge*
15 *materials, lubricants, and manufacturer’s recommended*
16 *replacement parts or parts of equal quality.*
17 (d) *Dry chemical portable fire extinguishers shall be inspected*
18 *at least monthly. This inspection may be performed by the building*
19 *owner, the occupant, or his or her authorized agent, or a concern*
20 *licensed by the State Fire Marshal pursuant to this chapter.*
21 *Monthly inspections may be verified by the local enforcement*
22 *authority.*
23 (e) *The inspection required by subdivison (d) to require only a*
24 *quick check that a fire extinguisher is available and will operate,*
25 *in order to give reasonable assurance that the fire extinguisher is*
26 *fully charged and operable. The inspection shall include a*
27 *determination of all of the following:*
28 (1) *The fire extinguisher is located in the designated place.*
29 (2) *There is no obstruction to access or visibility.*
30 (3) *The operating instructions on the nameplate are legible and*
31 *facing outward.*
32 (4) *The safety seals and tamper indicators are not broken or*
33 *missing.*
34 (5) *There is no obvious physical damage, corrosion, leakage,*
35 *or clogged nozzle.*



1 (6) *The pressure gauge reading or indicator is in the operable*
2 *range or position.*

3 (7) *The fullness is determined by hefting, and, if needed, by*
4 *weighing.*

5 (8) *For wheeled units, the condition of the tires, wheels,*
6 *carriage, hose, and nozzle is checked.*

7 (f) *Dry chemical portable fire extinguishers shall be subject to*
8 *a maintenance procedure (1) immediately after use, (2) if an*
9 *inspection reveals tampering, damage, and incorrect pressure*
10 *reading, or corrosion, or (3) once every six years, which ever is*
11 *sooner.*

12 *SEC. 2. No reimbursement is required by this act pursuant to*
13 *Section 6 of Article XIII B of the California Constitution because*
14 *the only costs that may be incurred by a local agency or school*
15 *district will be incurred because this act creates a new crime or*
16 *infraction, eliminates a crime or infraction, or changes the penalty*
17 *for a crime or infraction, within the meaning of Section 17556 of*
18 *the Government Code, or changes the definition of a crime within*
19 *the meaning of Section 6 of Article XIII B of the California*
20 *Constitution.*

