

AMENDED IN ASSEMBLY APRIL 8, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 3131

Introduced by Assembly Members Lee and Bates

February 23, 1996

An act to add Sections ~~17958.10~~ *13113.9* and 17958.12 to the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 3131, as amended, Lee. Security bars: fire safety: regulations.

Existing law generally requires the State Fire Marshal to prepare, adopt, and submit for approval building standards pursuant to the California Building Standards Code, and other regulations relating to fire and panic safety establishing minimum requirements for the installation and maintenance of security bars that present a fire or panic hazard.

This bill would prohibit the sale of security bars, referred to as "burglar bars" in this bill, in California at wholesale or retail unless the burglar bars are either labeled or their packaging contains warning information ~~for the consumer and installer, or both, regarding requirements in the California Building Standards Code intended to promote safety in the event of a fire~~ *pursuant to regulations adopted by the State Fire Marshal.*

This bill would require the State Fire Marshal to develop and adopt regulations specifying labeling and packaging information, ~~among other things that address the requirements in the California Building Standards Code~~

intended to promote safety in the event of a fire. It would require that the regulations include a list of local agencies that require an approved release device on the exterior of the building for use only by the fire department for emergency access in the event of a fire direct the consumer or installer to contact the local fire department or local building official to determine whether the city or county requires that the security bars have a release mechanism on the outside for use by the fire department in the event of a fire emergency.

This bill would require a contractor or installer of burglar bars to provide the owner of the residential structure the above information prior to installing burglar bars.

~~This bill would become operative 6 months after the regulations required by this bill are adopted by the State Fire Marshal.~~

This bill would make it a misdemeanor for any person to install for profit unopenable burglar bars on ~~windows or doors~~ of a residential ~~structure~~ *dwelling* where the California Building Standards Code requires openable burglar bars for emergency escape or rescue, *or on mobile homes or manufactured homes unless certain safety standards are met.*

This bill would become operative 6 months after the regulations required by this bill are adopted by the State Fire Marshal.

This bill, by creating a new crime, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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 17958.10 is added to the Health~~

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1 SECTION 1. Section 13113.9 is added to the Health
2 and Safety Code, to read:

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4 13113.9. (a) For the purposes of this section:

5 (1) "Burglar bars" are security bars located on the
6 inside or outside of a door or window of a residential
7 dwelling.

8 (2) "Residential dwelling" means a house, apartment,
9 motel, hotel, or other type of residential dwelling subject
10 to the State Housing Law (Pt. 1.5 (commencing with
11 Section 17910), Div. 13) and a manufactured home,
12 mobilehome, and multiunit manufactured housing as
13 defined in Part 2 (commencing with Section 18000) of
14 Division 13.

15 (b) The State Fire Marshal shall develop and adopt
16 regulations for the labeling and packaging of security bars
17 addressing the requirements in the California Building
18 Standards Code intended to promote safety in the event
19 of a fire. The regulations shall direct the consumer or
20 installer to contact the local fire department or local
21 building official to determine whether the city or county
22 requires that the security bars have a release mechanism
23 on the outside for use by the fire department in the event
24 of a fire emergency. The regulations shall specify the
25 language to be printed, its location, and the height and
26 stroke of print type.

27 (c) Burglar bars may not be sold in California at
28 wholesale or retail unless the burglar bars are either
29 labeled or their packaging contains the warning
30 information specified in the regulations adopted
31 pursuant to subdivision (b). This subdivision shall
32 become operative six months after the regulations
33 required in subdivision (b) are adopted by the State Fire
34 Marshal.

35 SEC. 2. Section 17958.12 is added to the Health and
36 Safety Code, to read:

37 17958.12. (a) For the purposes of this section, the
38 term "residential dwelling" has the same meaning as in
39 paragraph (2) of subdivision (a) of Section 13113.9.

1 (b) Any contractor or installer of burglar bars shall
2 provide the owner of the residential structure the
3 warning information required pursuant to subdivision
4 (b) of Section 13113.9 prior to installing burglar bars.

5 (c) No person shall install for profit unopenable
6 burglar bars on a residential dwelling (1) where the
7 California Building Standards Code requires openable
8 burglar bars for emergency escape or rescue, or (2) on
9 mobilehomes or manufactured homes unless at least one
10 window or door to the exterior in each bedroom is
11 openable for emergency escape or rescue.

12 (d) Any person who violates subdivision (c) is guilty of
13 a misdemeanor.

14 (e) This section shall become operative six months
15 after the regulations required in subdivision (b) of
16 Section 13113.9 are adopted by the State Fire Marshal.

17 SEC. 2. No reimbursement is required by this act
18 pursuant to Section 6 of Article XIII B of the California
19 Constitution because the only costs that may be incurred
20 by a local agency or school district will be incurred
21 because this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty
23 for a crime or infraction, within the meaning of Section
24 17556 of the Government Code, or changes the definition
25 of a crime within the meaning of Section 6 of Article
26 XIII B of the California Constitution.

27 Notwithstanding Section 17580 of the Government
28 Code, unless otherwise specified, the provisions of this act
29 shall become operative on the same date that the act
30 takes effect pursuant to the California Constitution.

31 ~~and Safety Code, to read:~~

32 ~~17958.10. (a) For the purposes of this section,~~
33 ~~“burglar bars” are security bars located on the inside or~~
34 ~~outside of a door or window of a house, house trailer,~~
35 ~~apartment, motel, hotel, or other type of residential~~
36 ~~dwelling.~~

37 ~~(b) Burglar bars may not be sold in California at~~
38 ~~wholesale or retail unless the burglar bars are either~~
39 ~~labeled or their packaging contains warning information~~
40 ~~for the consumer and installer, or both, regarding~~



1 requirements in the California Building Standards Code
2 intended to promote safety in the event of a fire. The
3 State Fire Marshal shall develop and adopt regulations
4 specifying labeling and packaging information, language,
5 location, and height and stroke of print type. The
6 regulations shall include a list of local agencies that
7 require an approved release device on the exterior of the
8 building for use only by the fire department for
9 emergency access in the event of a fire.

10 (e) Any contractor or installer of burglar bars shall
11 provide the owner of the residential structure the
12 information required in subdivision (b) prior to installing
13 burglar bars.

14 (d) This section shall become operative six months
15 after the regulations required in subdivision (b) are
16 adopted by the State Fire Marshal.

17 SEC. 2. Section 17958.12 is added to the Health and
18 Safety Code, to read:

19 17958.12. (a) No person shall install for profit
20 unopenable burglar bars on windows or doors of a house,
21 house trailer, apartment, motel, hotel, or other type of
22 residential structure where the California Building
23 Standards Code requires openable burglar bars for
24 emergency escape or rescue.

25 (b) Any person violating this section is guilty of a
26 misdemeanor.

27 SEC. 3. No reimbursement is required by this act
28 pursuant to Section 6 of Article XIII B of the California
29 Constitution because the only costs that may be incurred
30 by a local agency or school district will be incurred
31 because this act creates a new crime or infraction,
32 eliminates a crime or infraction, or changes the penalty
33 for a crime or infraction, within the meaning of Section
34 17556 of the Government Code, or changes the definition
35 of a crime within the meaning of Section 6 of Article
36 XIII B of the California Constitution.

37 Notwithstanding Section 17580 of the Government
38 Code, unless otherwise specified, the provisions of this act



1 ~~shall become operative on the same date that the act~~
2 ~~takes effect pursuant to the California Constitution.~~

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