AMENDED IN SENATE JUNE 10, 1996

AMENDED IN ASSEMBLY MAY 28, 1996

AMENDED IN ASSEMBLY APRIL 11, 1996

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 13113.9 and 17958.12~~ *Section 13113.9* 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 known as the State Housing Law, generally regulates the construction, maintenance, occupancy, and use of buildings used for human habitation, including regulation of fire safety by the State Fire Marshal. Existing law also 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 pursuant to regulations adopted by the State Fire Marshal.

This bill would require the State Fire Marshal, *by a specified date,* to develop and adopt regulations specifying labeling and packaging information 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 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~~ *burglar* 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 dwelling, as defined, the above information prior to installing burglar bars.

This bill would make certain of its provisions operative ~~6 months~~ *180 days* after the regulations required by this bill are adopted by the State Fire Marshal.

The violation of provisions of the State Housing Law and provisions relating to the State Fire Marshal constitute a misdemeanor. Because this bill would make changes to those provisions, it 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 13113.9 is added to the Health
2 and Safety Code, to read:
3 13113.9. (a) For the purposes of this section:
4 (1) ‘‘Burglar bars’’ are security bars located on the
5 inside or outside of a door or window of a residential
6 dwelling.

(2) ‘‘Residential dwelling’’ means a house, apartment, motel, hotel, or other type of residential dwelling subject to the State Housing Law (Part 1.5 (commencing with Section 17910), Division 13) and a manufactured home, mobilehome, and multiunit manufactured housing as defined in Part 2 (commencing with Section 18000) of Division 13.

(b) ~~The~~ *On or before July 1, 1998, the* State Fire Marshal shall develop and adopt regulations for the labeling and packaging of ~~security~~ *burglar* bars addressing the requirements in the California Building Standards Code intended to promote safety in the event of a fire. For this purpose, the regulations shall include specification of the language to be printed on the packaging, the location of the language on the packaging, and the height and stroke of the print type to be utilized. The regulations shall 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~~ *burglar* bars have a release mechanism on the outside for use by the fire department in the event of a fire emergency.

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

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

~~17958.12. (a) For the purposes of this section, the term ‘‘residential dwelling’’ has the same meaning as in paragraph (2) of subdivision (a) of Section 13113.9.~~

~~(b)~~

(d) Any contractor or installer of burglar bars shall provide the owner of the residential dwelling the warning information required pursuant to subdivision (b) ~~of Section 13113.9~~ prior to installing burglar bars.

~~(c)~~

(e) No person shall install for profit unopenable burglar bars on a residential dwelling (1) where the California Building Standards Code requires openable burglar bars for emergency escape or rescue, or (2) on mobilehomes ~~or manufactured homes~~, *manufactured homes, or multiunit manufactured housing* unless at least one window or door to the exterior in each bedroom is openable for emergency escape or ~~rescue.~~

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

~~SEC. 3.~~ *rescue. This subdivision shall become operative 180 days after the regulations required in subdivision (b) are adopted by the State Fire Marshal.*

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

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

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