

AMENDED IN ASSEMBLY JUNE 20, 1996
AMENDED IN ASSEMBLY JUNE 4, 1996
AMENDED IN ASSEMBLY MAY 28, 1996
AMENDED IN ASSEMBLY MAY 13, 1996
AMENDED IN ASSEMBLY MAY 6, 1996
AMENDED IN ASSEMBLY APRIL 10, 1996
AMENDED IN SENATE MAY 30, 1995
AMENDED IN SENATE MAY 16, 1995
AMENDED IN SENATE APRIL 24, 1995
AMENDED IN SENATE APRIL 17, 1995
AMENDED IN SENATE MARCH 27, 1995

SENATE BILL

No. 577

Introduced by Senator Rosenthal

February 21, 1995

An act to amend Sections 19180, 19181, 19182, 19183, 19201, 19202, 19203, 19204, and 19211 of, and to amend the heading of Article 7 (commencing with Section 19200) of Chapter 2 of Part 3 of Division 13 of, to add Section 19201.5 to, the Health and Safety Code, relating to seismic safety, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 577, as amended, Rosenthal. Seismic safety: seismic gas shutoff devices: water heaters.

Existing law relating to state building standards and seismic safety requires the installation of earthquake sensitive gas shutoff valves in specified buildings, and generally regulates the manufacture and sale of these valves. Existing law requires the State Architect to adopt standards governing earthquake sensitive gas shutoff valves for installation in buildings, on or before a specified date, and to establish a certification procedure for and to certify seismic gas shutoff valves, as specified. Existing law also requires new seismic gas shutoff valves sold on or after a specified date to be certified prior to sale by the State Architect. Existing law further requires all new and replacement water heaters sold in California after a specified date and all existing water heaters to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion, as specified.

This bill would replace references to earthquake sensitive or seismic gas shutoff valves with the term earthquake sensitive or seismic gas shutoff devices and delete the above references to specified dates. The bill would require the State Architect to certify specified gas shutoff devices, as defined, that are activated by phenomena other than motion. The bill would except from its definition of "seismic gas shutoff device" any device installed on a gas distribution system owned or operated by a public utility. In addition, this bill would revise the bracing requirements for water heaters to apply to all new and replacement water heaters, and all existing residential water heaters, and would require any water heater to be secured in accordance with the ~~Uniform Plumbing Code, except when superseded by the~~ California Plumbing Code, or ~~local requirements~~ *modifications made thereto by a city, county, or city and county pursuant to a specified provision of existing law*. Because violation of these provisions relating to earthquake protection is punishable as a misdemeanor, this bill would impose a state-mandated local program by changing the definition of a crime.



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.

The bill also would make technical and organizational changes to these provisions.

The bill also would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. 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 19180 of the Health and Safety
2 Code is amended to read:

3 19180. The Legislature finds and declares that:

4 (a) It is generally accepted that various areas of the
5 state will experience moderate and severe earthquakes in
6 the foreseeable future.

7 (b) A serious threat to life and property resulting from
8 these earthquakes is the threat of fire resulting from
9 earthquake damage.

10 (c) In order to mitigate, as much as possible, the effects
11 of a major earthquake, including fire resulting from an
12 earthquake, local governments should be authorized to
13 adopt ordinances requiring installation of earthquake
14 sensitive gas shutoff devices in buildings.

15 SEC. 2. Section 19181 of the Health and Safety Code
16 is amended to read:

17 19181. Notwithstanding any other provision of law,
18 the governing body of any city, county, or city and county
19 may enact an ordinance requiring the installation of
20 earthquake sensitive gas shutoff devices in buildings open
21 to the public. Any ordinance adopted pursuant to this
22 section shall conform to standards adopted by the State
23 Architect pursuant to Section 19182.

24 SEC. 3. Section 19182 of the Health and Safety Code
25 is amended to read:



1 19182. (a) The State Architect shall adopt standards
2 governing earthquake sensitive gas shutoff devices for
3 installation in buildings. These standards shall reasonably
4 provide for convenient installation and maintenance of
5 gas shutoff devices, as well as maintaining the safety of
6 persons occupying buildings equipped with such devices.

7 (b) In adopting standards pursuant to this section, the
8 State Architect shall consider standards for such devices
9 developed by the Z-21 American National Standards
10 Committee and the comments or suggestions from
11 various public utilities.

12 SEC. 4. Section 19183 of the Health and Safety Code
13 is amended to read:

14 19183. (a) Manufacturers of earthquake sensitive gas
15 shutoff devices or other devices required by an ordinance
16 adopted pursuant to Section 19182, shall first obtain
17 certification, pursuant to Article 7 (commencing with
18 Section 19200), that the device meets the standards
19 established pursuant to Section 19182.

20 SEC. 5. The heading of Article 7 (commencing with
21 Section 19200) of Chapter 2 of Part 3 of Division 13 of the
22 Health and Safety Code is amended to read:

23

24 Article 7. Seismic Gas Shutoff Devices

25

26 SEC. 6. Section 19201 of the Health and Safety Code
27 is amended to read:

28 19201. (a) As used in this article, “seismic gas shutoff
29 device” means a seismic gas shutoff device certified by
30 the State Architect pursuant to Section 19202.

31 (b) Notwithstanding any other provision of law,
32 “seismic gas shutoff device” does not include any device
33 installed on a gas distribution system owned or operated
34 by a public utility.

35 SEC. 7. Section 19201.5 is added to the Health and
36 Safety Code, to read:

37 19201.5. The State Architect shall establish a
38 certification procedure for earthquake sensitive gas
39 shutoff devices and shall establish a fee for the
40 certification. Fees imposed pursuant to this section shall



1 be equal to the costs associated with making the
2 certification and are continuously appropriated to the
3 State Architect for administering the certification
4 program.

5 SEC. 8. Section 19202 of the Health and Safety Code
6 is amended to read:

7 19202. The State Architect shall certify seismic gas
8 shutoff devices which, as determined by the State
9 Architect, comply with Chapter 12-23 (commencing with
10 Section 12-23-101) of Part 12 of Title 24 of the California
11 Code of Regulations, and which meet all of the following
12 requirements:

13 (a) (1) The design of the device shall be operationally
14 simplistic with an integral process design for assuring an
15 optimum level of control and trouble-free functional
16 operation.

17 (2) Notwithstanding paragraph (1), automatic gas
18 shutoff devices that are not activated by motion, but are
19 activated by significant gas leaks or overpressure surges,
20 shall be certified by the State Architect, if they otherwise
21 meet the requirements of this section.

22 (b) The design of the device shall provide a proven
23 method to automatically provide for expedient and safe
24 gas shutoff in an emergency.

25 (c) The design of the device shall minimize or
26 preclude the disruption to the flow of gas from erroneous
27 vibrations, alien forces, or both erroneous vibrations and
28 alien forces.

29 (d) The design of the device shall provide a capability
30 for ease of consumer or owner resetting without concern
31 for safety.

32 (e) The operational and functional design of the
33 device shall be at least equal to the device certified by the
34 State Architect pursuant to Article 6 (commencing with
35 Section 19180).

36 SEC. 9. Section 19203 of the Health and Safety Code
37 is amended to read:

38 19203. Any new seismic gas shutoff device sold by any
39 person in this state shall, prior to sale, be certified by the
40 State Architect.



1 SEC. 10. Section 19204 of the Health and Safety Code
2 is amended to read:

3 19204. This article is limited to the service
4 connections of individual structures to main gas lines and
5 to connections of appliances to gas lines and does not
6 apply to devices within gas lines.

7 SEC. 11. Section 19211 of the Health and Safety Code
8 is amended to read:

9 19211. (a) Notwithstanding Section 19100, all new
10 and replacement water heaters, and all existing
11 residential water heaters shall be braced, anchored, or
12 strapped to resist falling or horizontal displacement due
13 to earthquake motion. At a minimum, any water heater
14 shall be secured in accordance with the ~~Uniform~~
15 ~~Plumbing Code, unless superseded by the California~~
16 ~~Plumbing Code, or local code requirements~~
17 *modifications made thereto by a city, county, or city and*
18 *county pursuant to Section 17958.5.*

19 (b) The seller of any real property containing a water
20 heater shall certify to the prospective purchaser that this
21 section has been complied with. This certification shall be
22 made in writing, and may be included in existing
23 transactional documents, including, but not limited to,
24 the Homeowner's Guide to Earthquake Safety, published
25 pursuant to Section 10149 of the Business and Professions
26 Code, a real estate sales contract or receipt for deposit, or
27 a transfer disclosure statement pursuant to Section 1102.6
28 or 1102.6a of the Civil Code.

29 (c) Notwithstanding Section 669 of the Evidence
30 Code, the failure of any person to comply with this section
31 shall not create a presumption of a failure by that person
32 to exercise due care.

33 SEC. 12. No reimbursement is required by this act
34 pursuant to Section 6 of Article XIII B of the California
35 Constitution because the only costs that may be incurred
36 by a local agency or school district will be incurred
37 because this act creates a new crime or infraction,
38 eliminates a crime or infraction, or changes the penalty
39 for a crime or infraction, within the meaning of Section
40 17556 of the Government Code, or changes the definition



1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.

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

7 SEC. 13. This act is an urgency statute necessary for
8 the immediate preservation of the public peace, health,
9 or safety within the meaning of Article IV of the
10 California Constitution and shall go into immediate
11 effect. The facts constituting the necessity are:

12 To expedite state certification that can prevent natural
13 gas fires in the event of an earthquake and to clarify
14 statutory law enacted on January 1, 1996, that requires
15 residential sellers to certify the strapping of water
16 heaters, it is necessary that this act take effect
17 immediately.

