

AMENDED IN ASSEMBLY JULY 8, 1998
AMENDED IN ASSEMBLY JUNE 1, 1998
AMENDED IN SENATE MARCH 16, 1998
AMENDED IN SENATE MARCH 3, 1998
AMENDED IN SENATE FEBRUARY 18, 1998

SENATE BILL

No. 1405

Introduced by Senators Polanco and Lee

(Principal coauthors: Senator Sher and Assembly Member Aroner)

(Coauthors: Senators Monteith and Vasconcellos)

(Coauthors: Assembly Members Lempert, Prenter, and Vincent)

January 13, 1998

An act to amend Section 13113.9 of, and to add Sections 13114.1, 13114.2, and 13114.3 to, the Health and Safety Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1405, as amended, Polanco. 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.

Existing law also prohibits the sale of security bars, referred to as “burglar bars,” 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. Existing law also prohibits any person from installing for profit unopenable burglar bars on a residential dwelling where openable burglars bars are required for emergency escape or rescue, or on mobilehomes or manufactured housing unless at least one window or door to the exterior in each bedroom is openable for emergency escape or rescue. These prohibitions become operative 180 days after the specified regulations are adopted by the State Fire Marshal.

This bill would make ~~these prohibitions~~ *the former prohibition* operative on ~~July~~ *August* 1, 1998, and the latter *prohibition* operative on *July* 1, 1998, and would delete the element in the latter prohibition that requires the installation to be done for profit. It would require the State Fire Marshal to distribute public education materials about the dangers of illegal burglar bars, to the extent that resources are available. It would also require the State Fire Marshal to adopt on or before September 1, 1999, regulations and standards to control the quality and installation of burglar bars and safety release mechanisms installed, marketed, distributed, offered for sale, or sold in California.

The bill would also prohibit any person, on or after October 1, 1999, from installing, marketing, distributing, offering for sale, or selling burglar bars and safety release mechanisms that have not been approved by a testing laboratory recognized by the State Fire Marshal, and would also prohibit on or after January 1, 1999, the installation or maintenance of burglar bars on any residential dwelling that is owned or leased by a public agency, unless the burglar bars meet current state and local requirements, as applicable, for burglar bars and safety release mechanisms.



A violation of provisions of the State Housing Law and provisions relating to the State Fire Marshal constitutes a misdemeanor. Because this bill would make changes to those provisions and thereby create new crimes, 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 of the Health and Safety
2 Code is amended 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.

7 (2) "Residential dwelling" means a house, apartment,
8 motel, hotel, or other type of residential dwelling subject
9 to the State Housing Law (Part 1.5 (commencing with
10 Section 17910) of Division 13) and a manufactured home,
11 mobilehome, and multiunit manufactured housing as
12 defined in the Mobilehome-Manufactured Housing Act
13 of 1980 (Part 2 (commencing with Section 18000) of
14 Division 13).

15 (b) On or before July 1, 1998, the State Fire Marshal
16 shall develop and adopt regulations for the labeling and
17 packaging of burglar bars addressing the requirements in
18 the California Building Standards Code intended to
19 promote safety in the event of a fire. For this purpose, the
20 regulations shall include specification of the language to
21 be printed on the packaging, the location of the language
22 on the packaging, and the height and stroke of the print
23 type to be utilized. The regulations shall direct the
24 consumer or installer to contact the local fire department



1 or local building official to determine whether the city or
2 county requires that the burglar bars have a release
3 mechanism on the outside for use by the fire department
4 in the event of a fire emergency.

5 (c) Burglar bars shall not be sold in California at
6 wholesale or retail unless the burglar bars are either
7 labeled or their packaging contains the warning
8 information specified in the regulations adopted
9 pursuant to subdivision (b). This subdivision shall
10 become operative on ~~July~~ *August* 1, 1998.

11 (d) Any contractor or installer of burglar bars shall
12 provide the owner of the residential dwelling a copy of
13 the warning information required pursuant to
14 subdivision (b) prior to installing burglar bars.

15 (e) No person shall install unopenable burglar bars on
16 a residential dwelling (1) where the California Building
17 Standards Code requires openable burglar bars for
18 emergency escape or rescue, or (2) on mobilehomes,
19 manufactured homes, or multiunit manufactured
20 housing unless at least one window or door to the exterior
21 in each bedroom is openable for emergency escape or
22 rescue. This subdivision shall become operative on July 1,
23 1998.

24 SEC. 2. Section 13114.1 is added to the Health and
25 Safety Code, to read:

26 13114.1. To the extent that resources are available,
27 the State Fire Marshal shall prepare and distribute for use
28 by local agencies, community groups, and private firms,
29 public education materials about the dangers of illegal
30 burglar bars. These public education materials shall use
31 multiple media, including Braille, 18-point type, cassette
32 tape, and computer disk for those who are print impaired,
33 and multiple languages, as the State Fire Marshal
34 determines appropriate.

35 SEC. 3. Section 13114.2 is added to the Health and
36 Safety Code, to read:

37 13114.2. (a) On or before September 1, 1999, the
38 State Fire Marshal shall adopt regulations and standards
39 to control the quality and installation of burglar bars and



1 safety release mechanisms installed, marketed,
2 distributed, offered for sale, or sold in this state.

3 (b) On and after October 1, 1999, no person shall
4 install, market, distribute, offer for sale, or sell burglar
5 bars and safety release mechanisms in this state unless the
6 burglar bars and safety release mechanisms have been
7 approved by a testing laboratory recognized by the State
8 Fire Marshal.

9 (c) As used in this section:

10 (1) “Burglar bars” means security bars located on the
11 inside or outside of a door or window of a residential
12 dwelling.

13 (2) “Residential dwelling” means a house, apartment,
14 motel, hotel, or other type of residential dwelling subject
15 to the State Housing Law (Part 1.5 (commencing with
16 Section 17910) of Division 13) and a manufactured home,
17 mobilehome, and multiunit manufactured housing as
18 defined in the Mobilehomes-Manufactured Housing Act
19 of 1980 (Part 2 (commencing with Section 18000) of
20 Division 13).

21 SEC. 4. Section 13114.3 is added to the Health and
22 Safety Code, to read:

23 13114.3. (a) Notwithstanding any other provision of
24 law, on and after January 1, 1999, no burglar bars shall be
25 installed or maintained on any residential dwelling that
26 is owned or leased by a public agency, unless the burglar
27 bars meet current state and local requirements, as
28 applicable, for burglar bars and safety release
29 mechanisms.

30 (b) As used in this section:

31 (1) “Burglar bars” means security bars located on the
32 inside or outside of a door or window of a residential
33 dwelling.

34 (2) “Public agency” means any of the following:

35 (A) A state agency, department, board, or
36 commission.

37 (B) The University of California.

38 (C) A local agency, including, but not limited to, a city,
39 including a charter city, county, city and county,
40 community redevelopment agency, housing authority,



1 special district, or any other political subdivision of the
2 state.

3 (3) “Residential dwelling” means a house, apartment,
4 motel, hotel, or other type of residential dwelling subject
5 to the State Housing Law (Part 1.5 (commencing with
6 Section 17910) of Division 13) and a manufactured home,
7 mobilehome, and multiunit manufactured housing as
8 defined in the Mobilehomes-Manufactured Housing Act
9 of 1980 (Part 2 (commencing with Section 18000) of
10 Division 13).

11 SEC. 5. No reimbursement is required by this act
12 pursuant to Section 6 of Article XIII B of the California
13 Constitution because the only costs that may be incurred
14 by a local agency or school district will be incurred
15 because this act creates a new crime or infraction,
16 eliminates a crime or infraction, or changes the penalty
17 for a crime or infraction, within the meaning of Section
18 17556 of the Government Code, or changes the definition
19 of a crime within the meaning of Section 6 of Article
20 XIII B of the California Constitution.

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

