

**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: July 31, 2018

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst Council File No:
Assignment No: 18-06-0590

SUBJECT: Fire Department Recommendation to include Support for SB 969 in the 2017-2018 State Legislative Program

CLA RECOMMENDATION: Adopt the attached Resolution to include in the City's 2017 - 2018 State Legislative Program SUPPORT for SB 969 (Dodd).

SUMMARY

On June 18, 2018, the Fire Department (LAFD) forwarded a bill response report to the Chief Legislative Analyst's Office seeking a City position on SB 969 (Dodd). This bill would require residential automatic garage door openers manufactured for sale, sold, purchased, or installed in California on or after July 1, 2019 to have a backup battery that is designed to operate during an electrical outage and prohibits replacement garage doors from being installed to an opener that does not have a backup battery.

Upon review, this Office has prepared the attached Resolution in support of this legislation. The Resolution seeks an official position of the City of Los Angeles to support SB 969 (Dodd).

BACKGROUND

Under current law, all automatic garage door openers for sale, sold, purchased or installed in a residence are required to comply with specified safety requirements, including having an automatic reverse safety device and sensor installed to prevent the door from closing on an individual and injuring them. SB 969 would require that all automatic garage door openers also be equipped with a battery backup, which would ensure that a garage door could be opened during an electrical outage.

Proponents of this legislation state that during the 2017 Northern California wildfires, at least five people died during evacuations because they could not drive out of their garages during power outages related to the fires. During major wildfires, power companies will often shut off power in areas that are affected so that downed power lines do not cause additional fires. This legislation would ensure that even if power is cut, individuals could evacuate during an emergency through their garage.

The Fire Department indicates that it is in support of this bill as it will enable individuals to evacuate as directed during an emergency, will reduce the complexity of search team operations during emergency evacuations, will reduce the loss of life during emergencies and allows

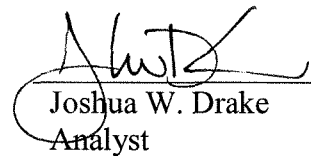
operation commanders during an emergency to assign limited resources to areas of much greater needs.

DEPARTMENTS NOTIFIED

Fire Department

BILL STATUS

01/31/2018	Bill introduced
02/08/2018	Referred to the Senate Committees on Transit & Housing, the Judiciary and Appropriations
04/03/2018	From the Senate Committee on Transit & Housing: do pass (12-0) and re-referred to the Senate Committee on the Judiciary
04/18/2018	From the Senate Committee on the Judiciary: do pass (7-0) and re-referred to the Committee on Appropriations with recommendation: To consent calendar
05/25/2018	From the Senate Committee on Appropriations: do pass (7-0)
05/31/2018	Read third time. Passed in Senate (39-0). Ordered to the Assembly
06/11/2018	Referred to the Assembly Committees on Housing & Community Development and the Judiciary
06/27/2018	From the Assembly Committee on Housing and Community Development: do pass (7-0) and re-refer to the Committee on the Judiciary
07/03/2018	From the Committee on the Judiciary: do pass (10-0)
07/05/2018	Read second time. Ordered to third reading


Joshua W. Drake
Analyst

SMT:jwd

Attachments: (1) Resolution
(2) SB 969 (Dodd)

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, residential units often lose power during natural disasters such as wildfires and earthquakes; and

WHEREAS, when homes equipped with automatic garage doors lose power it is difficult or impossible for an individual to open their garage, which could affect their ability to evacuate during a disaster; and

WHEREAS, at least five people died during major wildfires that burned across parts of Northern California last year because they could not open their garages to evacuate; and

WHEREAS, automatic garage door openers with battery backups would ensure that individuals could open their garage door during a power outage; and

WHEREAS, SB 969 (Dodd) would require that garage door openers have back-up power sources for use during emergencies; and

WHEREAS, SB 969 would ensure people could quickly evacuate with their vehicle in an emergency;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2017 - 2018 State Legislative Program SUPPORT for SB 969 (Dodd), which would require residential automatic garage door openers manufactured for sale, sold, purchased, or installed in California on or after July 1, 2019 to have a backup battery that is designed to operate during an electrical outage.

AMENDED IN ASSEMBLY JUNE 14, 2018

AMENDED IN SENATE APRIL 2, 2018

SENATE BILL

No. 969

Introduced by Senator Dodd
(Coauthor: Assembly Member Aguiar-Curry)

January 31, 2018

An act to amend Section 19891 of, and to add Section 19892 to, the Health and Safety Code, relating to automatic garage door openers.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as amended, Dodd. Automatic garage door openers: backup batteries.

Existing law requires an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to comply with specified safety requirements, including that the automatic garage door opener have an automatic reverse safety device.

~~This bill~~ *bill, beginning July 1, 2019*, would also require an automatic garage door opener that is manufactured for sale, ~~purchased~~, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated ~~by~~ *because of* an electrical outage. The bill would make a violation of those provisions subject to a civil penalty of \$1,000. The bill would, on and after ~~January~~ *July 1, 2019*, prohibit a replacement residential garage door from being installed in a manner that connects the door to an existing garage door opener that does not meet the requirements of these provisions.

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

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

1 SECTION 1. Section 19891 of the Health and Safety Code is
2 amended to read:

3 19891. (a) In addition to any other remedies permitted by law,
4 any violations of subdivision (a), (b), or (c) of Section 19890 or
5 Section 19892 shall be subject to a civil penalty of one thousand
6 dollars (\$1,000) per opener installed, manufactured, sold, or offered
7 for sale which is not in compliance with Section 19890 or Section
8 19892.

9 (b) In addition to any other remedies permitted by law, any
10 violations of subdivision (d) or (h) of Section 19890 shall be
11 subject to a civil penalty of five hundred dollars (\$500) per opener
12 installed and operational, that is not in compliance with Section
13 19890.

14 (c) In addition to any other remedies permitted by law, a seller
15 who violates the notice requirements of Section 1102.6 of the Civil
16 Code, relating to automatic garage door openers, shall be subject
17 to a civil penalty of five hundred dollars (\$500).

18 (d) Court proceedings may be initiated by the building
19 department of the local agency with jurisdiction over enforcement
20 of building standards, by affected consumers, or by the district
21 attorney. Civil penalties assessed shall be payable to the local
22 agency initiating the proceedings to enforce this chapter to offset
23 the costs to the agency related to court proceedings. If an affected
24 consumer initiates the proceeding, the civil penalties shall be
25 payable to the consumer.

26 SEC. 2. Section 19892 is added to the Health and Safety Code,
27 to read:

28 19892. (a) On or after ~~January 1, 2019~~, *July 1, 2019*, no person,
29 corporation, or entity shall manufacture for sale in this state,
30 ~~purchase~~, sell, offer for sale at retail or wholesale, or install in this
31 state a residential automatic garage door opener that does not have
32 a battery backup function that is designed to operate when activated
33 ~~by~~ *because of* an electrical outage. The battery backup function
34 shall operate in a manner so that the automatic garage door opener
35 is operational without interruption during an electrical outage.

36 (b) This section applies to all automatic garage door openers
37 manufactured and sold for use in any ~~residence~~, ~~automatic garage~~
38 ~~door openers manufactured for commercial purposes but sold for~~

1 ~~or installed in a residence because the commercial opener was~~
2 ~~necessary to meet the specific application requirements of that~~
3 ~~installation, residence~~ and other residential applications of
4 automatic garage door openers manufactured for commercial
5 purposes.

6 (c) On or after ~~January~~ *July* 1, 2019, no replacement residential
7 garage door shall be installed in a manner that connects the
8 replacement door to an existing residential automatic garage door
9 opener that does not meet the requirements set forth in subdivision
10 (a), regardless of the date of manufacture of the residential
11 automatic garage door opener.

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