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Senate Bill No. 969

CHAPTER 621

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

[Approved by Governor September 21, 2018. Filed with Secretary of State September 21, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

SB 969, 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, beginning July 1, 2019, would also require an automatic garage door opener that is manufactured for sale, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated 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 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 Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

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

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

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

(d) Court proceedings may be initiated by the building department of the local agency with jurisdiction over enforcement of building standards, by affected consumers, or by the district attorney. Civil penalties assessed shall be payable to the local agency initiating the proceedings to enforce this chapter to offset the costs to the

agency related to court proceedings. If an affected consumer initiates the proceeding, the civil penalties shall be payable to the consumer.

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

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

(b) This section applies to all automatic garage door openers manufactured and sold for use in any residence and other residential applications of automatic garage door openers manufactured for commercial purposes.

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