

AMENDED IN ASSEMBLY MAY 14, 2002

AMENDED IN ASSEMBLY APRIL 15, 2002

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 2474

Introduced by Assembly Members Simitian and Chan
(Principal coauthor: Senator Kuehl)

February 21, 2002

An act to ~~amend Section 13710~~ of *add Section 13710.1* to the Business and Professions Code, relating to automotive products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2474, as amended, Simitian. Automotive products.

Existing law requires the Department of Food and Agriculture to establish specifications for engine coolants or antifreeze that promote the public safety in the operation of motor vehicles. Existing law also provides for the regulation by the department of certain other automotive products.

This bill would require any engine coolant or antifreeze sold in this state after July 1, 2003, that is manufactured after January 1, 2003, and that contains more than 10% ethylene glycol, to include denatonium benzoate at a minimum of 30 parts per million as a bittering agent so as to render it unpalatable, or another equivalent aversive agent.

This bill would provide that a manufacturer, distributor, or seller of an automotive product that is required to contain an aversive agent under these provisions, is not liable to any person for any personal injury, death, or property damage that results from the inclusion of the aversive agent in ethylene glycol antifreeze, with specified limitations.

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

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

1 SECTION 1.—Section 13710 of the Business and Professions
2 Code is amended to read:
3 13710. (a) (1) The department shall establish specifications
4 for engine coolants and antifreeze, and prediluted engine coolants
5 and prediluted antifreeze that promote the public safety in the
6 operation of motor vehicles.
7 (2) In addition to paragraph (1), if the American Society for
8 Testing and Materials adopts standards for recycled engine
9 coolants and antifreeze, the department, on or before January 1,
10 2002, shall establish specifications for recycled engine coolants
11 and antifreeze, and recycled prediluted engine coolants and
12 antifreeze that promote the public safety in the operation of motor
13 vehicles.
14 (3) The chemical, physical, and performance specifications for
15 engine coolants and antifreeze and prediluted engine coolants and
16 prediluted antifreeze under paragraphs (1) and (2) shall not fall
17 below the minimum specifications, if any, established by the
18 American Society for Testing and Materials. Engine coolant and
19 antifreeze shall not contain, after dilution with 30 percent water
20 and subsequent mixing, visually identifiable suspended matter or
21 sediment. Prediluted engine coolant and prediluted antifreeze
22 shall not contain, after mixing, visually identifiable suspended
23 matter or sediment.
24 (4) For purposes of this subdivision, the department shall adopt
25 testing procedures and shall specify a virgin reference coolant that
26 it finds is recognized as standard in the industry. Alcohol-based
27 coolants and antifreeze, excluding glycols, are not suitable for use
28 in automotive engines and shall not be sold or distributed for
29 automotive use.
30 (b) Any automatic transmission fluid sold without limitation as
31 to type of transmission for which it is intended, shall meet all
32 automotive manufacturers' recommended requirements for
33 transmissions in general use in the state. Automatic transmission
34 fluids that are intended for use only in certain transmissions, as
35 disclosed on the label of its container, shall meet the latest



1 ~~automotive manufacturers' recommended requirements for those~~
2 ~~transmissions.~~

3 ~~(c) The department shall establish specifications for brake fluid~~
4 ~~that promote the public safety in the operation of automotive~~
5 ~~vehicles. The specifications for brake fluid shall not fall below the~~
6 ~~minimum specifications established by the National Highway~~
7 ~~Traffic Safety Administration of the United States Department of~~
8 ~~Transportation.~~

9 ~~(d) Any manufacturer or packager of any product regulated by~~
10 ~~this chapter and sold in the state shall provide, upon request to duly~~
11 ~~authorized representatives of the department, documentation of~~
12 ~~any claim made upon their products' label.~~

13 ~~(e)~~

14 *SECTION 1. Section 13710.1 is added to the Business and*
15 *Professions Code, to read:*

16 *13710.1. (a) Any engine coolant or antifreeze sold in this*
17 *state after July 1, 2003, that is manufactured after January 1, 2003,*
18 *and that contains more than 10 percent ethylene glycol, shall*
19 *include denatonium benzoate at a minimum of 30 parts per million*
20 *as a bittering agent within the product so as to render it unpalatable.*
21 *Another aversive agent may be used if it meets or exceeds the*
22 *degree of aversion in test subjects obtained by utilizing the*
23 *formulation of 30 parts per million of denatonium benzoate in*
24 *antifreeze. Any manufacturer or packager of a product subject to*
25 *this section shall certify in writing to the Division of Measurement*
26 *Standards of the Department of Food and Agriculture, the trade*
27 *name, scientific name, and active ingredients of any bittering*
28 *agent used pursuant to this chapter not later than 30 days after the*
29 *agent has been included in the product.*

30 ~~(f)~~

31 *(b) (1) A manufacturer, distributor, or seller of an automotive*
32 *product that is required to contain an aversive agent under this*
33 *section, is not liable to any person for any personal injury, death,*
34 *or property damage that results from the inclusion of the aversive*
35 *agent in ethylene glycol antifreeze.*

36 *(2) The limitation on liability provided by this subdivision is*
37 *only applicable if the aversive agent is included in ethylene glycol*
38 *antifreeze in concentrations mandated by this section.*

39 *(3) The limitation on liability provided by this subdivision does*
40 *not apply if the personal injury, death, or property damage results*



- 1 from willful and wanton misconduct by the manufacturer,
- 2 distributor, or seller of the ethylene glycol antifreeze.

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