

AMENDED IN SENATE JUNE 25, 2002

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 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, *recycler*, 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~~ *denatonium benzoate* 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 13710.1 is added to the Business and
2 Professions Code, to read:

3 13710.1. (a) Any engine coolant or antifreeze sold in this
4 state after July 1, 2003, that is manufactured after January 1, 2003,
5 and that contains more than 10 percent ethylene glycol, shall
6 include *denatonium benzoate* at a minimum of 30 parts per million
7 as a bittering agent within the product so as to render it unpalatable.
8 Another aversive agent may be used if it meets or exceeds the
9 degree of aversion in test subjects obtained by utilizing the
10 formulation of 30 parts per million of *denatonium benzoate* in
11 antifreeze. Any manufacturer or packager of a product subject to
12 this section shall certify in writing to the Division of Measurement
13 Standards of the Department of Food and Agriculture, the trade
14 name, scientific name, and active ingredients of any bittering
15 agent used pursuant to this chapter not later than 30 days after the
16 agent has been included in the product.

17 (b) (1) A manufacturer, distributor, *recycler*, or seller of an
18 automotive product that is required to contain an aversive agent
19 under this section, is not liable to any person for any personal
20 injury, death, or property damage that results from the inclusion of
21 ~~the aversive agent~~ *denatonium benzoate* in ethylene glycol
22 antifreeze.

23 (2) The limitation on liability provided by this subdivision is
24 only applicable if ~~the aversive agent~~ *denatonium benzoate* is
25 included in ethylene glycol antifreeze in concentrations mandated
26 by this section.

27 (3) The limitation on liability provided by this subdivision does
28 not apply if the personal injury, death, or property damage results
29 from willful ~~and~~ or wanton misconduct by the manufacturer,
30 distributor, *recycler*, or seller of the ethylene glycol antifreeze.

31 (c) *This section shall not be construed to apply to any of the*
32 *following:*



- 1 *(1) The sale of a motor vehicle that contains engine coolant or*
- 2 *antifreeze.*
- 3 *(2) Wholesale containers of antifreeze containing 55 gallons or*
- 4 *more of the antifreeze.*

