

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1576

Introduced by Assembly Member Liu

February 21, 2003

An act to amend Sections 19210, 19212, 19213, 19214, 19215, and 19216 of, and to add ~~Section 19212.5~~ *Sections 19212.5 and 19218* to, the Health and Safety Code, relating to water heaters.

LEGISLATIVE COUNSEL'S DIGEST

AB 1576, as amended, Liu. Water heaters: earthquakes.

(1) Existing law requires all new, replacement, and existing *residential* water heaters to be braced, anchored, or strapped to resist falling or horizontal displacement due to earthquake motion, as specified. *However, the failure of any person to comply with this requirement does not create a presumption of a failure by that person to exercise due care.*

This bill would expressly ~~impose that requirement on~~ *require* all water heaters in rental housing, ~~to be complied with similarly braced, anchored, or strapped~~ by no later than July 1, 2005. *The bill would prohibit eviction based solely on this requirement.* Because violation of these provisions relating to earthquake protection is punishable as a misdemeanor under other provisions, this bill would impose a state-mandated local program by changing the definition of a crime.

The bill would provide that a building permit is not required for the installation of water heater bracing, anchoring, or strapping.

The bill also would make technical changes to these provisions.

(2) 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 19210 of the Health and Safety Code is
2 amended to read:

3 19210. (a) The Legislature finds and declares that there
4 exists a serious threat of fire, explosion, or electrocution to the
5 people of California from water heaters that overturn or
6 experience damage to the plumbing or electrical wiring during an
7 earthquake, and that a large number of structures will suffer
8 damage from water heaters due to the lack of adequate strapping
9 or bracing.

10 (b) The Legislature further finds and declares that it is the goal
11 of the State of California to reduce earthquake hazards in this state.

12 (c) The Legislature further finds and declares that the original
13 state policy goal of having all water heaters strapped or properly
14 anchored by the year 2000 has not been achieved, thereby
15 exposing the residents of California to a continuing serious risk of
16 injury or damage from water heaters overturned or demolished
17 during earthquakes.

18 (d) The Legislature further finds and declares that occupants of
19 rental housing in this state are vulnerable to the threat of fire,
20 explosion, or electrocution from water heaters that overturn or
21 experience damage during an earthquake, and are not authorized
22 to strap, brace, or anchor water heaters in their units without the
23 owner’s advance approval, thus exposing them to hazardous
24 conditions that they cannot mitigate.

25 (e) *It is the intent of the Legislature that compliance with*
26 *Section 19212.5 shall not result in the displacement of existing*
27 *households.*

28 SEC. 2. Section 19212 of the Health and Safety Code is
29 amended to read:



1 19212. All water heaters manufactured for sale in California
2 on or after July 1, 1991, shall include a statement in the installation
3 instructions that water heater units must be braced, anchored, or
4 strapped to resist falling or horizontal displacement due to
5 earthquake motion. The instructions provided by the manufacturer
6 may include a reproduction of the generic installation instructions
7 and standard details as prepared by the Division of the State
8 Architect in accordance with Section 19215.

9 SEC. 3. Section 19212.5 is added to the Health and Safety
10 Code, to read:

11 19212.5. (a) Notwithstanding Sections 19100 and 19212, all
12 water heaters in rental housing units shall, by no later than July 1,
13 2005, be braced, anchored, or strapped to resist falling or
14 horizontal displacement due to earthquake motion. At a minimum,
15 any water heater shall be secured in accordance with the California
16 Plumbing Code, or modifications made thereto by a city, county,
17 or city and county pursuant to Section 17958.5.

18 (b) *An owner of rental property shall not evict any person solely*
19 *on the basis that the eviction is required in order to comply with this*
20 *section.*

21 (c) *For the purposes of subdivision (a), “water heater” means*
22 *any standard water heater with a capacity of not more than 120*
23 *gallons for which a preengineered strapping kit is readily*
24 *available.*

25 SEC. 4. Section 19213 of the Health and Safety Code is
26 amended to read:

27 19213. Manufacturers shall add language to their instruction
28 label on the front of the water heater that discloses the danger of
29 falling or horizontal displacement due to an earthquake. The label
30 shall contain the following language:

31
32 WARNING: THIS WATER HEATER MUST BE BRACED,
33 ANCHORED, OR STRAPPED TO AVOID FALLING OR
34 MOVING DURING AN EARTHQUAKE. SEE
35 INSTRUCTIONS FOR CORRECT INSTALLATION
36 PROCEDURES.

37
38 SEC. 5. Section 19214 of the Health and Safety Code is
39 amended to read:



1 19214. Any person who violates Section 19212, 19212.5, or
2 19213 shall be deemed to have violated a provision of Chapter 4
3 (commencing with Section 17000) of Part 2 of Division 7 of the
4 Business and Professions Code.

5 SEC. 6. Section 19215 of the Health and Safety Code is
6 amended to read:

7 19215. The Division of the State Architect shall prepare
8 generic installation instructions with standard details illustrating
9 the strapping, bracing, and anchoring of water heaters for typical
10 installations in single-family homes that comply with the
11 requirements of the model codes. These details shall be made
12 available for reproduction to manufacturers and appliance
13 retailers at a cost to cover the state's cost to prepare the details, and
14 respond to requests.

15 SEC. 7. Section 19216 of the Health and Safety Code is
16 amended to read:

17 19216. At the point of sale, the retailer may provide the
18 consumer with generic installation instructions with standard
19 details approved by the Division of the State Architect. If provided,
20 these generic instructions are intended to be provided to the
21 consumer as a guide, and are not intended to supersede local codes.
22 The retailer and manufacturer are deemed not to be liable for the
23 generic instructions provided to consumers as long as these have
24 been approved by the Division of the State Architect, as complying
25 with the requirements of the model code in force on the date of
26 approval.

27 SEC. 8. *Section 19218 is added to the Health and Safety Code,*
28 *to read:*

29 *19218. No building permit shall be required for the*
30 *installation of bracing, anchoring, or strapping of a water heater*
31 *in compliance with this chapter.*

32 SEC. 9. No reimbursement is required by this act pursuant to
33 Section 6 of Article XIII B of the California Constitution because
34 the only costs that may be incurred by a local agency or school
35 district will be incurred because this act creates a new crime or
36 infraction, eliminates a crime or infraction, or changes the penalty
37 for a crime or infraction, within the meaning of Section 17556 of
38 the Government Code, or changes the definition of a crime within



1 the meaning of Section 6 of Article XIII B of the California
2 Constitution.

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