

AMENDED IN ASSEMBLY APRIL 30, 2007

AMENDED IN ASSEMBLY APRIL 16, 2007

AMENDED IN ASSEMBLY APRIL 9, 2007

CALIFORNIA LEGISLATURE—2007—08 REGULAR SESSION

**ASSEMBLY BILL**

**No. 785**

---

---

**Introduced by Assembly Member Hancock**

February 22, 2007

---

---

An act to add Section 7124.7 to the Business and Professions Code, to amend Section 43812 of, and to add Sections 39619.7 and 39619.8 to, the Health and Safety Code, relating to energy efficiency.

LEGISLATIVE COUNSEL'S DIGEST

AB 785, as amended, Hancock. Energy efficiency measures.

(1) Existing law, the Contractors' State License Law, provides for the licensure and regulation of contractors by the Contractors' State License Board. Under existing law, the board may take disciplinary action against a contractor for committing specified acts. Existing law makes state or local agencies responsible for the enforcement of building standards.

This bill would require the board, in order to mitigate the urban heat island effect, to take proactive enforcement action against a contractor for failure to properly obtain building permits and for failure to comply with specified building efficiency standards. The bill would also require the board, on or before January 1, 2009, and annually thereafter, to report to the Legislature on the status of both the compliance and noncompliance of contractors with the building efficiency standards.

(2) ~~Existing law provides that the Department of Transportation shall have full possession and control of all state highways and associated~~

~~property. Existing law authorizes the department to make regulations or require conditions so that the cutting of pavement on freeways and a consequential impairment of their use be avoided to the extent possible. Under existing law, the State Air Resources Board is responsible for control of air pollution from vehicular sources. Under existing federal law, the Lawrence Berkeley National Laboratory, which is responsible for science and engineering research, is owned by the United States Department of Energy. The State Energy Resources Conservation and Development Commission has responsibilities with respect to the control of emissions of greenhouse gases.~~

This bill would also require the State Air Resources Board, the State Energy Resources Conservation and Development Commission, the Lawrence Berkeley National Laboratory, and any other state and local agencies that desire to participate to form a joint task force to develop a coordinated plan for how to include urban heat island mitigation measures in air quality compliance standards. The bill would require the joint task force to report to the Legislature on or before January 1, 2009, and annually thereafter, on the status of the coordinated plan.

The bill would also require the State Air Resources Board ~~and~~, the State Energy Resources Conservation and Development Commission, *and the Lawrence Berkeley National Laboratory* to prepare a report on ~~cool car coating technologies, as specified~~ *vehicle paints that are highly reflective in colors other than white, metallic gold, or metallic silver, and an analysis of statewide energy and air quality benefits of cool-colored vehicles*, to be submitted to the Legislature on or before January 1, 2009, and annually thereafter.

(3) Under existing law, the California Energy-Efficient Vehicle Group Purchase Program, the state encourages the purchase of energy-efficient vehicles, as defined, by local and state agencies through a group-purchasing program that uses the purchasing leverage of these agencies to lower the purchase price of those vehicles.

This bill would revise the definition of ~~“energy-efficient vehicles”~~ *“energy-efficient vehicle”* to include ~~a cool-colored vehicles vehicle,~~ *a cool-colored hybrid vehicle,* or a cool-colored alternative fuel vehicle, as specified. The bill would also define “cool-colored vehicle” in this context.

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. It is the intent of the Legislature to enact  
2 legislation that mitigates the urban heat island effect by reducing  
3 summertime urban air temperatures. Reducing the effect of urban  
4 heat islands will help address the impact of rising temperatures  
5 associated with global warming, and therefore improve air quality,  
6 reduce energy use, and improve overall thermal comfort.

7 SEC. 2. The Legislature finds and declares all of the following:

8 (a) The term “heat island” refers to urban air and surface  
9 temperatures that are sometimes nearly 10 degrees Fahrenheit  
10 higher than nearby rural areas. Pavement, buildings, low reflective  
11 building roofs, and other infrastructure, that absorb the sun’s  
12 radiation and trap heat, result in increased temperature in urban  
13 areas.

14 (b) Average temperatures throughout California rose nearly two  
15 degrees Fahrenheit between 1950 and 2000, with urban areas  
16 leading the trend to warmer conditions, according to a study by  
17 scientists at NASA and California State University, Los Angeles.  
18 The combined effect of the urban heat island phenomena and rising  
19 temperatures resulting from global warming affects the health of  
20 Californians since higher temperatures and high heat days increase  
21 smog, contribute to heat related fatalities, and overburden our  
22 electricity systems.

23 (c) Higher temperatures from the urban heat island effect are  
24 responsible for 5 to 10 percent of urban peak electric demand from  
25 air-conditioners, and as much as 20 percent of population-weighted  
26 smog concentrations in urban areas.

27 (d) The urban heat island effect poses a serious threat to the  
28 economic well-being, public health, natural resources, and the  
29 environment of California.

30 (e) A distinction between urban heat islands and global warming  
31 exists. Heat islands describe local-scale temperature differences,  
32 generally between urban and rural areas. In contrast, global  
33 warming refers to a gradual rise of the earth’s surface temperature.  
34 While they are distinct phenomena, summertime heat islands both  
35 intensify the effect of rising temperatures due to global warming  
36 and may contribute to global warming by increasing demand for  
37 air-conditioning, which results in additional power plant emissions  
38 of heat-trapping greenhouse gases. Strategies to reduce heat islands,

1 therefore, can mitigate the impacts of rising temperatures and also  
2 reduce the emissions that contribute to global warming.

3 (f) California’s building energy efficiency standards specified  
4 in Part 6 of Title 24 of the California Code of Regulations, include  
5 specifications for cool roofing materials and other measures to  
6 newly constructed buildings and alterations or additions to existing  
7 buildings. Effective application of these standards will increase  
8 the level of energy efficiency of California’s buildings and reduce  
9 the impacts of both urban heat islands and global warming and  
10 thus California’s ability to cope with warming from climate  
11 changes that may be unavoidable.

12 (g) Simple changes that increase the reflectivity and thermal  
13 emittance of roofs on our buildings, as well as measures that  
14 increase the reflectivity of paved surfaces, can significantly reduce  
15 temperatures, cooling our cities and help protect the public health  
16 of all Californians. In addition, proper planting of trees, shrubs,  
17 and other plants to shade buildings and intercept solar radiation  
18 will greatly benefit the urban areas.

19 ~~(h) Cool-colored cars~~ *Vehicles painted with exterior paint that*  
20 *is highly reflective, such as the colors white, metallic gold, or*  
21 *metallic silver, save energy by reducing the “soak” air temperature*  
22 *inside the cabin of a vehicle parked in direct sunlight. This permits*  
23 *the installation of a smaller, lighter-weight, and more fuel efficient*  
24 *air-conditioner.*

25 (i) California’s building energy efficiency standards, specified  
26 in Part 6 of Title 24 of the California Code of Regulations,  
27 represents a state resource for accomplishing increased building  
28 energy efficiency, not only in newly constructed buildings but also  
29 in additions and alterations to existing buildings. These standards  
30 are recognized as leading the nation in energy savings and serving  
31 as one of the primary energy policy tools that has resulted in  
32 California’s per capita energy use staying essentially constant over  
33 the past 30 years while that of the rest of the United States  
34 increased steadily.

35 (j) The effectiveness of the building energy efficiency standards  
36 is dependent on the conscientious efforts of licensed contractors  
37 in California to build buildings and install equipment in compliance  
38 with the standards.

39 (k) The Governor and the Legislature recognize that many  
40 buildings are being reroofed without a permit. Contractors

1 operating in the underground economy are in flagrant violation of  
2 California contracting law. In particular, contractors operating  
3 without a license, and whether licensed or not, willfully and  
4 deliberately fail to obtain a building permit and willfully and  
5 deliberately failing to comply with the building laws of the state.  
6 Unlicensed and licensed contractors who market their services  
7 with these underground practices represent unfair competition,  
8 undercutting legitimate contractors who endeavor to  
9 conscientiously comply with contracting and building laws. This  
10 underground activity denies state and local governments of license  
11 and building permit revenue, diminishing the ability of state and  
12 local agencies to provide enforcement services intended to ensure  
13 compliance with these laws. These practices particularly damage  
14 and diminish the potential for conscientious compliance with the  
15 building energy efficiency standards.

16 (l) The mission of the Contractors' State License Board is to  
17 protect consumers by regulating contractors to promote the health,  
18 safety, and general welfare of the public in matters related to  
19 construction. The Contractors' State License Board has recently  
20 gained national recognition for its proactive enforcement efforts  
21 in cooperation with the Governor's Economic and Employment  
22 Enforcement Coalition to uncover and eradicate illegal activity.

23 (m) It has become critically important to achieve the energy  
24 efficiency and global climate change benefits that result from  
25 conscientious contractor performance in the quality construction  
26 of California buildings and the installation of energy-related  
27 equipment. It is also important for the Contractors' State License  
28 Board to extend ~~their~~ *its* successful proactive enforcement efforts  
29 by placing priority on eradicating underground practices related  
30 to properly obtaining building permits and complying with the  
31 Building Energy Efficiency Standards in order to mitigate the  
32 urban heat island effect.

33 SEC. 3. Section 7124.7 is added to the Business and Professions  
34 Code, to read:

35 7124.7. (a) In order to mitigate the urban heat island effect,  
36 the board shall take proactive enforcement action against a  
37 contractor for failure to properly obtain building permits and for  
38 failure to comply with the building energy efficiency standards  
39 specified in Part 6 of Title 24 of the California Code of  
40 Regulations.

1 (b) On or before January 1, 2009, and annually thereafter, the  
2 board shall report to the Legislature on the status of both the  
3 compliance and noncompliance of contractors with the building  
4 energy efficiency standards.

5 SEC. 4. Section 39619.7 is added to the Health and Safety  
6 Code, to read:

7 39619.7. (a) The State Air Resources Board, the State Energy  
8 Resources Conservation and Development Commission, the  
9 Lawrence Berkeley National Laboratory, and any other state and  
10 local agencies that desire to participate shall form a joint task force  
11 to assist in developing a coordinated plan for how to include urban  
12 heat island mitigation measures in air quality compliance standards  
13 and how to develop quantification methods to offer air quality  
14 credits for those measures.

15 (b) On or before January 1, 2009, and annually thereafter, the  
16 joint task force shall report to the Legislature on the status of the  
17 coordinated plan.

18 SEC. 5. Section 39619.8 is added to the Health and Safety  
19 Code, to read:

20 39619.8. On or before January 1, 2009, and annually thereafter,  
21 the State Air Resources Board ~~and~~, the State Energy Resources  
22 Conservation and Development Commission, *and the Lawrence*  
23 *Berkeley National Laboratory* shall prepare a report to include the  
24 following to be submitted to the Legislature:

25 (a) The development of ~~cool-car-coating technologies~~ *vehicle*  
26 *paints that are highly reflective in colors other than white, metallic*  
27 *gold, or metallic silver*, which shall include research, practice, and  
28 costs.

29 (b) An analysis of the statewide energy and air quality benefits  
30 of cool-colored vehicles as specified in subdivision (f) of Section  
31 43812.

32 SEC. 6. Section 43812 of the Health and Safety Code is  
33 amended to read:

34 43812. For the purposes of this article, the following definitions  
35 apply:

36 (a) "Department" means the Department of General Services.

37 (b) "Director" means the Director of General Services.

38 (c) "Energy-efficient vehicle" means either of the following:

39 (1) A cool-colored vehicle that meets California's super  
40 ultra-low emission vehicle (SULEV) standard for exhaust

1 emissions and the federal inherently low-emission vehicle (ILEV)  
2 evaporative emission standard, as defined in Part 88 (commencing  
3 with Section 88.101-94) of Title 40 of the Code of Federal  
4 Regulations.

5 (2) A cool-colored hybrid vehicle or a cool-colored alternative  
6 fuel vehicle that meets California’s advanced technology partial  
7 zero-emission vehicle (AT PZEV) standard for criteria pollutant  
8 emissions.

9 (d) “Local agency” means any governmental subdivision,  
10 district, public and quasi-public corporation, joint powers agency,  
11 public agency or public service corporation, authority, agency,  
12 board, commission, town, city, county, city and county, fire district,  
13 special district, school district, public utility, community college,  
14 or municipal corporation, whether incorporated or not or whether  
15 chartered or not, or any other public entity.

16 (e) “State agency” means any department, division, board,  
17 bureau, commission, or other authority of the State of California,  
18 the University of California, or the California State University.

19 (f) “Cool-colored vehicle” means a vehicle whose opaque  
20 interior and shell surfaces are designed to stay cool in the sun.  
21 These surfaces are colored with special pigments that maximize  
22 reflectance of the invisible, near infrared component of sunlight.