

AMENDED IN SENATE MARCH 24, 2008

**SENATE BILL**

**No. 1499**

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**Introduced by Senator Scott**

February 21, 2008

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~~An act to amend Section 19311 of the Food and Agricultural Code, relating to grease. An act to amend, repeal, and add Section 653.1 of the Penal Code, relating to crimes.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1499, as amended, Scott. ~~Inedible kitchen grease: transportation. Metallic balloons.~~

*Existing law prohibits the sale or distribution of a balloon that is constructed of electrically conductive material and filled with a gas lighter than air, without affixing an object of sufficient weight to the balloon to counter the lift capability, affixing a specified warning statement on the balloon, and affixing a printed identification of the balloon's manufacturer. Existing law also prohibits a person from selling or distributing a balloon filled with a gas lighter than air that is attached to an electrically conductive string, tether, streamer, or other electrically conductive appurtenance, or attached to another balloon, as specified. Existing law also prohibits a person or group from releasing outdoors balloons made of electrically conductive material and filled with a gas lighter than air at specified events. A violation of those provisions is an infraction or a misdemeanor, as specified.*

*This bill would, as of January 1, 2010, repeal the above provisions, and would make it a crime for any person to sell or distribute any balloon that is constructed of electrically conductive material, and filled with a gas lighter than air, or any balloon filled with a gas lighter than*

*air that is attached to an electrically conductive string, tether, streamer, or other electrically conductive appurtenance, except as specified. By expanding the scope of a crime, the bill would impose a state-mandated local program.*

*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.*

~~Under existing law, any renderer who operates vehicles for the purpose of collecting inedible kitchen grease is required to register with the Department of Food and Agriculture as a transporter of inedible kitchen grease.~~

~~This bill would make a technical, nonsubstantive change to that provision.~~

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

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

1     SECTION 1. Section 653.1 of the Penal Code is amended to  
2 read:

3     653.1. (a) No person shall sell or distribute any balloon that  
4 is constructed of electrically conductive material, and filled with  
5 a gas lighter than air without:

6         (1) Affixing an object of sufficient weight to the balloon or its  
7 appurtenance to counter the lift capability of the balloon.

8         (2) Affixing a statement on the balloon, or ensuring that a  
9 statement is so affixed, that warns the consumer about the risk if  
10 the balloon comes in contact with electrical power lines.

11         (3) A printed identification of the manufacturer of the balloon.

12     (b) No person shall sell or distribute any balloon filled with a  
13 gas lighter than air that is attached to an electrically conductive  
14 string, tether, streamer, or other electrically conductive  
15 appurtenance.

16     (c) No person shall sell or distribute any balloon that is  
17 constructed of electrically conductive material and filled with a  
18 gas lighter than air and that is attached to another balloon

1 constructed of electrically conductive material and filled with a  
2 gas lighter than air.

3 (d) No person or group shall release, outdoors, balloons made  
4 of electrically conductive material and filled with a gas lighter  
5 than air, as part of a public or civic event, promotional activity, or  
6 product advertisement.

7 (e) Any person who violates subdivision (a), (b), (c), or (d) shall  
8 be guilty of an infraction punishable by a fine not exceeding one  
9 hundred dollars (\$100). Any person who violates subdivision (a),  
10 (b), (c), or (d) who has been previously convicted twice of violating  
11 subdivision (a), (b), (c), or (d) shall be guilty of a misdemeanor.

12 (f) This section shall not apply to manned hot air balloons, or  
13 to balloons used in governmental or scientific research projects.

14 (g) *This section shall remain in effect only until January 1, 2010,*  
15 *and as of that date is repealed, unless a later enacted statute, that*  
16 *is enacted before January 1, 2010, deletes or extends that date.*

17 SEC. 2. Section 653.1 is added to the Penal Code, to read:

18 653.1. (a) *No person shall sell or distribute any balloon that*  
19 *is constructed of electrically conductive material, and filled with*  
20 *a gas lighter than air, or any balloon filled with a gas lighter than*  
21 *air that is attached to an electrically conductive string, tether,*  
22 *streamer, or other electrically conductive appurtenance.*

23 (b) *Any person who violates subdivision (a) shall be guilty of*  
24 *an infraction punishable by a fine not exceeding one hundred*  
25 *dollars (\$100). Any person who violates subdivision (a) who has*  
26 *been previously convicted twice of violating subdivision (a), or of*  
27 *subdivision (a), (b), (c), or (d) of this section as it read prior to*  
28 *January 1, 2010, shall be guilty of a misdemeanor.*

29 (c) *This section shall not apply to manned hot air balloons, or*  
30 *to balloons used in governmental or scientific research projects.*

31 (d) *This section shall become operative on January 1, 2010.*

32 SEC. 3. *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*  
39 *the meaning of Section 6 of Article XIII B of the California*  
40 *Constitution.*

1     SECTION 1. ~~Section 19311 of the Food and Agricultural Code~~  
2     ~~is amended to read:~~  
3     ~~19311. Any renderer who operates vehicles for the purpose of~~  
4     ~~collecting inedible kitchen grease shall register with the department~~  
5     ~~as a transporter of inedible kitchen grease and otherwise comply~~  
6     ~~with this article.~~

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