

AMENDED IN ASSEMBLY JULY 15, 2008

AMENDED IN ASSEMBLY JUNE 30, 2008

AMENDED IN SENATE MARCH 24, 2008

SENATE BILL

No. 1499

Introduced by Senator Scott

February 21, 2008

An act to ~~amend, repeal, and add~~ *add Article 7 (commencing with Section 92670) to Chapter 6 of Part 57 of Division 9 of Title 3 of the Education Code, and to amend Section 653.1 of the Penal Code, relating to crimes.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1499, as amended, Scott. Metallic balloons.

Existing

(1) *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, 2011, 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.~~

This bill would increase the fine for a violation of those provisions punished as an infraction. The bill would further specify the type of weight that must be attached to the balloon and the specifications for the required warning, and would require that the consumer be provided a separate warning notice, as specified. The bill would also prohibit a manufacturer or distributor from sending or shipping these types of balloons to retailers without the shipment containing a notice describing the retailer's responsibilities, as provided. Because this bill would change the definition of an existing crime, the bill would impose a state-mandated local program.

(2) Existing law establishes the University of California, under the administration of the Regents of the University of California, as one of the segments of public postsecondary education in this state.

This bill would request the Regents of the University of California to conduct a study, in consultation with specified entities, on alternative material for use in the manufacture of balloons that meets certain requirements, and would specify that the study shall not be funded by state funds.

~~The~~

(3) 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. Article 7 (commencing with Section 92670) is*
- 2 *added to Chapter 6 of Part 57 of Division 9 of Title 3 of the*
- 3 *Education Code, to read:*

Article 7. Studies

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

92670. (a) *The Regents of the University of California are requested to conduct a study, in consultation with the Public Utilities Commission, the Balloon Council, the International Brotherhood of Electrical Workers, the California Municipal Utilities Association, and other affected parties, to determine if there is an alternative material for use in the manufacture of balloons that meets all of the following requirements:*

(1) *The material is a cost-effective alternative to current metallic-foil balloons that provides the same or increased consumer appeal and product performance.*

(2) *The material is not electrically conductive or has such low electronic conductivity that it will not cause a power outage if it comes in contact with above-ground utility lines.*

(3) *The material conforms with consumer product safety requirements under state and federal law.*

(4) *The material does not pose an increased threat to the environment or human health.*

(b) *The results of the study shall be reported to the Legislature and the Governor upon its completion.*

(c) *The study shall be funded exclusively from nonstate sources.*

(d) *This section shall remain in effect only until January 1, 2015, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2015, deletes or extends that date.*

SECTION 1.

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

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

(1) Affixing an object of sufficient weight to the balloon or its appurtenance to counter the lift capability of the balloon. *The weight may not be a child’s toy or candy.*

(2) Affixing a statement on the balloon, or ensuring that a statement is so affixed, that warns the consumer about the risk if the balloon comes in contact with electrical power lines. *The warning must be printed in accordance with the requirements of the American National Standards Institute’s standard ANSI Z535.4–2007. All balloon designs to be constructed of electrically conductive material and filled with a gas lighter than air that go*

1 *into production on or after January 1, 2009, and are sold within*
2 *the state shall conform to the warning size requirements of this*
3 *paragraph. All balloon designs meeting this description that were*
4 *in production prior to January 1, 2009, and are sold in the state*
5 *shall conform to the warning size requirements of this paragraph*
6 *no later than December 31, 2014.*

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

8 (4) *Providing the consumer a separate notice about the risk if*
9 *the balloon comes in contact with electrical power lines. This*
10 *notice may be provided directly to the consumer at the point of*
11 *purchase or by posting a sign at the point of purchase, in a location*
12 *near the cash register, or in a location where consumer warnings*
13 *are normally posted. No manufacturer or distributor shall send*
14 *or ship a balloon meeting the description of subdivision (a) to a*
15 *retailer located in the state without the shipment containing a*
16 *notice describing the retailer's responsibilities under this section.*

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

21 (c) No person shall sell or distribute any balloon that is
22 constructed of electrically conductive material and filled with a
23 gas lighter than air and that is attached to another balloon
24 constructed of electrically conductive material and filled with a
25 gas lighter than air.

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

30 (e) Any person who violates subdivision (a), (b), (c), or (d) shall
31 be guilty of an infraction punishable by a fine not exceeding ~~one~~
32 ~~hundred dollars (\$100)~~ *two hundred and fifty dollars (\$250)*. Any
33 person who violates subdivision (a), (b), (c), or (d) who has been
34 previously convicted twice of violating subdivision (a), (b), (c),
35 or (d) shall be guilty of a misdemeanor.

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

38 ~~(g) This section shall remain in effect only until January 1, 2011,~~
39 ~~and as of that date is repealed, unless a later enacted statute, that~~
40 ~~is enacted before January 1, 2011, deletes or extends that date.~~

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

2 653.1.— (a) No person shall sell or distribute any balloon that
3 is constructed of electrically conductive material, and filled with
4 a gas lighter than air, or any balloon filled with a gas lighter than
5 air that is attached to an electrically conductive string, tether,
6 streamer, or other electrically conductive appurtenance.

7 (b) Any person who violates subdivision (a) shall be guilty of
8 an infraction punishable by a fine not exceeding one hundred
9 dollars (\$100). Any person who violates subdivision (a) who has
10 been previously convicted twice of violating subdivision (a), or
11 of subdivision (a), (b), (c), or (d) of this section as it read prior to
12 January 1, 2011, shall be guilty of a misdemeanor.

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

15 (d) This section shall become operative on January 1, 2011.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 the only costs that may be incurred by a local agency or school
19 district will be incurred because this act creates a new crime or
20 infraction, eliminates a crime or infraction, or changes the penalty
21 for a crime or infraction, within the meaning of Section 17556 of
22 the Government Code, or changes the definition of a crime within
23 the meaning of Section 6 of Article XIII B of the California
24 Constitution.