

AMENDED IN SENATE JUNE 22, 2010
AMENDED IN SENATE JUNE 29, 2009
AMENDED IN ASSEMBLY MAY 26, 2009
AMENDED IN ASSEMBLY APRIL 23, 2009
AMENDED IN ASSEMBLY APRIL 20, 2009
AMENDED IN ASSEMBLY MARCH 24, 2009
CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 496

Introduced by Assembly Member Davis

February 24, 2009

~~An act to add Chapter 12 (commencing with Section 108950) to Part 3 of Division 104 of the Health and Safety Code, relating to product safety; amend Section 13001 of the Elections Code, relating to elections.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 496, as amended, Davis. ~~Fire age degradation; consumer disclosure.~~ *Elections: payment of expenses.*

Existing law requires that all expenses authorized and necessarily incurred in the preparation for, and conduct of, elections be paid from the county treasuries, except when an election is called by the governing body of a city.

This bill would additionally provide that expenses incurred for elections proclaimed by the Governor to fill a vacancy in the office of State Senator or Member of the Assembly, or to fill a vacancy in the office of United States Senator or Representative in Congress, are to be paid by the state. Where an election proclaimed by the Governor is

consolidated with a local election, the bill would provide that the state would pay only those additional expenses directly related to the election proclaimed by the Governor.

~~Existing law provides for the establishment and enforcement of various product safety standards for consumer products, including, among others, requiring specified warning labels for water heaters, and prohibiting the sale of contaminated toys and lead-tainted tableware.~~

~~This bill would require a tire dealer to disclose the date of manufacture of each passenger or light truck tire in writing prior to, or at the point of, the sale or prior to the installation of that tire. The bill would require sale documents for tires to include a statement as to the date of manufacture of the tires, next to which the customer would be required to initial and date prior to, or at the point of, the sale. The bill would require a tire dealer to provide a clear and conspicuous written disclosure to the customer prior to, or at the point of, the sale or prior to the installation of any tire about the risk associated with tire age. The bill's provisions would not apply to the private sale of used tires, the sale or lease of any new or used vehicle, or the sale of tires by a motor vehicle dealer whose primary business is the sale or service of motor vehicles. The bill would provide that any violation of its provisions is subject to a civil penalty of \$250 per violation.~~

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

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

- 1 SECTION 1. Section 13001 of the Elections Code is amended
- 2 to read:
- 3 13001. ~~All~~(a) Except as provided in subdivision (b), all
- 4 expenses authorized and necessarily incurred in the preparation
- 5 for, and conduct of, elections as provided in this code shall be paid
- 6 from the county treasuries, except that when an election is called
- 7 by the governing body of a city the expenses shall be paid from
- 8 the treasury of the city. All payments shall be made in the same
- 9 manner as other county or city expenditures are made. The elections
- 10 official, in providing the materials required by this division, need
- 11 not utilize the services of the county or city purchasing agent.
- 12 (b) All expenses authorized and necessarily incurred in the
- 13 preparation for and conduct of elections proclaimed by the
- 14 Governor to fill a vacancy in the office of State Senator or

1 *Assembly Member, or to fill a vacancy in the office of United States*
2 *Senator or Representative in the Congress, shall be paid by the*
3 *state. If an election proclaimed by the Governor to fill a vacancy*
4 *in an office specified by this subdivision is consolidated with a*
5 *local election, only those additional expenses directly related to*
6 *the election proclaimed by the Governor shall be paid by the state.*

7 SECTION 1. ~~The Legislature finds and declares all of the~~
8 ~~following:~~

9 (a) ~~In a 2007 report to Congress, the National Highway Traffic~~
10 ~~Safety Administration (NHTSA) acknowledged that “tire aging is~~
11 ~~a serious safety issue.” NHTSA also reported that insurance~~
12 ~~statistics from a number of states, including California, showed~~
13 ~~that 84 percent of tire-related claims were for “tires over 6 years~~
14 ~~old.”~~

15 (b) ~~Since 2005, major passenger or light truck tire manufacturers~~
16 ~~have issued technical bulletins advising against the use of tires~~
17 ~~that are 6 to 10 years old. However, most defer to vehicle~~
18 ~~manufacturers’ guidelines, which predominantly advise against~~
19 ~~the use of tires that are six years old. These bulletins were preceded~~
20 ~~by others overseas, like the 2001 British Rubber Manufacturers~~
21 ~~Association, which includes all of the major tiremakers or their~~
22 ~~subsidiaries.~~

23 (c) ~~The tire industry, vehicle manufacturers, and NHTSA~~
24 ~~recognize that passenger or light truck tire age degradation presents~~
25 ~~a hazard.~~

26 (d) ~~Vehicle and tire manufacturers have recommended light~~
27 ~~truck and passenger tires older than six years from the date of~~
28 ~~manufacture should not be used, particularly spares. Currently,~~
29 ~~nearly all vehicle manufacturers have adopted a six-year policy~~
30 ~~warning that tires should be removed from service after six years,~~
31 ~~regardless of tread depth or use. Unfortunately, these warnings are~~
32 ~~often inconspicuously buried in the depths of a several hundred~~
33 ~~page owner’s manual.~~

34 (e) ~~The date of manufacture of passenger or light truck tires can~~
35 ~~be determined by checking the identification number on the~~
36 ~~sidewall that begins with the letters “DOT.” The last four digits~~
37 ~~represent the week and year the tire was manufactured. However,~~
38 ~~this code is inconspicuously positioned on the tire, and a consumer~~
39 ~~would not likely be able to understand the DOT number unless he~~
40 ~~or she had prior knowledge about how to decode it.~~

1 (f) ~~Consumer disclosure is an important step to prevent tragedies~~
2 ~~that continue to occur when aged passenger or light truck tires fail~~
3 ~~catastrophically.~~

4 ~~SEC. 2. Chapter 12 (commencing with Section 108950) is~~
5 ~~added to Part 3 of Division 104 of the Health and Safety Code, to~~
6 ~~read:~~

7
8 ~~CHAPTER 12. TIRE AGE DEGRADATION~~
9

10 ~~108950. (a) A tire dealer shall disclose the date of manufacture~~
11 ~~of each passenger or light truck tire in writing prior to, or at the~~
12 ~~point of, the sale or prior to the installation of that tire. Sale~~
13 ~~documents for tires shall include a statement as to the date of~~
14 ~~manufacture of the tires, next to which the customer shall initial~~
15 ~~and date prior to, or at the point of, the sale.~~

16 ~~(b) (1) A tire dealer shall provide a clear and conspicuous~~
17 ~~written disclosure to the customer prior to, or at the point of, the~~
18 ~~sale or prior to the installation of any tire about the risk associated~~
19 ~~with tire age, as follows:~~

20 ~~“Passenger or light truck tires deteriorate with age, even if they~~
21 ~~have never or seldom been used. As tires age they are more prone~~
22 ~~to sudden failure that can cause a vehicle to crash. This applies~~
23 ~~also to the spare tire and tires that are stored for future use. Heat~~
24 ~~caused by hot climates or frequent high-loading conditions can~~
25 ~~accelerate the aging process. Most vehicle manufacturers~~
26 ~~recommend that passenger or light truck tires be replaced after six~~
27 ~~years, regardless of the remaining tread depth.”~~

28 ~~(2) Nothing in this section affects any rights or duties under any~~
29 ~~other applicable statute or law.~~

30 ~~(c) For purposes of this chapter, both of the following shall~~
31 ~~apply:~~

32 ~~(1) “Tire dealer” shall include any retail tire outlet and any~~
33 ~~commercial retailer of any vehicle equipped with tires.~~

34 ~~(2) “Passenger or light truck tire” shall include both new and~~
35 ~~used tires.~~

36 ~~(d) This chapter shall not apply to any of the following:~~

37 ~~(1) The private sale of used tires.~~

38 ~~(2) The sale or lease of any new or used vehicle.~~

39 ~~(3) The sale of tires by a motor vehicle dealer whose primary~~
40 ~~business is the sale or service of motor vehicles.~~

1 ~~(e) A tire dealer shall be deemed to be compliant with the~~
2 ~~requirements of paragraph (1) if the customer has initialed and~~
3 ~~dated the statement prior to, or at the point of, the sale.~~

4 ~~108952. Any violation of this chapter is subject to a civil~~
5 ~~penalty of two hundred fifty dollars (\$250) per violation.~~

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