

AMENDED IN SENATE APRIL 14, 2011
AMENDED IN SENATE MARCH 29, 2011
AMENDED IN SENATE MARCH 14, 2011

SENATE BILL

No. 245

Introduced by Senator Rubio

February 10, 2011

An act to amend, *repeal, and add* Section 18029.6 of the Health and Safety Code, relating to smoke detectors.

LEGISLATIVE COUNSEL'S DIGEST

SB 245, as amended, Rubio. Smoke detectors: mobilehomes, manufactured homes, and commercial modulars.

The Mobilehomes-Manufactured Housing Act of 1980 requires the Department of Housing and Community Development to enforce various laws pertaining to the structural, fire safety, plumbing, heat-producing, or electrical systems and installations or equipment of a manufactured home, mobilehome, special purpose commercial coach, or commercial coach. Under existing law, a knowing violation of the act, as specified, is punishable as a misdemeanor offense.

The act requires that on or after January 1, 2009, all used manufactured homes, used mobilehomes, and used multifamily manufactured homes that are sold have a smoke alarm installed in each room for sleeping that is operable on the date of transfer of the title. Existing law also requires that for manufactured homes and multifamily manufactured homes manufactured on or after September 16, 2002, each smoke alarm comply with the federal Manufactured Housing Construction and Safety Standards Act.

This bill would require that on or after July 1, 2012, all used manufactured homes, mobilehomes, and multifamily manufactured homes have a smoke alarm installed in each room designed for sleeping. The bill would additionally impose new requirements and specifications for manufactured homes, including those that are new and used, manufactured at specified times, and for mobilehomes and multifamily manufactured homes, manufactured at any time.

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.

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 18029.6 of the Health and Safety Code
- 2 is amended to read:
- 3 18029.6. (a) (1) On or after January 1, 2009, all used
- 4 manufactured homes, used mobilehomes, and used multifamily
- 5 manufactured homes that are sold shall have a smoke alarm
- 6 installed in each room designed for sleeping that is operable on
- 7 the date of transfer of title. For manufactured homes and
- 8 multifamily manufactured homes manufactured on or after
- 9 September 16, 2002, each smoke alarm shall comply with the
- 10 federal Manufactured Housing Construction and Safety Standards
- 11 Act. For manufactured homes and multifamily manufactured homes
- 12 manufactured before September 16, 2002, each smoke alarm shall
- 13 be installed in accordance with the terms of its listing and
- 14 installation requirements, and battery-powered smoke alarms shall
- 15 be acceptable for use when installed in accordance with the terms
- 16 of their listing and installation requirements.
- 17 (2) For manufactured homes and multifamily manufactured
- 18 homes manufactured before September 16, 2002, the smoke alarm
- 19 manufacturer’s information describing the operation, method and
- 20 frequency of testing, and proper maintenance of the smoke alarm

1 shall be provided to the purchaser for any smoke alarm installed
2 pursuant to paragraph (1).

3 (b) On or after January 1, 2009, the requirements of subdivision
4 (a) shall be satisfied if, within 45 days prior to the date of transfer
5 of title, the transferor signs a declaration stating that each smoke
6 alarm in the manufactured home, mobilehome, or multifamily
7 manufactured home is installed pursuant to subdivision (a) and is
8 operable on the date the declaration is signed.

9 (c) The department may promulgate rules and regulations to
10 clarify or implement this section.

11 (d) For sales of manufactured homes or mobilehomes installed
12 on real property pursuant to subdivision (a) of Section 18551, as
13 to real estate agents licensed pursuant to Division 4 (commencing
14 with Section 10000) of the Business and Professions Code, the
15 real estate licensee liability provisions of subdivisions (e), (f), and
16 (g) of Section 13113.8 shall apply to the disclosures required by
17 this section.

18 ~~(e) On or after July 1, 2012, all used manufactured homes,
19 mobilehomes, and multifamily manufactured homes shall have a
20 smoke alarm installed in each room designed for sleeping. For
21 new and used manufactured homes manufactured on or after
22 September 16, 2002, each smoke alarm shall comply with the
23 federal Manufactured Housing Construction and Safety Standards
24 Act. For manufactured homes manufactured before September 16,
25 2002, and for mobilehomes and multifamily manufactured homes
26 manufactured at any time, each smoke alarm shall be installed in
27 accordance with the terms of its listing and installation
28 requirements, and battery-powered smoke alarms shall be
29 acceptable for use when installed in accordance with the terms of
30 their listing and installation requirements.~~

31 ~~(e) This section shall become inoperative on July 1, 2012, and
32 as of January 1, 2013, is repealed, unless a later enacted statute
33 that is enacted before January 1, 2013, deletes or extends the dates
34 on which it becomes inoperative and is repealed.~~

35 ~~SEC. 2. No reimbursement is required by this act pursuant to
36 Section 6 of Article XIII B of the California Constitution because
37 the only costs that may be incurred by a local agency or school
38 district will be incurred because this act creates a new crime or
39 infraction, eliminates a crime or infraction, or changes the penalty
40 for a crime or infraction, within the meaning of Section 17556 of~~

1 ~~the Government Code, or changes the definition of a crime within~~
2 ~~the meaning of Section 6 of Article XIII B of the California~~
3 ~~Constitution.~~

4 *SEC. 2. Section 18029.6 is added to the Health and Safety*
5 *Code, to read:*

6 *18029.6. (a) On or after July 1, 2012, all used manufactured*
7 *homes, used mobilehomes, and used multifamily manufactured*
8 *homes shall have a smoke alarm installed in each room designed*
9 *for sleeping. For all manufactured homes and multifamily*
10 *manufactured homes manufactured on or after September 16,*
11 *2002, each smoke alarm shall comply with the federal*
12 *Manufactured Housing Construction and Safety Standards Act.*
13 *For manufactured homes manufactured before September 16,*
14 *2002, and for mobilehomes and multifamily manufactured homes*
15 *manufactured at any time, each smoke alarm shall be installed in*
16 *accordance with the terms of its listing and installation*
17 *requirements, and battery-powered smoke alarms shall be*
18 *acceptable for use when installed in accordance with the terms of*
19 *their listing and installation requirements.*

20 *(b) On or after July 1, 2012, within 45 days prior to the date of*
21 *transfer of title and as a condition of transfer of title, the transferor*
22 *shall sign a declaration stating that each smoke alarm in the*
23 *manufactured home is installed pursuant to subdivision (a) and is*
24 *operable on the date the declaration is signed.*

25 *(c) The department may promulgate rules and regulations to*
26 *clarify or implement this section.*

27 *(d) For sales of manufactured homes or mobilehomes installed*
28 *on real property pursuant to subdivision (a) of Section 18551, as*
29 *to real estate agents licensed pursuant to Division 4 (commencing*
30 *with Section 10000) of the Business and Professions Code, the*
31 *real estate licensee liability provisions of subdivisions (e), (f), and*
32 *(g) of Section 13113.8 shall apply to the disclosures required by*
33 *this section.*

34 *(e) This section shall become operative on July 1, 2012.*

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