

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1131**

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**Introduced by Senator Galgiani**

February 18, 2016

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An act to amend ~~Section 25915 of the Health and Safety Code, relating to asbestos.~~ *Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1131, as amended, Galgiani. ~~Asbestos notification.~~ *Department of Motor Vehicles: records: confidentiality.*

*Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities.*

*This bill would extend that prohibition, subject to those same exceptions, to the disclosure of the home addresses of investigators employed by the Department of Insurance, code enforcement officers, as defined, and parking control officers, as specified.*

~~Existing law requires the owner of any building constructed prior to 1979 who knows that the building contains asbestos-containing construction materials to provide notice to all employees of that owner working within the building concerning specified information, including general procedures and handling restrictions necessary to prevent, and, if appropriate, to minimize disturbance, release, and exposure to the asbestos. If detailed handling instructions are necessary to ensure employee safety, existing law requires the notice to indicate where those instructions can be found. Existing law provides that these notice~~

requirements do not apply to an owner who elects to prepare an asbestos management plan, in which case, other notice requirements apply.

~~This bill would make technical, nonsubstantive changes to this provision.~~

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 1808.4 of the Vehicle Code is amended  
2 to read:

3     1808.4. (a) For all of the following persons, his or her home  
4 address that appears in a record of the department is confidential  
5 if the person requests the confidentiality of that information:

6     (1) Attorney General.

7     (2) State Public Defender.

8     (3) A Member of the Legislature.

9     (4) A judge or court commissioner.

10    (5) A district attorney.

11    (6) A public defender.

12    (7) An attorney employed by the Department of Justice, the  
13 office of the State Public Defender, or a county office of the district  
14 attorney or public defender.

15    (8) A city attorney and an attorney who submits verification  
16 from his or her public employer that the attorney represents the  
17 city in matters that routinely place the attorney in personal contact  
18 with persons under investigation for, charged with, or convicted  
19 of, committing criminal acts, if that attorney is employed by a city  
20 attorney.

21    (9) A nonsworn police dispatcher.

22    (10) A child abuse investigator or social worker, working in  
23 child protective services within a social services department.

24    (11) An active or retired peace officer, as defined in Chapter  
25 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal  
26 Code.

27    (12) An employee of the Department of Corrections and  
28 Rehabilitation, Division of Juvenile Facilities, or the Prison  
29 Industry Authority specified in Sections 20403 and 20405 of the  
30 Government Code.

- 1 (13) A nonsworn employee of a city police department, a county  
2 sheriff's office, the Department of the California Highway Patrol,  
3 a federal, state, or local detention facility, or a local juvenile hall,  
4 camp, ranch, or home, who submits agency verification that, in  
5 the normal course of his or her employment, he or she controls or  
6 supervises inmates or is required to have a prisoner in his or her  
7 care or custody.
- 8 (14) A county counsel assigned to child abuse cases.
- 9 (15) An investigator employed by the Department of Justice,  
10 *the Department of Insurance*, a county district attorney, or a county  
11 public defender.
- 12 (16) A member of a city council.
- 13 (17) A member of a board of supervisors.
- 14 (18) A federal prosecutor, criminal investigator, or National  
15 Park Service Ranger working in this state.
- 16 (19) An active or retired city enforcement officer engaged in  
17 the enforcement of the Vehicle Code or municipal parking  
18 ordinances.
- 19 (20) An employee of a trial court.
- 20 (21) A psychiatric social worker employed by a county.
- 21 (22) A police or sheriff department employee designated by the  
22 ~~Chief of Police~~ *chief of police* of the department or the sheriff of  
23 the county as being in a sensitive position. A designation pursuant  
24 to this paragraph shall, for purposes of this section, remain in effect  
25 for three years subject to additional designations that, for purposes  
26 of this section, shall remain in effect for additional three-year  
27 periods.
- 28 (23) A state employee in one of the following classifications:
- 29 (A) Licensing Registration Examiner, Department of Motor  
30 Vehicles.
- 31 (B) Motor Carrier Specialist~~+~~, *I*, Department of the California  
32 Highway Patrol.
- 33 (C) Museum Security Officer and Supervising Museum Security  
34 Officer.
- 35 (D) Licensing Program Analyst, Department of Social Services.
- 36 (24) *A code enforcement officer, as defined in Section 829.5 of*  
37 *the Penal Code.*
- 38 (25) *A parking control officer employed by a city, county, or*  
39 *city and county, university, college, public hospital, public airport,*

1 *special district, or other public agency to monitor and enforce*  
2 *state laws and ordinances relating to parking.*

3 ~~(24)~~

4 (26) (A) The spouse or child of a person listed in paragraphs  
5 (1) to ~~(23)~~; (25), inclusive, regardless of the spouse's or child's  
6 place of residence.

7 (B) The surviving spouse or child of a peace officer, as defined  
8 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part  
9 2 of the Penal Code, if the peace officer died in the line of duty.

10 (C) (i) Subparagraphs (A) and (B) shall not apply if the person  
11 listed in those subparagraphs was convicted of a crime and is on  
12 active parole or probation.

13 (ii) For requests made on or after January 1, 2011, the person  
14 requesting confidentiality for their spouse or child listed in  
15 subparagraph (A) or (B) shall declare, at the time of the request  
16 for confidentiality, whether the spouse or child has been convicted  
17 of a crime and is on active parole or probation.

18 (iii) Neither the listed person's employer nor the department  
19 shall be required to verify, or be responsible for verifying, that a  
20 person listed in subparagraph (A) or (B) was convicted of a crime  
21 and is on active parole or probation.

22 (b) The confidential home address of a person listed in  
23 subdivision (a) shall not be disclosed, except to any of the  
24 following:

25 (1) A court.

26 (2) A law enforcement agency.

27 (3) The State Board of Equalization.

28 (4) An attorney in a civil or criminal action that demonstrates  
29 to a court the need for the home address, if the disclosure is made  
30 pursuant to a subpoena.

31 (5) A governmental agency to which, under any provision of  
32 law, information is required to be furnished from records  
33 maintained by the department.

34 (c) (1) A record of the department containing a confidential  
35 home address shall be open to public inspection, as provided in  
36 Section 1808, if the address is completely obliterated or otherwise  
37 removed from the record.

38 (2) Following termination of office or employment, a  
39 confidential home address shall be withheld from public inspection  
40 for three years, unless the termination is the result of conviction

1 of a criminal offense. If the termination or separation is the result  
2 of the filing of a criminal complaint, a confidential home address  
3 shall be withheld from public inspection during the time in which  
4 the terminated individual may file an appeal from termination,  
5 while an appeal from termination is ongoing, and until the appeal  
6 process is exhausted, after which confidentiality shall be at the  
7 discretion of the employing agency if the termination or separation  
8 is upheld. Upon reinstatement to an office or employment, the  
9 protections of this section are available.

10 (3) With respect to a retired peace officer, his or her home  
11 address shall be withheld from public inspection permanently upon  
12 request of confidentiality at the time the information would  
13 otherwise be opened. The home address of the surviving spouse  
14 or child listed in subparagraph (B) of paragraph ~~(24)~~ (26) of  
15 subdivision (a) shall be withheld from public inspection for three  
16 years following the death of the peace officer.

17 (4) The department shall inform a person who requests a  
18 confidential home address what agency the individual whose  
19 address was requested is employed by or the court at which the  
20 judge or court commissioner presides.

21 (d) A violation of subdivision (a) by the disclosure of the  
22 confidential home address of a peace officer, as specified in  
23 paragraph (11) of subdivision (a), a nonsworn employee of the  
24 city police department or county sheriff's office, or the spouses or  
25 children of these persons, including, but not limited to, the  
26 surviving spouse or child listed in subparagraph (B) of paragraph  
27 ~~(24)~~ (26) of subdivision (a), that results in bodily injury to the  
28 peace officer, employee of the city police department or county  
29 sheriff's office, or the spouses or children of these persons is a  
30 felony.

31 ~~SECTION 1. Section 25915 of the Health and Safety Code is~~  
32 ~~amended to read:~~

33 ~~25915. (a) (1) Notwithstanding any other law, the owner of~~  
34 ~~any building constructed prior to 1979, who knows that the building~~  
35 ~~contains asbestos-containing construction materials, shall provide~~  
36 ~~notice to all employees of that owner working within the building~~  
37 ~~concerning all of the following:~~

38 ~~(A) The existence of, conclusions from, and a description or~~  
39 ~~list of the contents of, any survey known to the owner conducted~~  
40 ~~to determine the existence and location of asbestos-containing~~

1 ~~construction materials within the building, and information~~  
2 ~~describing when and where the results of the survey are available~~  
3 ~~pursuant to Section 25917.~~

4 ~~(B) Specific locations within the building known to the owner,~~  
5 ~~or identified in a survey known to the owner, where~~  
6 ~~asbestos-containing construction materials are present in any~~  
7 ~~quantity.~~

8 ~~(C) General procedures and handling restrictions necessary to~~  
9 ~~prevent, and, if appropriate, to minimize disturbance, release, and~~  
10 ~~exposure to the asbestos. If detailed handling instructions are~~  
11 ~~necessary to ensure employee safety, the notice required by this~~  
12 ~~section shall indicate where those instructions can be found.~~

13 ~~(D) A summary of the results of any bulk sample analysis or~~  
14 ~~air monitoring, or monitoring conducted pursuant to Section 5208~~  
15 ~~of Title 8 of the California Code of Regulations, conducted for or~~  
16 ~~by the owner or within the owner's control, including reference~~  
17 ~~to sampling and laboratory procedures utilized, and information~~  
18 ~~describing when and where the specific monitoring data and~~  
19 ~~sampling procedures are available pursuant to Section 25917.~~

20 ~~(E) Potential health risks or impacts that may result from~~  
21 ~~exposure to the asbestos in the building as identified in surveys or~~  
22 ~~tests referred to in this section, or otherwise known to the owner.~~

23 ~~(2) The notice may contain a description and explanation of the~~  
24 ~~health action levels or exposure standards established by the state~~  
25 ~~or federal government. However, if the notice contains this~~  
26 ~~description, the notice shall include, at least, a description and~~  
27 ~~explanation of the no significant risk level established pursuant to~~  
28 ~~Chapter 6.6 (commencing with Section 25249.5) of Division 20,~~  
29 ~~and specified in Section 25711 of Title 27 of the California Code~~  
30 ~~of Regulations, the school abatement clearance level specified in~~  
31 ~~Section 49410.7 of the Education Code, and the action levels~~  
32 ~~established by state and federal Occupational Safety and Health~~  
33 ~~Act regulations.~~

34 ~~(3) The notice requirements specified in this subdivision shall~~  
35 ~~not apply to an owner who elects to prepare an asbestos~~  
36 ~~management plan pursuant to Section 25915.1. In those cases, the~~  
37 ~~notice requirements specified in Section 25915.1 shall apply.~~

38 ~~(b) If the owner has no special knowledge of the information~~  
39 ~~required pursuant to subparagraphs (C) and (E) of paragraph (1)~~  
40 ~~of subdivision (a), the owner shall specifically inform his or her~~

1 ~~employees in the notice required by this section, that he or she~~  
2 ~~lacks knowledge regarding handling instructions necessary to~~  
3 ~~prevent and minimize release of, and exposure to, asbestos and~~  
4 ~~the potential health impacts resulting from exposure to asbestos~~  
5 ~~in the building, and shall encourage employees to contact local or~~  
6 ~~state public health agencies.~~

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