

AMENDED IN ASSEMBLY JULY 7, 1997

AMENDED IN SENATE MAY 8, 1997

AMENDED IN SENATE APRIL 21, 1997

**SENATE BILL**

**No. 1040**

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**Introduced by Senator Maddy**  
(Coauthor: Assembly Member Keeley)

February 27, 1997

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An act to amend Sections 13143 and 17920.8 of the Health and Safety Code, relating to building standards.

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, Maddy. Building standards: fire safety.

Existing law requires the State Fire Marshal with the advice of the State Board of Fire Services, to adopt building standards and other regulations establishing minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in any building or structure used or intended for use as an asylum, jail, mental hospital, hospital, home for the elderly, children's nursery, children's home or nonexempted institution, school, or any similar occupancy of any capacity, and in any assembly occupancy where 50 or more persons may gather together in a building, room, or structure for the purpose of amusement, entertainment, instruction, deliberation, worship, drinking or dining, awaiting transportation, or education.

Existing law also requires the State Fire Marshal to adopt building standards applicable to all newly constructed

buildings or structures subject to these provisions for which a building permit is issued, or construction commenced where no building permit is issued, on or after January 1, 1989, that establish minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor. *This bill would require that exit sign technologies be permitted if they are permitted by the model building code upon which the California Building Standards Code is based.*

This bill would require that standards adopted by the State Fire Marshal with respect to the minimum requirements for the placement of distinctive devices, signs, or other means that identify exits and can be felt or seen near the floor, apply to the above-referenced buildings or structures, and that the building standards be adopted before July 1, 1998. Because the standards required to be adopted pursuant to these provisions would add to and change the definition of a crime, the violation of which would be a misdemeanor, this bill would constitute a state-mandated local program.

Existing law requires the State Fire Marshal to establish similar requirements specifically applicable to hotels, motels, or apartment houses.

This bill would make nonsubstantive, technical amendments to these provisions.

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 13143 of the Health and Safety  
2 Code is amended to read:  
3 13143. (a) Except as provided in Section 18930, the  
4 State Fire Marshal, with the advice of the State Board of  
5 Fire Services, shall prepare, adopt, and submit building



1 standards for approval pursuant to Chapter 4  
2 (commencing with Section 18935) of Part 2.5 of Division  
3 13 and shall prepare and adopt other regulations  
4 establishing minimum requirements for the prevention  
5 of fire and for the protection of life and property against  
6 fire and panic in any building or structure used or  
7 intended for use as an asylum, jail, mental hospital,  
8 hospital, home for the elderly, children's nursery,  
9 children's home or institution not otherwise excluded  
10 from the coverage of this subdivision, school, or any  
11 similar occupancy of any capacity, and in any assembly  
12 occupancy where 50 or more persons may gather  
13 together in a building, room, or structure for the purpose  
14 of amusement, entertainment, instruction, deliberation,  
15 worship, drinking or dining, awaiting transportation, or  
16 education. The State Fire Marshal shall adopt and submit  
17 building standards for approval pursuant to Chapter 4  
18 (commencing with Section 18935) of Part 2.5 of Division  
19 13 for the purposes described in this section. Regulations  
20 adopted pursuant to this subdivision and building  
21 standards relating to fire and panic safety published in the  
22 California Building Standards Code shall establish  
23 minimum requirements relating to the means of egress  
24 and the adequacy of exits from, the installation and  
25 maintenance of fire extinguishing and fire alarm systems  
26 in, the storage and handling of combustible or explosive  
27 materials or substances, and the installation and  
28 maintenance of appliances, equipment, decorations,  
29 security bars, grills, grates, and furnishings that present a  
30 fire, explosion or panic hazard, and the minimum  
31 requirements shall be predicated on the height and  
32 fire-resistive qualities of the building or structure and the  
33 type of occupancy for which it is to be used. The building  
34 standards and other regulations shall apply to auxiliary or  
35 accessory buildings used or intended for use with any of  
36 the occupancies mentioned in this subdivision. Violation  
37 of any building standard or other regulation shall be a  
38 violation of the provisions of this chapter.

39 In preparing and adopting building standards for  
40 approval pursuant to Chapter 4 (commencing with



1 Section 18935) of Part 2.5 of Division 13, and in preparing  
2 and adopting other regulations affecting public schools,  
3 the State Fire Marshal shall also secure the advice of the  
4 State Department of Education. No regulation adopted  
5 by the State Fire Marshal shall conflict with any rule,  
6 regulation, or building standard lawfully adopted or  
7 enforced by the Department of General Services  
8 pursuant to Article 3 (commencing with Section 39140)  
9 of Chapter 2 of Part 23 or Article 7 (commencing with  
10 Section 81130) of Chapter 1 of Part 49 of the Education  
11 Code.

12 In addition to any other requirements for location of  
13 exit signs or devices in any building or structure used or  
14 intended for use as an asylum, jail, mental hospital,  
15 hospital, home for the elderly, children's nursery,  
16 children's home or institution not otherwise excluded  
17 from the coverage of this subdivision, school, or any  
18 similar occupancy of any capacity, and in any assembly  
19 occupancy where 50 or more persons may gather  
20 together in a building, room, or structure for the purpose  
21 of amusement, entertainment, instruction, deliberation,  
22 worship, drinking or dining, awaiting transportation, or  
23 education, the State Fire Marshal shall adopt building  
24 standards pursuant to this section establishing minimum  
25 requirements for the placement of distinctive devices,  
26 signs, or other means that identify exits and can be felt or  
27 seen near the floor. *Exit sign technologies permitted by*  
28 *the model building code upon which the California*  
29 *Building Standards Code is based, shall be permitted.*

30 These building standards shall be adopted before July 1,  
31 1998, and shall apply to all newly constructed buildings or  
32 structures subject to this subdivision for which a building  
33 permit is issued, (or construction commenced, where no  
34 building permit is issued) on or after January 1, 1989.

35 (b) Notwithstanding the provisions of subdivision (a)  
36 and Section 13143.6, facilities licensed pursuant to  
37 Chapter 3 (commencing with Section 1500) of Division  
38 2 which provide nonmedical board, room, and care for six  
39 or fewer ambulatory children placed with the licensee for  
40 care or foster family homes and family day care homes for



1 children, licensed pursuant to Chapter 3.6 (commencing  
2 with Section 1597.50) of Division 2, with a capacity of six  
3 or fewer and providing care and supervision for  
4 ambulatory children or children two years of age or  
5 younger, or both, shall not be subject to the provisions of  
6 Article 1 (commencing with Section 13100) or Article 2  
7 (commencing with Section 13140) of this chapter or  
8 regulations adopted pursuant thereto. No city, county, or  
9 public district shall adopt or enforce any requirement for  
10 the prevention of fire or for the protection of life and  
11 property against fire and panic with respect to structures  
12 used as facilities specified in this subdivision, unless the  
13 requirement would be applicable to a structure  
14 regardless of the special occupancy. Nothing in this  
15 subdivision shall restrict the application of state or local  
16 housing standards to those facilities, if the standards are  
17 applicable to residential occupancies and are not based  
18 upon the use of the structure as a facility specified in this  
19 subdivision.

20 “Ambulatory children,” as used in this subdivision, does  
21 not include nonambulatory persons, as defined in Section  
22 13131, and relatives of the licensee or the licensee’s  
23 spouse.

24 (c) The State Fire Marshal shall adopt building  
25 standards establishing regulations providing that all  
26 school classrooms constructed after January 1, 1990, not  
27 equipped with automatic sprinkler systems, which have  
28 metal grills or bars on all their windows and do not have  
29 at least two exit doors within three feet of each end of the  
30 classroom opening to the exterior of the building or to a  
31 common hallway used for evacuation purposes, shall have  
32 an inside release for the grills or bars on at least one  
33 window farthest from the exit doors. The window or  
34 windows with the inside release shall be clearly marked  
35 as an emergency exit, in accordance with regulations  
36 adopted by the State Fire Marshal.

37 SEC. 2. Section 17920.8 of the Health and Safety Code  
38 is amended to read:

39 17920.8. In addition to any other requirements for  
40 location of exit signs or devices in hotels, motels, or



1 apartment houses, the State Fire Marshal shall adopt  
2 building standards establishing minimum requirements  
3 for the placement of distinctive devices, signs, or other  
4 means that identify exits and can be felt or seen near the  
5 floor. *Exit sign technologies permitted by the model*  
6 *building code upon which the California Building*  
7 *Standards Code is based, shall be permitted.* These  
8 building standards shall apply to all newly constructed  
9 occupancies subject to this section for which a building  
10 permit is issued, or construction is commenced, where no  
11 building permit is issued on or after January 1, 1989.

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

22 Notwithstanding Section 17580 of the Government  
23 Code, unless otherwise specified, the provisions of this act  
24 shall become operative on the same date that the act  
25 takes effect pursuant to the California Constitution.

