

**Introduced by Senator Dodd**  
(Coauthor: Assembly Member Aguiar-Curry)

January 31, 2018

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An act to amend Section 19891 of, and to add Section 19892 to, the Health and Safety Code, relating to automatic garage door openers.

LEGISLATIVE COUNSEL'S DIGEST

SB 969, as introduced, Dodd. Automatic garage door openers: backup batteries.

Existing law requires an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to comply with specified safety requirements, including that the automatic garage door opener have an automatic reverse safety device.

This bill would also require an automatic garage door opener that is manufactured for sale, purchased, sold, offered for sale, or installed in a residence to have a battery backup function that is designed to operate when activated by an electrical outage. The bill would make a violation of those provisions subject to a civil penalty of \$1,000.

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

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

- 1 SECTION 1. Section 19891 of the Health and Safety Code is
- 2 amended to read:
- 3 19891. (a) In addition to any other remedies permitted by law,
- 4 any violations of subdivision (a), (b), or (c) of Section 19890 *or*
- 5 *Section 19892* shall be subject to a civil penalty of one thousand

1 dollars (\$1,000) per opener installed, manufactured, sold, or offered  
2 for sale which is not in compliance with Section ~~19890~~: 19890 or  
3 Section 19892.

4 (b) In addition to any other remedies permitted by law, any  
5 violations of subdivision (d) or (h) of Section 19890 shall be  
6 subject to a civil penalty of five hundred dollars (\$500) per opener  
7 installed and operational, that is not in compliance with Section  
8 19890.

9 (c) In addition to any other remedies permitted by law, a seller  
10 who violates the notice requirements of Section 1102.6 of the Civil  
11 Code, relating to automatic garage door openers, shall be subject  
12 to a civil penalty of five hundred dollars (\$500).

13 (d) Court proceedings may be initiated by the building  
14 department of the local agency with jurisdiction over enforcement  
15 of building standards, by affected consumers, or by the district  
16 attorney. Civil penalties assessed shall be payable to the local  
17 agency initiating the proceedings to enforce this chapter to offset  
18 the costs to the agency related to court proceedings. If an affected  
19 consumer initiates the proceeding, the civil penalties shall be  
20 payable to the consumer.

21 SEC. 2. Section 19892 is added to the Health and Safety Code,  
22 to read:

23 19892. (a) On or after January 1, 2019, no person, corporation,  
24 or entity shall manufacture for sale in this state, purchase, sell,  
25 offer for sale at retail or wholesale, or install in this state a  
26 residential automatic garage door opener that does not have a  
27 battery backup function that is designed to operate when activated  
28 by an electrical outage. The battery backup function shall operate  
29 in a manner so that the automatic garage door opener is operational  
30 without interruption during an electrical outage.

31 (b) This section applies to all automatic garage door openers  
32 manufactured and sold for use in any residence, automatic garage  
33 door openers manufactured for commercial purposes but sold for  
34 or installed in a residence because the commercial opener was  
35 necessary to meet the specific application requirements of that  
36 installation, and other residential applications of automatic garage  
37 door openers manufactured for commercial purposes.

38 (c) On or after January 1, 2019, no replacement residential  
39 garage door opener shall be installed in a manner that connects  
40 the replacement door to an existing residential automatic garage

1 door opener that does not meet the requirements set forth in  
2 subdivision (a), regardless of the date of manufacture of the  
3 residential automatic garage door.

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