

BILL NUMBER: AB 423 CHAPTERED
BILL TEXT

CHAPTER 380
FILED WITH SECRETARY OF STATE SEPTEMBER 15, 1999
APPROVED BY GOVERNOR SEPTEMBER 15, 1999
PASSED THE ASSEMBLY AUGUST 30, 1999
PASSED THE SENATE AUGUST 26, 1999
AMENDED IN SENATE JULY 1, 1999
AMENDED IN SENATE JUNE 14, 1999
AMENDED IN ASSEMBLY MAY 20, 1999
AMENDED IN ASSEMBLY MAY 6, 1999

INTRODUCED BY Assembly Member Dutra

FEBRUARY 12, 1999

An act to amend Section 13132.7 of the Health and Safety Code,
relating to fire safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 423, Dutra. Fire protection: roofing materials.

(1) Existing law requires every new structure, and every existing structure when 50% or more of the roof area is reroofed within a one-year period, to have a fire retardant roof covering that is at least class A, B, or C, as specified. The State Building Standards Commission was required to incorporate these requirements by publishing them on January 1, 1995, as an amendment to the California Building Standards Code.

This bill instead would require the entire roof covering of every existing structure where more than 50% of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, to be a fire retardant roof covering that is at least class A, B, or C, as specified. It would require the commission to incorporate these requirements by publishing them as an amendment to the California Building Standards Code.

(2) Existing regulations of the Insurance Commissioner relating to adjustment and settlement of certain losses based on replacement cost require that when a loss requires replacement of items and the replaced items do not match in quality, color, or size, the insurer shall replace all items in the damaged area so as to conform to a reasonably uniform appearance.

This bill would require the commissioner to accept the use of fire retardant wood roofing that meets the requirements described in (1) above as meeting that replacement requirement.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 13132.7 of the Health and Safety Code is amended to read:

13132.7. (a) Within a very high fire hazard severity zone designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code and within a very high hazard severity zone designated by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(b) In all other areas, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class C as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(c) Notwithstanding subdivision (b), within state responsibility areas classified by the State Board of Forestry and Fire Protection pursuant to Article 3 (commencing with Section 4125) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code, except for those state responsibility areas designated as moderate fire hazard responsibility zones, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class B as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(d) (1) Notwithstanding subdivision (a), (b), or (c), within very high fire hazard severity zones designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 of the Public Resources Code or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, the entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire retardant roof covering that is at least class A as defined in the Uniform Building Code, as adopted and amended by the State Building Standards Commission.

(2) Paragraph (1) does not apply to any jurisdiction containing a very high fire hazard severity zone if the jurisdiction fulfills both of the following requirements:

(A) Adopts the model ordinance approved by the State Fire Marshal pursuant to Section 51189 of the Government Code or an ordinance that substantially conforms to the model ordinance of the State Fire Marshal.

(B) Transmits, upon adoption, a copy of the ordinance to the State

Fire Marshal.

(e) The State Building Standards Commission shall incorporate the requirements set forth in subdivisions (a), (b), and (c) by publishing them as an amendment to the California Building Standards Code in accordance with Chapter 4 (commencing with Section 18935) of Part 2.5 of Division 13.

(f) Nothing in this section shall limit the authority of a city, county, city and county, or fire protection district in establishing more restrictive requirements, in accordance with current law, than those specified in this section.

(g) This section shall not affect the validity of an ordinance, adopted prior to the effective date for the relevant roofing standard specified in subdivisions (a) and (b), by a city, county, city and county, or fire protection district, unless the ordinance mandates a standard that is less stringent than the standards set forth in subdivision (a), in which case the ordinance shall not be valid on or after the effective date for the relevant roofing standard specified in subdivisions (a) and (b).

(h) Any qualified historical building or structure as defined in Section 18955 may, on a case-by-case basis, utilize alternative roof constructions as provided by the State Historical Building Code.

(i) The installer of the roof covering shall provide certification of the roof covering classification, as provided by the manufacturer or supplier, to the building owner and, when requested, to the agency responsible for enforcement of this part. The installer shall also install the roof covering in accordance with the manufacturer's listing.

(j) (1) No wood roofing materials shall be sold in this state unless:

(A) On and after January 1, 1997, the materials have passed at least one year of the 10-year natural weathering test.

(B) On and after January 1, 1998, the materials have passed at least two years of the 10-year natural weathering test.

(C) On and after January 1, 1999, the materials have passed at least three years of the 10-year natural weathering test.

(D) On and after January 1, 2000, the materials have passed at least four years of the 10-year natural weathering test.

(E) On and after January 1, 2001, the materials have passed at least five years of the 10-year natural weathering test.

(2) The 10-year natural weathering test required by this subdivision shall be conducted in accordance with standard 15-2 of the 1994 edition of the Uniform Building Code at a testing facility recognized by the State Fire Marshal.

(k) The Insurance Commissioner shall accept the use of fire retardant wood roofing material that meets the requirements of this section, used in the partial repair or replacement of nonfire retardant wood roofing material, as meeting the requirement in Section 2695.9 of Title 10 of the California Code of Regulations relative to matching replacement items in quality, color, and size.