

CALIFORNIA MANDATES BATTERY BACKUP WITH ALL GDOS

EXPERTS CITE PROBLEMS WITH THE LEGISLATION

Editor's note: It is extremely rare to see state or federal legislation about garage door openers. On April 9, 1990, Minnesota passed the nation's first legislation that specifically targeted residential garage door openers (requiring an external reversing mechanism such as a photo eye). At that time, similar legislation was adopted by the U.S. Congress and the states of California, New York, and Indiana.

This new 2018 California law appears to be the first state or federal legislation to target GDOs since the flurry of legislative activity in the early 1990s. Will it spread to other states?

In September, California Gov. Jerry Brown was expected to sign SB 969 into law, effectively requiring that all residential garage door openers sold in the state on or after July 1, 2019, must be equipped with a battery backup (BBU) function.

The bill sailed through the California Senate on a 39-0 vote on May 31, then passed the California Assembly on a 64-7 vote on Aug. 16.

California State Sen. Bill Dodd, D-Napa, introduced the bill in January in response to the 2017 wildfires that left some people trapped in their garages. At least five deaths were reported to have some connection to automatic garage door openers that had no power. Some elderly victims were reportedly unable to use the emergency disconnect and/or lift their garage doors manually.

What this means

Effective on July 1, 2019, the legislation:

- Prohibits a person, corporation, or entity from manufacturing, selling, offering for sale, or installing in California a residential garage door opener "that does not have a battery backup function that is designed to operate when activated because of an electrical outage."
- Applies to commercial operators used in residential applications.
- Requires the battery backup to be "operational without interruption during an electrical outage."
- Makes a violation of these provisions subject to a civil penalty of \$1,000 "per opener installed, manufactured, sold, or offered for sale." (Yes, the fine is "\$1,000 per opener." Other penalties are also possible. See the legislation for specifics.)

- Prohibits a replacement residential garage door from being connected to an existing garage door opener that does not have a battery backup, regardless of the manufacture date of the opener.

Problem: Hurting the good guys

Dan LaRose of Pacific Garage Door in Vista, Calif., recognized the problem of wildfires and the state's frequent droughts. "Most of California (outside the cities) is always ready to burn," he said.

But LaRose and others believe that the law will benefit companies that operate illegally. As Dorian Currier of DoorDorks in San Marcos said, "This bill will potentially hurt businesses that are following the law."

"YES, THE FINE IS \$1,000 PER OPENER."

He noted that some companies don't have the required contractor's license and don't carry workers' comp or insurance. Such companies will continue to skirt the law and offer lower pricing because they have lower overhead costs and offer less-expensive openers that lack BBUs.

Problem: Throwing away good operators

Since replacement garage doors cannot be attached to non-BBU operators, dealers may find themselves in an awkward spot. "If a

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