CITY OF BEVERLY HILLS
STAFF REPORT

Meeting Date: December 15, 2009

To: Honorable Mayor & City Council

From: Cheryl Friedling, Deputy City Manager of Public Affairs
Roxanne Diaz, Chief Assistant City Attorney

Subject: New Laws Which Take Effect January 1, 2010

Attachments: None

INTRODUCTION

Approximately 898 federal laws and 278 state laws were enacted and signed during the 2008-09 Congressional Session and the 2009 California legislative session. The majority of these new laws take effect on January 1, 2010.

DISCUSSION

Many new laws will take effect in various areas, some of which impact local government. The following is a summary of new laws that may be of interest to Beverly Hills residents, the business community and members of the City Council.

- **Immunity from Rendering Emergency Medical or Non-Medical Assistance.** In response to a decision by the California Supreme Court which narrowly held that California's Good Samaritan law provides immunity from civil liability to persons providing assistance in an emergency only to those persons qualified to provide emergency medical care, two different bills were introduced to address this decision. The first (AB 83) provides that medical, law enforcement and emergency person that render assistance at the scene of an emergency are immune from civil liability. In addition, this immunity also extends to any person (a volunteer or layperson) rendering assistance at the scene of any emergency unless the act or omission constitutes gross negligence or willful or wanton misconduct. (SB 39)

- **Immunity for Disaster Services Workers.** This is the second piece of legislation adopted by the Legislature in response to the same decision by the California Supreme Court. This bill was sponsored by the City of Beverly Hills and was carried by Assembly Member Mike Feuer. This legislation provides that Disaster Services Workers who provide disaster services during a state of emergency are not liable for civil damages for unintentional harm when performing services anywhere within the jurisdiction covered by the emergency. This is an important bill for all cities as under California law, city employees are deemed Disaster Service Workers. (AB 83)

- **Plumbing Fixtures are Required to Be Lead-Free.** This law, adopted in 2007, goes into effect in 2010. As of January 1, 2010, when new plumbing fixtures are replaced or when new fixtures are added (such as kitchen and bathroom faucets, bubblers, pot fillers and any other product that provides water for drinking and/or cooking) the fixture must be replaced or fitted with lead-free fixtures. This does not mean that the project is completely void of lead—it means that the amounts used in the product will be diminutive. Also, fixtures sold in the market place will also have to meet this new lead-free standard. (AB 1953)

- **Pilot Program for Ignition Interlock Devices for any DUI conviction.** This new law creates a pilot program in Los Angeles County and requires ignition interlock devices on vehicles operated by persons convicted for driving under the influence. An ignition interlock device is a type of mini-breathalyzer instrument that is the size of a cell phone and is installed on the steering column of the car. The pilot program begins July 1, 2010 and expires on January 1, 2016. A person convicted of driving while under the influence will have to install the device for 5 months for the first offense, 12 months for the second offense and 24 months for the third offense. If the person is convicted of driving under the influence and causes injury to another person, the device will have be installed for 12 months for the first offense, 24 months for the second offense and 36 months for the third offense. The DUI offender is required to pay for the installation cost and the monthly monitoring expense. (AB 91)

- **Voter Privacy.** This law seeks to further protect voter privacy by making it a misdemeanor to intentionally gain knowledge of how a particular voter voted during the counting or recounting of ballots in any election. This law prohibits a member of the public who is observing the processing of vote-by-mail ballots, the semi-official canvas or a recount from willfully attempting to ascertain the identity and ballot choices of a voter, opening a provisional or vote-by-mail ballot containing a voted ballot to ascertain the voter's choice, or making or placing a mark or device on any ballot or secrecy envelope in an attempt to ascertain the voter's ballot choice. According the bill's author, the legislation was inspired by an incident in Orange County where an observer was alleged to have deliberately viewed a voter's ballot by removing it from the absentee ballot envelope, viewing it and replacing it. Prosecutors found they were lacking a statute to prosecute for this offense. (AB 269)

- **Voter Registration.** This law allows a person who is at least 17 years old and who otherwise meets all voter eligibility requirements to submit his/her voter registration card and essentially "pre-register" to vote. The registration card will be deemed "effective" as the date the person turns 18 and as long as all the information provided is current, the person is deemed registered to vote. This law becomes operative only if he Secretary of State certifies that the state has a statewide voter registration database that complies with the requirements of the federal Help America Vote Act.

- **Removal of Address/Phone Number of a Public Official.** Current law prohibits a person, business or association from publicly posting or publicly displaying on the internet the home address or telephone number of any elected or appointed official if that official made a written demand to that entity not to disclosure that information. This law requires that if a person, business or association received such a demand that they remove the address or telephone number within 48 hours of receipt of the demand and also continue to ensure that the information is not reposted on the same internet site or any other site maintained by the person, business or association. (AB 32)

This concludes our summary of new laws that may be of interest to the community.

FISCAL IMPACT

The overall fiscal impact of these new laws cannot be estimated. If the City is required to comply with state mandates, the City will document such expenditures and will submit for reimbursements as appropriate.

RECOMMENDATION

None.

Cheryl Friedling, Deputy City Manager of Public Affairs

Approved By