



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** January 11, 2011  
**To:** Honorable Mayor and Members of the City Council  
**From:** Roxanne Diaz, Chief Assistant City Attorney  
**Subject:** Summary of New Laws Which Take Effect January 1, 2011

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### **INTRODUCTION**

Approximately 700 state laws were enacted and signed during the 2010 California legislative session. The majority of these new laws take effect on January 1, 2011. While some of these laws directly impact local government, the following is a summary of new laws that may be of general interest to Beverly Hills residents, the business community and members of the City Council.

### **DISCUSSION**

- **Energy Audits in Home Inspection Reports.** Home inspections are typically performed by a prospective buyer during the escrow period. This new law provides that if requested by a client, a home inspection report may include an audit of the energy efficiency of the home in accordance with the standards of the Home Energy Rating System. A "Home Energy Rater" assesses the energy uses of a home in the certain areas such as, but not limited to, heating and cooling systems, water, lighting, and electric and/or gas appliances. The rater also conducts a utility bill analysis and estimated carbon dioxide emissions in the home. These factors, including others, allows the rater to give the home an "energy rating" that represents the energy consumed, produced and delivered to the home. (AB 1809)
- **Carbon Monoxide Detectors.** Existing single-family homeowners that have a fossil-fuel burning heater or appliance, fireplace or attached garage will have to install carbon monoxide detectors by July 1, 2011. Owners of other dwelling units intended for human occupancy such as condominiums, hotels and apartment houses, will have to install the detectors by January 1, 2013. The carbon monoxide device must be one certified by the State Fire Marshall and be designed to detect carbon monoxide and produce a distinct audible alarm. In addition, there is

a mandatory disclosure requirement when the home is sold. At that time, the seller must disclose whether or not the property contains one or more carbon monoxide detectors. The law also allows a city to adopt an ordinance requiring carbon monoxide devices. (SB 183)

- **Social Network Impersonation.** This new law updates a previous law written in 1872, which made it unlawful to impersonate someone. SB 1411 makes it a crime to knowingly and without consent credibly impersonate another person through or on an internet website or by other electronic means, such as a fake social network page or email account. Prosecutors must prove the impersonator had the criminal intent to harm, intimidate, threaten or defraud another person and the crime is punishable by a fine of up to \$1,000 and/or imprisonment in the county jail for up to one year. Victims can also sue the impersonator for damages. (SB 1411)
- **Aggressive Paparazzi Tactics.** This new law targets aggressive swarming paparazzi tactics by creating enhanced penalties for interfering with a driver of a vehicle, reckless driving or following a car too closely if such acts are done with the intent to capture any type of visual image or sound recording for commercial purposes. In such cases, the person would now be guilty of a misdemeanor not an infraction. Punishment includes imprisonment of not more than 6 months and a fine of not more than \$2,500. If the act (interfering with a driver of a vehicle, reckless driving or following a car too closely) causes a minor child or children to be placed in a situation in which the child's person or health is endangered, the potential jail time is up to one year and the fine not more than \$5,000. (AB 2479)
- **Mobile Billboard Advertising Displays.** This new law allows cities to enact a local resolution or ordinance regulating mobile advertising displays. Cities may also establish penalties for the violation of the resolution or ordinance that include but are not limited to removal of the mobile advertising display and misdemeanor criminal penalties. The legislation was supported by the City of Los Angeles who attempted to regulate mobile billboards but its efforts were hampered by litigation. (AB 2756).
- **Immunity from Prosecution for Underage Persons Who Consume Alcohol.** This new law provides that a person under the age of 21 years old is immune from prosecution for possession or consumption of an alcoholic beverage when that person reports an alcohol-related medical emergency concerning him or herself or another person. Immunity is granted only if certain conditions are met: (i) the underage person calls 911 to report the need for medical assistance for alcohol consumption; (ii) they are the first person to call 911 for assistance; (iii) they stay with the individual needing medical attention; and (iv) they cooperate with law enforcement personnel on the scene. (AB 1999)
- **Furnishing Alcohol to Underage Persons.** Providing alcohol to a minor is a crime under state law, but in California the law provides civil immunity for "social hosts" if the intoxicated person caused damage or harm to another person or property or themselves. Essentially, any damage caused while intoxicated was the intoxicated person's responsibility and not the fault of the one hosting an event with alcohol. AB 2486, sponsored by Assembly Member Mike Feuer, provides that a civil action may be brought against a parent, guardian or other adult who knowingly furnishes alcoholic beverages at their residence to a person less than 21 years of age, if the furnishing of the alcoholic beverage is found to be the proximate cause of any resulting injury or death. Accordingly, social hosts of parties where the "social host" furnished alcohol to minors may now be liable for the negligent actions of that minor. Assembly Member Feuer stated: "Common sense alone should prevent adults from giving alcohol to teenagers, but teens continue to die from alcohol poisoning under adult supervision . . . . This

bill promotes responsible behavior by acting as a deterrent to adults who might otherwise provide alcohol to teens. It will keep kids safer.” (AB 2486)

- **Election Material By Email.** The Elections Code now provides county and city elections officials with authorization to offer registered voters the option to receive their sample ballot, ballot pamphlet and notice of polling place electronically (by email) or by accessing the material from a county’s or city’s website as long as certain procedural requirements. These requirements include procedures to provide the voter an option to resume receiving election materials by mail again and confirmation of the voter’s identity. (AB 1717)
- **Prohibition of the Use of City Credit Cards/Vehicle by a Local Official’s Immediate Family.** This law prohibits an elected or appointed city or county official from allowing their family member to use a publicly owned vehicle or credit card issued by the entity they represent. The new law defines a family member as an official’s spouse, child, parent, sibling or in-law. There is an exception to the prohibition if the use is in conjunction with a medical emergency. The bill, sponsored by Assemblymember Joel Anderson of El Cajon, was in response to news reports about a county supervisor’s sister who as a full-time unpaid volunteer for her brother’s office, was provided free use of a county car, including gasoline. (AB 1399)
- **Minimum Age for Kindergarten.** Previously a child was required to be five years old by December 2, in order to attend kindergarten. This law now requires that students starting kindergarten must turn five by September 1st of the school year. The new age requirement would be phased in over three years beginning in 2012. In that phase-in period, the required birthday for admission to kindergarten would be November 1 for the 2012-13 school year, October 1 for the 2013-14 school year, and September 1 for the 2014-15 school year and each year thereafter. (SB 1381)

**FISCAL IMPACT**

If the City is required to comply with state mandates for any new law, the City will document such expenditures and will submit for reimbursements as appropriate.

**RECOMMENDATION**

None.

Roxanne M. Diaz, Chief Assistant  
City Attorney  
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Approved By