

AMENDED IN ASSEMBLY FEBRUARY 26, 2018

AMENDED IN SENATE MAY 26, 2017

AMENDED IN SENATE MAY 16, 2017

AMENDED IN SENATE MAY 2, 2017

AMENDED IN SENATE APRIL 18, 2017

AMENDED IN SENATE MARCH 1, 2017

**SENATE BILL**

**No. 71**

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**Introduced by Senator Wiener  
(Coauthor: Senator Allen)**

January 9, 2017

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~~An act to add the heading of Article 1 (commencing with Section 25406) to, and to add Article 2 (commencing with Section 25408) to, Chapter 5.1 of Division 15 of the Public Resources Code, relating to energy.~~ *An act to amend Sections 41953, 41955, and 41956 of, and to amend, renumber, and add Section 41952 of, the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 71, as amended, Wiener. ~~Electricity: solar energy systems.~~ *Solid waste: disposal.*

*The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act prohibits a person, other than an authorized recycling agent, from removing specified materials that have been segregated from solid waste materials and placed at a designated recycling*

*collection location for residential curbside collection programs authorized by a city, county, or local agency for the purposes of collection and recycling or at a designated recycling collection location by any commercial or industrial entity. Existing law authorizes a court, in a civil action by a recycling agent against a person alleged to have violated these laws, to either allow treble damages or award a civil penalty, as specified, against the unauthorized person removing the recyclable material, and to allow treble damages or award a higher civil penalty, as specified, against a person for a second violation and subsequent violations.*

*This bill, where a city, county, or other local government agency has authorized a solid waste enterprise to handle solid waste, would subject an unauthorized person to these same damages for collecting, removing, or transporting solid waste generated by another person on residential, commercial, or industrial premises, except in compliance with applicable law. The bill would expand civil enforcement to knowing participation in violations of these laws, and would require a court, if a plaintiff prevails in a civil action brought pursuant to these and related provisions, to award to the plaintiff reasonable attorney's fees, expert witness fees, and costs incurred in the course of the litigation, except as specified.*

~~Existing law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to develop design guidelines for new construction that include energy conserving options, including, among other things, building envelope solar heat gain control mechanisms and alternative energy systems such as solar energy for space heating and water heating and load management strategies.~~

~~Regulations on building standards adopted by the Energy Commission require certain residential and nonresidential buildings to have a solar zone, as defined, on the roof of the building that is designated and reserved for solar electric or solar thermal systems and that meets certain specifications relating to minimum area, orientation, and shading, among other things. Existing law requires a seller of production homes, as defined, to offer the option of a solar energy system, as defined, to all customers negotiating to purchase a new production home constructed on land meeting certain criteria and to disclose certain information. Existing law requires the Energy Commission, not later than July 1, 2007, to initiate a public proceeding to study and make findings whether, and under what conditions, solar energy systems should be required on~~

new residential and nonresidential buildings and to periodically update the study thereafter.

~~This bill would require the Energy Commission to consider requiring, and would authorize the Energy Commission to update the building efficiency standards to require, a rooftop solar energy generation system, appropriately sized to be cost effective, to be installed in the solar zone of those buildings, during the construction of those buildings, by January 1, 2020, for residential buildings and by January 1, 2023, for nonresidential buildings. The bill would require the Commission, prior to adopting rooftop solar energy generation system requirements, to issue findings by climate zone jointly with the Department of Housing and Community Development as to whether adoption of the requirements will or will not unreasonably or unnecessarily impact the affordability of housing for Californians.~~

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

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

1     *SECTION 1. Section 41952 of the Public Resources Code is*  
2     *amended and renumbered to read:*

3     41952.

4     41957. Nothing in this chapter limits the right of any person  
5     to donate, sell, or otherwise dispose of his or her recyclable  
6     materials.

7     *SEC. 2. Section 41952 is added to the Public Resources Code,*  
8     *to read:*

9     41952. *Where a city, county, or other local government agency*  
10    *has authorized a solid waste enterprise to handle solid waste, no*  
11    *person shall collect, remove, or transport solid waste generated*  
12    *by another person from residential, commercial, or industrial*  
13    *premises in violation of the rights authorized by the city, county,*  
14    *or other local government agency, except in compliance with*  
15    *applicable law.*

16    *SEC. 3. Section 41953 of the Public Resources Code is*  
17    *amended to read:*

18    41953. (a) In any civil action by a recycling agent *or a local*  
19    *governmental agency* against a person alleged to have ~~violated~~  
20    *violated, or to have knowingly participated in the violation of,*  
21    Section 41950 or 41951, *or by a local governmental agency or a*

1 *solid waste enterprise against a person alleged to have violated,*  
 2 *or to have knowingly participated in the violation of, Section*  
 3 *41952, the court may either allow treble damages, as measured by*  
 4 *the market value of the recyclable material removed, or award a*  
 5 *civil penalty of not more than two thousand dollars (\$2,000),*  
 6 *whichever is greater, for each unauthorized removal, against the*  
 7 *unauthorized person removing the recyclable-material. material*  
 8 *or solid waste.*

9 (b) In any civil action by a recycling-agent agent, *solid waste*  
 10 *enterprise, or local governmental agency against a person alleged*  
 11 *to have violated violated, or to have knowingly participated in the*  
 12 *violation of, Section 41950 41950, 41951, or 41951 41952 for a*  
 13 *second, or subsequent time; subsequent, time in any 12-month*  
 14 *period, the court may either allow treble damages, as measured by*  
 15 *the market value of the recyclable material removed, or award a*  
 16 *civil penalty of not more than five thousand dollars (\$5,000),*  
 17 *whichever is greater, for each unauthorized removal against the*  
 18 *unauthorized person removing the recyclable-material. material*  
 19 *or solid waste.*

20 (c) (1) *If a plaintiff prevails in a civil action brought pursuant*  
 21 *to this chapter, the court shall award to the plaintiff reasonable*  
 22 *attorney's fees, expert witness fees, and costs incurred in the course*  
 23 *of the litigation in an amount the court, in its discretion, deems*  
 24 *appropriate.*

25 (2) *This subdivision shall not apply to a violation of Section*  
 26 *41952 unless the plaintiff, before bringing a civil action, provided*  
 27 *written notice to the defendant demanding that the illegal action*  
 28 *cease.*

29 (3) *This subdivision shall not apply to a civil action for a*  
 30 *violation or knowing participation in a violation of Section 41950,*  
 31 *41951, or 41952 in which the value of the stolen recyclable*  
 32 *materials is fifty dollars (\$50) or less and no vehicle, as defined*  
 33 *in Section 670 of the Vehicle Code, was used in connection with*  
 34 *the removal of the materials.*

35 SEC. 4. *Section 41955 of the Public Resources Code is*  
 36 *amended to read:*

37 41955. *If the value of the stolen material is more than fifty*  
 38 *dollars (\$50), but less than nine hundred fifty dollars (\$950), a*  
 39 *violation of this part may be charged as either a misdemeanor or*  
 40 *an infraction. A violation after a second conviction within a*

1 12-month period shall be charged as a misdemeanor punishable  
2 pursuant to Section 19 of the Penal Code. *This section shall not*  
3 *apply to a violation of Section 41952.*

4 SEC. 5. *Section 41956 of the Public Resources Code is*  
5 *amended to read:*

6 41956. The ~~board~~ department may award special enforcement  
7 grants to cities or counties to support pilot programs designed to  
8 develop and evaluate enforcement techniques to reduce the theft  
9 of recyclable materials from commercial, industrial, or other  
10 nonresidential establishments.

11 SECTION 1. ~~The Legislature finds and declares all of the~~  
12 ~~following:~~

13 (a) ~~Requiring building owners to take steps to produce~~  
14 ~~renewable, low-carbon electricity and to capture solar heat has the~~  
15 ~~potential to reduce pollution and the global warming effects of~~  
16 ~~energy consumption.~~

17 (b) ~~Installing solar electric or solar thermal systems can benefit~~  
18 ~~the health, welfare, and resiliency of the state and its residents.~~

19 (c) ~~Requiring solar electric or solar thermal systems to be~~  
20 ~~installed on a building during its construction is more cost effective~~  
21 ~~than installing the equipment after construction because workers~~  
22 ~~are already onsite, permitting and administrative costs are lower,~~  
23 ~~and financing the systems is more efficient at that time.~~

24 SEC. 2. ~~The heading of Article 1 (commencing with Section~~  
25 ~~25406) is added to Chapter 5.1 of Division 15 of the Public~~  
26 ~~Resources Code, to read:~~

27  
28 Article 1. The Sunny Homes Seal

29  
30 SEC. 3. ~~Article 2 (commencing with Section 25408) is added~~  
31 ~~to Chapter 5.1 of Division 15 of the Public Resources Code, to~~  
32 ~~read:~~

33  
34 Article 2. Solar Ready Buildings

35  
36 25408. ~~For purposes of this article, the following definitions~~  
37 ~~apply:~~

38 (a) ~~“Solar ready building” means a building required to have a~~  
39 ~~solar zone as determined by the commission pursuant to Section~~  
40 ~~25402.~~

1 (b) “Solar zone” means a section of the roof of a building  
2 designated and reserved for the future installation of a solar electric  
3 or solar thermal system, as determined by the commission pursuant  
4 to Section 25402.

5 ~~25408.2. By January 1, 2020, the commission shall consider~~  
6 ~~requiring, and may update the building efficiency standards~~  
7 ~~developed and adopted pursuant to Section 25402 to require, a~~  
8 ~~rooftop solar energy generation system, appropriately sized to be~~  
9 ~~cost effective, to be installed in the solar zone of a residential solar~~  
10 ~~ready building, including a high-rise or low-rise multifamily~~  
11 ~~building, during the construction of that building.~~

12 ~~25408.4. By January 1, 2023, the commission shall consider~~  
13 ~~requiring, and may update the building efficiency standards~~  
14 ~~developed and adopted pursuant to Section 25402 to require, a~~  
15 ~~rooftop solar energy generation system, appropriately sized to be~~  
16 ~~cost effective, to be installed in the solar zone of a nonresidential~~  
17 ~~solar ready building, during the construction of that building.~~

18 ~~25408.6. Prior to adopting rooftop solar energy generation~~  
19 ~~system requirements pursuant to Section 25408.2 or 25408.4, the~~  
20 ~~commission and the Department of Housing and Community~~  
21 ~~Development shall jointly issue findings, by climate zone, as to~~  
22 ~~whether adoption of the requirements will or will not unreasonably~~  
23 ~~or unnecessarily impact the affordability of housing for~~  
24 ~~Californians, taking into account the purchase price and any~~  
25 ~~benefits and costs derived from the rooftop solar energy generation~~  
26 ~~system requirements.~~