

1 House BILL NO. 694
 2 INTRODUCED BY Fisher Hepler Walton
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT RELATING TO CONSUMER
 5 PROTECTION; PROHIBITING THE USE OF NONSAFETY GLAZING
 6 MATERIAL IN HAZARDOUS LOCATIONS WITHIN BUILDINGS; PROVIDING
 7 A PENALTY."
 8

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

10 Section 1. Purpose. The purpose of this act is to
 11 protect the consumer by reducing the high incidence of
 12 accidental deaths and injuries resulting from the use of
 13 ordinary annealed glass or its substitutes in hazardous
 14 locations.

15 Section 2. Definitions. As used in this act, the
 16 following definitions apply:

- 17 (1) "Bathtub enclosure" means a sliding, pivoting, or
 18 hinged door and fixed panels which are glazed or to be
 19 glazed and used to form a barrier between the bathtub and
 20 the rest of the room area.
- 21 (2) "Commercial building" means a building known as a
 22 wholesale or retail store, storeroom, or office building.
- 23 (3) "Director" means the director of the department of
 24 administration.
- 25 (4) "Fixed flat glazed panels immediately adjacent to

1 entrance or exit doors" means the first fixed flat glazed
 2 panel on either or both sides of interior or exterior doors,
 3 between 18 inches and 48 inches in width and within 6 feet
 4 horizontally of the nearest vertical edge of the door. The
 5 term does not include a glass panel more than 18 inches
 6 above the finished floor working space.

7 (5) "Framed or unframed glass entrance door" means a
 8 hinged, pivoting, revolving, or sliding door which is glazed
 9 or to be glazed and used on the interior or exterior wall of
 10 a commercial, public, or residential building and serving as
 11 a means of ingress and egress.

12 (6) "Glazed" means the accomplished act of glazing.

13 (7) "Glazing" means the act of installing and securing
 14 glass or other glazing material into prepared openings in
 15 structural elements such as doors, enclosures, and panels.

16 (8) "Hazardous location" means a structural element,
 17 regardless of whether or not the glazing is transparent or
 18 whether it is glazed or to be glazed, which is:

- 19 (a) in an industrial, commercial, or public building
 20 and commonly known as a framed or unframed glass entrance
 21 door;
- 22 (b) in a residential building or other structure used
 23 as a dwelling, industrial building, commercial building, or
 24 public building and commonly known as a sliding glass door,
 25 storm door, shower door, or bathtub enclosure and other

1 fixed glazed panels immediately adjacent to entrance and
2 exit doors which may be mistaken for doors; or

3 (c) composed of a material other than safety glass
4 which constitutes an unreasonable hazard as determined by
5 the director.

6 (9) "Industrial building" means a building commonly
7 known as a factory.

8 (10) "Other structures used as dwellings" means mobile
9 homes, manufactured or industrialized housing, and lodging
10 homes.

11 (11) "Person" means an individual, firm, corporation,
12 association, partnership, or other legal entity.

13 (12) "Public buildings" includes but is not limited to
14 buildings known as hotels, hospitals, nursing homes,
15 theatres, stadiums, gymnasiums, schools, museums,
16 restaurants, lounges, and all other buildings of public use
17 and assembly.

18 (13) "Residential buildings" includes but is not
19 limited to buildings known as homes, apartments,
20 dormitories, and any other multifamily residential
21 facilities.

22 (14) "Safety glazing material" means glazing materials
23 which meet the test requirements of the American national
24 standards institute standard ANSI-97.1-1972 and the
25 additional requirements promulgated by the director. The

1 term includes:

2 (a) tempered glass;

3 (b) laminated glass;

4 (c) wire glass;

5 (d) any other glass treated or combined with other
6 materials to minimize the likelihood of injury upon
7 cracking, breaking, or shattering; and

8 (e) materials other than glass which have functional
9 safety properties supported by performance data and are
10 approved by the director.

11 (15) "Shower enclosure" means a hinged, pivoting, or
12 sliding door and fixed panels which are glazed or to be
13 glazed and used to form a barrier between the shower stall
14 and the rest of the room area.

15 (16) "Sliding glass door units" means an assembly of
16 glazed or to be glazed panels contained in an overall frame
17 installed in residential, commercial, or public buildings
18 designed to allow a panel to move horizontally to produce or
19 close off an opening for ingress and egress.

20 (17) "Storm and combination door" means a door which is
21 glazed or to be glazed and used in tandem with a primary
22 residential or commercial entrance and exit door to protect
23 the primary residential or commercial entrance or exit door
24 against weather elements to improve indoor climate control.

25 Section 3. Labeling requirement -- safety glazing

1 material used in hazardous locations. (1) Safety glazing
2 material manufactured, distributed, imported, or sold for
3 use or installation in hazardous locations within this state
4 must be permanently labeled by either etching, sandblasting,
5 firing of ceramic material, hot die stamping, or by other
6 suitable means approved by the director.

7 (2) Each label shall identify the labeler and state
8 that safety glazing material was installed.

9 (3) The label must be legible and visible from outside
10 the building and specify that it may not be removed.

11 (4) Safety glazing labeling may not be used on glazing
12 materials other than safety glazing materials.

13 (5) Permanent labeling of wire glass is not required
14 when the seller or installer furnishes the buyer with a
15 certificate stating that the wire glass meets the test
16 requirements of ANSI-97.1-1972.

17 Section 4. Sale, fabrication, assembly, or
18 installation of other than safety glazing materials in
19 hazardous areas unlawful -- penalties. (1) A person who
20 knowingly sells, fabricates, assembles, glazes, or installs
21 glazing materials, other than safety glazing materials, in
22 or for use in a hazardous location commits a misdemeanor.

23 (2) A person convicted of violating this section shall
24 be fined no more than \$1,000 or be imprisoned in the county
25 jail for a period not to exceed 60 days, or both.

1 (3) Each sale, fabrication, assembly, glaze, or
2 installation constitutes a separate offense.

3 Section 5. Employees -- exempt. No liability under
4 this act attaches to workmen who are employed by a
5 contractor, subcontractor, or other employee responsible for
6 compliance with this act.

7 Section 6. Enforcement. The department of
8 administration is responsible for promulgating rules and
9 taking all necessary steps to enforce this act.

10 Section 7. Prospective applicability. Except for
11 future replacement of materials used before the effective
12 date of this act, the provisions of this act apply only to
13 buildings or construction completed after the effective date
14 of this act.

15 Section 8. Severability. If a part of this act is
16 invalid, all valid parts that are severable from the invalid
17 part remain in effect. If a part of this act is invalid in
18 one or more of its applications, the part remains in effect
19 in all valid applications that are severable from the
20 invalid applications.

-End-

STATE OF MONTANA

REQUEST NO. 377-77

FISCAL NOTE

Form BD-15

In compliance with a written request received February 7, 19 77, there is hereby submitted a Fiscal Note for House Bill 694 pursuant to Chapter 53, Laws of Montana, 1965 - Thirty-Ninth Legislative Assembly.

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

House Bill 694 prohibits the use of nonsafety glazing material in hazardous locations within buildings.

ASSUMPTIONS:

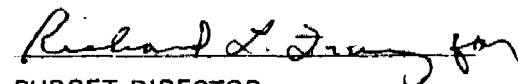
1. The provisions of this bill are already a part of the State Building Code presently in effect. Chapter 53, Uniform Building Code, 1973 Edition (Glass and Glazing) is presently being enforced by cities with building codes for all buildings and is presently being enforced by the Construction Regulation Bureau, Department of Administration for all buildings (except residences) not under the jurisdiction of a municipal building code.
2. It would be impractical to inspect single family residences not under the jurisdiction of a municipal building code for the bills intended purpose alone.

FISCAL IMPACT:

None.

TECHNICAL NOTE:

This bill duplicates Title 69, Chapter 21, R.C.M. 1947, which establishes Statewide Building construction standards through the Construction Regulation Bureau. The Construction Regulation Bureau has adopted many model codes including Chapter 53 (Glass and Glazing) Uniform Building Code, 1973 Edition, which is presently being enforced by the Construction Regulation Bureau and by cities with their own building codes which must meet the minimum requirements of the State codes.


BUDGET DIRECTOR

Office of Budget and Program Planning

Date: 2-11-77

Approved by Committee
on Public Health, Welfare
& Safety

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2 INTRODUCED BY FASTER Waldron

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14 locations.

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16 following definitions apply:

17 (1) "Bathtub enclosure" means a sliding, pivoting, or
18 hinged door and fixed panels which are glazed or to be
19 glazed and used to form a barrier between the bathtub and
20 the rest of the room area.

21 (2) "Commercial building" means a building known as a
22 wholesale or retail store, storeroom, or office building.

23 (3) "Director" means the director of the department of
24 administration.

25 (4) "Fixed flat glazed panels immediately adjacent to

1 entrance or exit doors" means the first fixed flat glazed
2 panel on either or both sides of interior or exterior doors,
3 between 18 inches and 48 inches in width and within 6 feet
4 horizontally of the nearest vertical edge of the door. The
5 term does not include a glass panel more than 18 inches
6 above the finished floor working space.

7 (5) "Framed or unframed glass entrance door" means a
8 hinged, pivoting, revolving, or sliding door which is glazed
9 or to be glazed and used on the interior or exterior wall of
10 a commercial, public, or residential building and serving as
11 a means of ingress and egress.

12 (6) "Glazed" means the accomplished act of glazing.

13 (7) "Glazing" means the act of installing and securing
14 glass or other glazing material into prepared openings in
15 structural elements such as doors, enclosures, and panels.

16 (8) "Hazardous location" means a structural element,
17 regardless of whether or not the glazing is transparent or
18 whether it is glazed or to be glazed, which is:

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21 door;

22 (b) in a residential building or other structure used
23 as a dwelling, industrial building, commercial building, or
24 public building and commonly known as a sliding glass door,
25 storm door, shower door, or bathtub enclosure and other

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3 (c) composed of a material other than safety glass
4 which constitutes an unreasonable hazard as determined by
5 the director.

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8 (10) "Other structures used as dwellings" means mobile
9 homes, manufactured or industrialized housing, and lodging
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11 (11) "Person" means an individual, firm, corporation,
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25 Section 3. Labeling requirement -- safety glazing

March 29, 1977

SENATE
STANDING COMMITTEE REPORT
Taxation Committee

That House Bill No. 694, third reading, be amended as follows:

1. Amend page 3, section 2, line 23.

Following: "of the"

Insert: "current"

2. Amend page 3, section 2, line 24.

Following: "standard"

Strike: "ANSI-97.1-1972"

3. Amend page 5, section 3, line 16.

Following: "of"

Strike: "ANSI-97.1-1972"

Insert: "the current American national standards institute standard"