being registered with DMV, or a new vehicle that will be substantially altered or modified by a converter, which the bill would define, prior to resale.

Existing law requires DMV to furnish an autobroker’s registration certificate to a dealer who registers with DMV as an autobroker. This bill would, instead, require DMV to furnish the dealer with an autobroker’s endorsement to the dealer’s license. [S. Trans]

AB 1218 (Sher). Existing law makes it unlawful for a licensed dealer, as defined, to, among other things, advertise that the selling price of a vehicle is above, below, or at, among other things, the manufacturer’s or distributor’s invoice price to the dealer. As introduced February 23, this bill would make it unlawful for any person to use the terms “invoice,” “dealer invoice,” “dealer cost” in an advertisement relating to the sale or lease of a vehicle. The bill would make conforming changes in the existing provisions governing dealer advertising. [S. Trans]

LITIGATION

In Roulette Dealership Group of California, Inc. v. American Honda Motor Co., Inc., No. H010858 (Sixth District Court of Appeal), Honda is challenging a jury verdict of nearly $7 million in favor of Roulette on claims of breach of contract, bad faith denial of existence of contract, and conspiracy to interfere with prospective economic advantage arising out of Honda’s termination of a letter of intent agreement with Roulette for an Acura dealership in San Jose. In an amicus curiae brief, NMVB contends that the judgment should be reversed because Roulette failed to exhaust its administrative remedies before the Board. At this writing, the Sixth District has not yet scheduled oral argument.

Mark K. Edward, et al. v. Mazda Motor of America, Inc., et al., No. CV736 159 (Santa Clara County Superior Court), arises from the plaintiffs’ failed attempt to purchase a Mazda dealership. Plaintiffs claim that the defendants wrongfully interfered with the purchase; specifically, the plaintiffs’ claims against Mazda and its agents involve alleged intentional and negligent interference with economic relations, breach of implied covenant of good faith and fair dealing, and violation of Vehicle Code section 11713.3. In February 1994, NMVB submitted an amicus curiae brief supporting Mazda’s demurmer based on the plaintiffs’ failure to exhaust administrative remedies before the Board; the trial court sustained the demurmer with leave to amend on the ground that the plaintiffs failed to exhaust their administrative remedies, and sustained a second demurmer on plaintiffs’ amended complaint. The plaintiffs have appealed to the Sixth District Court of Appeal, where the matter is now pending.

RECENT MEETINGS

At its January 25 meeting, NMVB unanimously elected Manning Post to serve as President and Lucille Mazeika to serve as Vice-President for 1995.

FUTURE MEETINGS

September 7 in Sacramento.

OSTEOPATHIC MEDICAL BOARD OF CALIFORNIA

Executive Director: Linda Bergmann
(916) 322-4306

In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners; 1991 legislation changed the Board’s name to the Osteopathic Medical Board of California (OMBC). Today, pursuant to Business and Professions Code section 3600 et seq., OMBC regulates entry into the osteopathic profession, examines and approves schools and colleges of osteopathic medicine, and enforces professional standards. The Board is empowered to adopt regulations to implement its enabling legislation; OMBC’s regulations are codified in Division 16, Title 16 of the California Code of Regulations (CCR). The 1992 initiative, which provided for a five-member Board consisting of practicing doctors of osteopathy (DOs), was amended in 1982 to include two public members. The Board now consists of seven members, appointed by the Governor, serving staggered three-year terms.

At this writing, OMBC is functioning with two vacancies—one professional member and one public member. Additionally, the term of Richard Bond, DO, is scheduled to expire on June 1.

MAJOR PROJECTS

Board’s Budget Woes Appeased, But Not Abated. At this writing, OMBC has exhausted its budget for fiscal year 1994–95. At OMBC’s March 3 meeting, staff reported that it has requested a deficiency appropriation of $60,000 so that the Board may continue its enforcement functions until June 30. OMBC has also benefited from the license fee increase authorized by AB 3732 (Takasugi) (Chapter 895, Statutes of 1994). [15:1 CRLR 163; 14:4 CRLR 196] AB 3732 contained an urgency clause, enabling OMBC to immediately seek the fee increase, which it did in October by adopting amendments to section 1690, Title 16 of the CCR. On January 26, the Office of Administrative Law (OAL) approved the fee increase (see below); OMBC has been collecting the increased licensing fees and using them to support its ailing enforcement program since that date. At this writing, OMBC is also awaiting response on a budget change proposal it submitted seeking additional funds of $150,000 for fiscal year 1995–96.

Infection Control Regulations Approved. On January 26, OAL approved OMBC’s adoption of new section 1633, Title 16 of the CCR, which sets forth minimum standards for infection control in the practice of osteopathy through reference to U.S. Centers for Disease Control documents. [15:1 CRLR 164] The standards are aimed at preventing the transmission of bloodborne pathogens, especially HIV and hepatitis. The Board is currently considering the most cost-efficient method of distributing the standards to its licensees.

Regulatory Package Approved. Also on January 26, OAL approved OMBC’s amendments to sections 1609, 1610, 1630, 1635, 1636, 1641, 1646, 1647, 1650, 1651, 1669, 1670, 1673, 1678, 1681, and 1690, Title 16 of the CCR. Among other things, these amendments change annual fees to biennial fees and raise specified fees; add chiropractors to the list of those authorized to be included in osteopathic medical corporation registration; provide that a license will not be renewed if there is a continuing education deficiency at the time of biennial renewal; raise fees for restoration of forfeited certificates; and delete required forms contained in an appendix. [15:1 CRLR 163–64]

RECENT MEETINGS

At its March 3 meeting, OMBC noted that the number of applicants for the osteopathic examination has declined.

FUTURE MEETINGS

July 22 in Sacramento.

PUBLIC UTILITIES COMMISSION

Executive Director: Neal J. Shulman
President: Daniel Wm. Fessler
(415) 703-1487

The California Public Utilities Commission (PUC) was created in 1911 to regulate privately-owned utilities and ensure reasonable rates and service for the