



REGULATORY AGENCY ACTION

■ LEGISLATION

SB 2044 (Boatwright) declares legislative findings regarding unlicensed activity and authorizes all DCA boards, bureaus, and commissions, including BRGG, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill also provides that the unlicensed performance of activities for which a BRGG license or registration is required may be classified as an infraction punishable by a fine not less than \$250 and not more than \$1,000. This bill was signed by the Governor on September 30 (Chapter 1135, Statutes of 1992).

AB 2743 (Frazee) authorizes BRGG to establish a "cost recovery program"—that is, in a disciplinary proceeding, the Board could request the administrative law judge to direct the licentiate, in certain circumstances, to pay to the Board a sum not to exceed its reasonable costs of the investigation and enforcement of the case.

AB 2743 also amends Business and Professions Code section 7880 to provide that a certificate of registration as a geologist or as a specialty geologist shall expire at 12:00 a.m. on the last day of the birth month of the certificate holder during the second year of a two-year term if not renewed. To renew an unexpired certificate, the certificate holder shall, on or before the date of expiration of the certificate, apply for renewal on a form prescribed by BRGG, and pay the renewal fee. For purposes of implementing the distribution of the renewal of registrations throughout the year, BRGG is authorized to establish a system of staggered certificate expiration dates and a pro rata formula for the payment of renewal fees by certificate holders affected by the implementation of the program. This bill was signed by the Governor on September 30 (Chapter 1289, Statutes of 1992).

■ FUTURE MEETINGS

January 22 in Los Angeles.

BOARD OF GUIDE DOGS FOR THE BLIND

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The Board of Guide Dogs for the Blind has three primary functions. The Board protects the blind guide dog user by

licensing instructors and schools to ensure that they possess certain minimum qualifications. The Board also enforces standards of performance and conduct of these licensees as established by law. Finally, the Board polices unlicensed practice.

The Board, authorized by Business and Professions Code section 7200 *et seq.*, consists of seven members, two of whom must be dog users. In carrying out its primary responsibilities, the Board is empowered to adopt and enforce regulations, which are codified in Division 22, Title 16 of the California Code of Regulations (CCR).

The Board currently licenses three guide dog schools and 48 trainers.

■ LEGISLATION

AB 1077 (Bronzan) conforms California law relating to discrimination against individuals with disabilities with the federal Americans with Disabilities Act (ADA). Among other things, this bill modifies a requirement in the Unruh Civil Rights Act respecting rental of housing to persons with guide dogs, to expand the definition of the term "guide dog" to include guide dogs meeting definitional criteria of the federal law.

Existing law gives specified blind, hearing-impaired, and physically handicapped persons the right to be accompanied by guide, signal, or service dogs without paying an extra charge therefor. This bill makes those provisions applicable to individuals with disabilities, rather than physically handicapped persons, and prohibits requiring a special security deposit for those dogs. This bill was signed by the Governor on September 24 (Chapter 913, Statutes of 1992).

SB 2044 (Boatwright) declares legislative findings regarding unlicensed activity and authorizes all Department of Consumer Affairs boards, bureaus, and commissions, including the Board, to establish by regulation a system for the issuance of an administrative citation to an unlicensed person who is acting in the capacity of a licensee or registrant under the jurisdiction of that board, bureau, or commission. This bill was signed by the Governor on September 28 (Chapter 1135, Statutes of 1992).

SB 1793 (Marks). Under existing law, persons licensed to train guide dogs or authorized to train signal or service dogs are entitled to train the dogs in the same facilities to which disabled persons are entitled to take the dogs; existing law requires these trainers to carry and display prescribed identification upon request. This bill would have extended these ac-

cess rights to disabled persons who are training the dogs.

Existing law requires zoos and wild animal parks that do not permit guide dogs to provide free transportation for blind persons who would otherwise use a guide dog. This bill would have made these provisions also applicable with respect to visually impaired persons who use guide dogs.

Existing law requires high schools and community college schoolbuses to transport guide, signal, and service dogs when accompanied by a pupil, teacher, or trainer employed by a guide dog school licensed by the Board; existing law restricts these provisions to guide dogs that are trained by guide dog schools licensed by the Board. Existing law also allows a schoolbus driver to determine whether a guide, signal, or service dog should be muzzled while being transported in a schoolbus. This bill would have expanded these provisions to include guide dogs and trainers that are not trained or employed by a school licensed by the Board, and would have deleted the provision regarding muzzling of a guide, signal, or service dog while being transported in a schoolbus.

Also, this bill would have made it a crime for any person to permit any dog which is owned, harbored, or controlled by him/her to cause injury to or the death of, or to interfere with any guide, signal, or service dog, while the guide, signal, or service dog is in discharge of its duties, and would have made it a misdemeanor for any person to knowingly and fraudulently represent him/herself as the owner or trainer of a guide, signal, or service dog. Finally, this bill would have, until January 1, 1996, made related changes with respect to provisions regulating the Board, and would have provided the Board with exclusive authority, until January 1, 1996, to issue licenses for the training of guide dog school instructors. This bill died in the Assembly Ways and Means Committee.

■ RECENT MEETINGS

At its July 24 meeting, the Board reviewed the proposed format of an arbitration agreement which would establish an arbitration panel to settle disputes between guide dog users and licensed schools regarding continued use of a guide dog by a user. The disputes which may be subject to the agreement concern differences between the user and school regarding whether a guide dog should continue to be used; the appropriate treatment of the dog by the user; whether a dog should be returned to the school by the user; and whether a user should continue to have



custody of a dog pending investigation of charges of abuse. The agreement would not address issues such as admission to schools or training practices.

The proposal calls for the three licensed guide dog schools in California to "agree to provide to guide dog users graduating from the guide dog programs in such schools a new avenue for the resolution of disputes which involve continued use of a guide dog, or the actual physical custody of a guide dog." These disputes arise because most guide dog schools do not grant title or ownership of a dog to a user upon graduation, and have in the past abruptly relieved users of the custody of their dogs upon mere allegation of abuse or for other reasons, usually causing great hardship to the user. [12:2&3 CRLR 90; 12:1 CRLR 64] Under the proposal, a guide dog user who is dissatisfied with the decision of a school regarding his/her continued use of a guide dog may ask the Board to convene a special arbitration panel, which would consist of one person designated by the user, one person designated by the school, and a representative of the Board who would coordinate the activities of the panel and serve as chair. All findings and decisions of the arbitration panel would be final and binding.

The proposal would also provide that, as a general rule, custody of the guide dog shall remain with the guide dog user pending a resolution by the arbitration panel; however, in circumstances where the immediate health and safety of the guide dog user and/or the guide dog is threatened, the licensed school may take custody of the dog at once. If the dog is removed from the user's custody without his/her concurrence, the school must immediately provide to the Board the evidence which caused it to take such action; within five calendar days, a special committee consisting of two Board members shall determine the custody of the dog pending hearing by the arbitration panel.

The Board and two of the three licensed schools ratified the arbitration agreement at the July 24 meeting; however, the third school—Guide Dogs for the Blind—did not agree to the terms of the proposal and did not ratify it.

Following a discussion of the matter, the Board inspected Guide Dogs for the Blind in San Rafael.

■ FUTURE MEETINGS

To be announced.

BUREAU OF HOME FURNISHINGS AND THERMAL INSULATION

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The Bureau of Home Furnishings and Thermal Insulation (BHFTI) is charged with regulating the home furnishings and insulation industries in California. As a division of the state Department of Consumer Affairs (DCA), the Bureau's mandate is to ensure that these industries provide safe, properly labeled products which comply with state standards. Additionally, the Bureau is to protect consumers from fraudulent, misleading, and deceptive trade practices by members of the home furnishings, insulation, and dry cleaning industries. The Bureau is established in Business and Professions Code section 19000 *et seq.*

The Bureau establishes rules regarding furniture and bedding labeling and sanitation. To enforce its regulations, which are codified in Division 3, Title 4 of the California Code of Regulations (CCR), the Bureau has access to premises, equipment, materials, and articles of furniture. The Bureau may issue notices of violation, withhold products from sale, and refer cases to the Attorney General or local district attorney's offices for possible civil penalties. The Bureau may also revoke or suspend a licensee's registration for violation of its rules.

Until January 1, 1993, the Bureau is also charged with the registration of dry cleaning plants throughout the state. The registration process includes submission of information regarding the plant's onsite storage, treatment, and disposal of toxic wastes. The Bureau, however, has no enforcement authority regarding this function.

The Bureau is currently assisted by a thirteen-member Advisory Board consisting of seven public members and six industry representatives. However, ABX 66 (Vasconcellos) abolishes BHFTI's Advisory Board as of January 1, 1993 (*see infra* MAJOR PROJECTS and LEGISLATION). At the Advisory Board's June 9 meeting, Bureau Chief Gordon Damant announced that Don Simon, Sr., a bedding manufacturer, has been appointed to the Advisory Board. Damant also reported the resignation of Board member Lawrence Brooks; due to the pending elimination of the Advisory Board, no replacement is expected to be appointed.

■ MAJOR PROJECTS

Advisory Board Eliminated. As of January 1, 1993, ABX 66 (Vasconcellos) (Chapter 21X, Statutes of 1992) eliminates BHFTI's Advisory Board, which was established in 1955; at this time, it is unknown what effect, if any, the loss of the Advisory Board will have on the Bureau's activities. (*See infra* LEGISLATION.) Despite this action, BHFTI is encouraging continued industry and public input into Bureau decisionmaking, and will examine alternate ways to incorporate such input into Bureau programs.

Technical Bulletin 133. BHFTI's Technical Bulletin 133, which establishes higher flammability standards for furniture in certain public occupancy buildings, became law in California on March 1. [12:2&3 CRLR 90] At the Advisory Board's June 9 meeting, Bureau Chief Gordon Damant reported that several other states are considering the adoption of similar standards, and noted that members of the industry have received orders for furniture complying with Technical Bulletin 133 and its requirements. The Bureau has conducted a series of well-attended public seminars in order to publicize Technical Bulletin 133 and its requirements; upon request, Chief Damant has also conducted many seminars with individual groups. Additionally, BHFTI has prepared a comprehensive informational package which includes copies of the current flammability law and regulations, information about flammability labeling, a copy of the Technical Bulletin 133 seating product description form, Technical Bulletin 133 itself, and a question-and-answer booklet.

Technical Bulletin 129. In conjunction with Technical Bulletin 133, BHFTI published Technical Bulletin 129 in late May; Technical Bulletin 129 consists of a full-scale fire performance test for mattress systems intended for use in various public buildings. [12:2&3 CRLR 90] BHFTI released a draft standard in order to solicit public comment; the Bureau is currently writing the final version. At the Advisory Board's June 9 meeting, Chief Damant reported that the American Society for Testing and Materials (ASTM) is considering the adoption of Technical Bulletin 129 as an ASTM standard, and that the bedding industry is interested in using the Bulletin as a national standard for contract mattresses. At this writing, the date of adoption for Technical Bulletin 129 has not been set.

Merger of BHFTI and Bureau of Electronic and Appliance Repair. At its June 9 meeting, the Advisory Board dis-