



equipment. This bill is pending in the Assembly Committee on Environmental Safety and Toxic Materials.

SB 295 (Calderon), as introduced February 5, would limit the cost for a Smog Check test only to \$15, exclusive of the charges for the certificate. This bill would require an additional \$1 charge for the certificate; the proceeds of this charge would be used to fund a program for individuals to report to ARB, through a toll-free telephone number or on printed forms, vehicles which emit unusual amounts of pollutants. This bill is pending in the Senate Transportation Committee.

SB 573 (Rosenthal), as introduced February 28, would enact the Rosenthal Used Car Warranty Act, and require BAR to establish a program for certifying a third party dispute resolution process used for arbitrating disputes relating to the warranties on used motor vehicles. BAR currently administers a similar program for new car warranty disputes. This bill is pending in the Senate Committee on Insurance, Claims and Corporations.

AB 211 (Tanner). Existing law provides that if a new motor vehicle is transferred by a buyer or lessee to a manufacturer because of the manufacturer's inability to repair a nonconformity to an express warranty, then no person shall sell or lease that motor vehicle unless the nature of the nonconformity is disclosed, the nonconformity is corrected, and the manufacturer provides a new warranty in writing. As introduced January 9, this bill would provide that no person shall transfer, in addition to the prohibition against selling and leasing, a motor vehicle in that situation unless that correction is made, and that disclosure and warranty are provided. The bill would require BAR to issue regulations regarding the disclosure of the nature of the nonconformity. This bill is pending in the Assembly Ways and Means Committee.

AB 1118 (Johnson). Existing law authorizes DCA to suspend or revoke the license of a Smog Check station or mechanic under prescribed circumstances, according to procedures adopted in the Department's rules and regulations. As introduced March 5, this bill would require DCA to publish the rules and regulations, including guidelines for disciplinary action or the terms of penalties or probation. The bill would prohibit the suspension or revocation of a Smog Check station license, including a Smog Check test only station, absent negligent or other specified conduct by the owner. That negligence would be presumed in certain instances. The bill would prohibit revocation of the station's license unless

the Department proves that the owner has violated the law or regulations four or more times in 24 months. This bill is pending in the Assembly Transportation Committee.

RECENT MEETINGS:

At its February 8 Advisory Board meeting in El Toro, BAR conducted officer elections to cure the defective officer elections conducted at the Board's November 9 meeting in San Luis Obispo. The November 9 elections violated the Bagley-Keene Open Meeting Act (Government Code section 11120 *et seq.*) because prior notice of the elections had not appeared on the agenda distributed in advance of the meeting. On February 8, the Board elected William Kludjian and Jack Thomas as Chair and Vice-Chair, respectively.

Also at the February 8 meeting, Dan Buntjer, Supervising Counsel from DCA's Legal Office, updated the Board on public meeting laws. Mr. Buntjer advised the Board on the Bagley-Keene Act, with particular reference to the elections and notice violation mentioned above. He also described the scope of other provisions in the Bagley-Keene Act, and the penalties for their violation.

The Board also heard from William Gandsey, Supervising Special Investigator, Petroleum Products, Division of Measurement Standards, California Department of Food and Agriculture (CDFA). Mr. Gandsey reported on violations of alcohol content in gasoline at service stations. In a recent southern California survey, 91 stations were sampled for alcohol content and 46 fuel samples contained alcohol. Of the 46, ten cases rose to the level of actual violations. Mr. Gandsey's CDFA division oversees gasoline pump labeling at service stations and monitors the alcohol content in gasoline; he stated that the penalty for violation is a misdemeanor, including the possibility of fines up to \$1,000 or six months in jail.

Bureau Chief John Waraas reported on the new \$1.7 million statewide public awareness contract awarded to Los Angeles-based Edelman Public Relations Worldwide. Sacramento-based Johnson/Smith/Hobbs/McNally was awarded a \$119,000 contract to conduct a similar campaign in Glenn and Butte counties, and parts of Yolo, Solano, and San Bernardino counties. Upcoming public awareness events include mechanics' workshops in Chico, Fairfield, and Apple Valley.

FUTURE MEETINGS:

August 9 in Los Angeles.
November 8 in Napa.

BOARD OF BARBER EXAMINERS

Executive Officer: Lorna P. Hill
(916) 445-7008

In 1927, the California legislature created the Board of Barber Examiners (BBE) to control the spread of disease in hair salons for men. The Board, which consists of three public and two industry representatives, regulates and licenses barber schools, instructors, barbers, and shops. It sets training requirements and examines applicants, inspects barber shops, and disciplines violators with licensing sanctions. The Board licenses approximately 22,000 barbers, 5,000 shops, and 20 schools.

BBE's enabling act is currently found at Business and Professions Code section 6500 *et seq.*; the Board's regulations are located in Division 3, Title 16 of the California Code of Regulations (CCR).

On July 1, 1992, BBE and Board of Cosmetology (BOC) will merge, pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990). The Business and Professions Code sections which establish BBE and BOC will be repealed and replaced with an enabling act creating the Board of Barbering and Cosmetology (BBC), which will provide for the licensure and regulation of persons engaged in the practice of performing specified acts relating to barbering, cosmetology, and electrolysis.

MAJOR PROJECTS:

Merger with Board of Cosmetology. In conjunction with BBE and BOC, the Department of Consumer Affairs (DCA) recently hired Kirk Marston as associate governmental program analyst to develop regulations for the merged BBC. Pursuant to AB 3008 (Eastin) (Chapter 1672, Statutes of 1990), the appointment is for a limited period of 18 months. Funding for the position will be jointly provided by BBE and BOC. (See CRLR Vol. 11; No. 1 (Winter 1991) p. 51; Vol. 10, No. 4 (Fall 1990) p. 58; and Vol. 7, No. 1 (Winter 1987) p. 1 for extensive background information on the merger.) Mr. Marston was introduced at the Board's February 25 meeting.

Board Considers Removal of the Shave from Licensing Examination. At the Board's February 25 meeting, BBE member Elton Pamplin once again proposed deletion of the shaving requirement as a demonstrated skill on the state licensing examination. (See CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) pp. 73-74 and Vol. 9, No. 4 (Fall 1989) p. 46 for background information.) According to Pamplin, his poll of the state's barber colleges indicated that all



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but two are in favor of abolishing the shave requirement. Pamplin's reasons for this proposal include the facts that few customers request shaves; the few patrons who do request shaves are usually shaved with an electric razor; there are not enough models upon which to train new barbers in shaving techniques; and many barbers fear they may contract AIDS if they accidentally cut an infected customer. Pamplin also expressed concern about the liability of BBE and barber colleges if a student contracts AIDS while preparing for the licensing examination.

Board president Edna Mayhand, a BBE inspector, and various barbers stated opposition to Pamplin's proposal, stating that the shave is the only aspect of barbering which distinguishes it from cosmetology. DCA legal counsel Gus Skarakis expressed doubt that the Board could remove the shave requirement from the exam since barber schools are statutorily required to teach the shave. He opined that legislation would be necessary to eliminate the requirement.

President Mayhand temporarily resolved the issue by appointing Board members Robert Boulding and Paul Schwager and barber college owner Frank Chirco to a committee on sanitation in barber shops and schools. She requested that the committee examine the shave, chemical processes, and the facial for sanitation concerns, and report its findings to the Board.

LEGISLATION:

AB 1161 (Eastin). AB 3008 (Eastin), the BBE-BOC merger bill, requires the new BBC to appoint an executive officer subject to confirmation by the DCA Director. The Director may reject BBC's appointment of its executive officer, or may recommend dismissal of the executive officer to the Board, provided that the recommendation be for good cause specifically stated in writing. As introduced March 6, this bill would specify that both the rejection and the recommendation for dismissal must be for good cause and specifically stated to the Board in writing.

AB 1161 would also delete a requirement that BBC, commencing July 1, 1992, inspect every establishment at least twice per year where any licensed barbering or cosmetology activity is practiced for compliance with applicable laws relating to the public health and safety and the conduct and operation of such establishments. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency and Economic Development.

AB 2180 (Baker), as introduced March 8, would direct the new BBC, on or before January 1, 1993, to promulgate regulations concerning the practice of booth rental. This bill, which would become operative July 1, 1992, is pending in the Assembly Consumer Protection Committee.

RECENT MEETINGS:

At its February 25 meeting in Palm Springs, BBE discussed its latest semi-annual report on inspections, examinations, enrollments, administrative hearings, and complaints; this report covered the period of July-December 1990. According to BBE President Mayhand, inspections are increasing toward the Board's goal; 6,372 inspections were conducted during the six-month period. Executive Officer Lorna Hill explained there would have been close to 8,000 inspections, but some of the inspectors were sick and others were involved in accidents during the period. The passage rate for the 349 students, apprentices, and instructors who took the Board exam was 79.83%; Board member Red Carter opined that the ideal passage rate is 75%. Enrollments in all colleges reached 326 during the six-month period. Fifty complaints were filed, two licenses revoked, fifteen licenses suspended, and \$17,775 in fines collected during the period.

Also at its February meeting, BBE approved the application of Moler Barber College in Sacramento and granted provisional approval of a new barber college in Bakersfield.

BBE voted to oppose AB 223 (Felando), which is sponsored by cosmetology schools; the bill would allow BOC to issue temporary licenses to students who have finished training and are waiting to be scheduled for examinations. Board and audience members expressed concern that unlicensed students would be released on an unsuspecting public which expects cosmetologists to be licensed before they are allowed to practice their trade. (See *infra* agency report on BOARD OF COSMETOLOGY for more information on AB 223.)

Also in February, BBE passed a proposal to allow an equivalent to the 60-hour industrial education class required for beginning barber instructors, since the class is no longer being offered in southern California. BBE will now allow any three-unit class in Teaching Methods for Secondary Level Learners which is taught in a community college (or its equivalent or higher) by a professor in the education department in lieu of the required industrial education class.

At a March 18 emergency meeting, BBE voted to raise its fees to the statutory maximum, with cyclical renewal, to avoid a deficit in fiscal year 1991-92.

FUTURE MEETINGS:

To be announced.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan (916) 445-4933

Authorized by Business and Professions Code section 4980 *et seq.*, the eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs. The Board's regulations appear in Division 18, Title 16 of the California Code of Regulations (CCR).

MAJOR PROJECTS:

MFCC Internship Issues. AB 3657 (Vasconcellos) (Chapter 1365, Statutes of 1986) rewrote the laws governing the educational and experience requirements for MFCC licensure after January 1, 1988. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 59; Vol. 10, No. 1 (Winter 1990) p. 59; and Vol. 9, No. 3 (Summer 1989) pp. 41-42 for background information.) Among other things, AB 3657 requires an MFCC applicant to complete 3,000 hours of supervised experience over a period of not less than 104 weeks, and within the six-year period immediately preceding the date the application for MFCC licensure is filed with BBSE.

During 1989, the Board received a request for an extension of an MFCC internship registration beyond the six-year maximum period. Following deliberation, BBSE instructed its staff to inform interns requesting such an extension that they could reapply for intern registration upon expiration of the six-year period, but that they would have to meet the 1988 educational requirements as set forth in AB 3657. This same information was disseminated in BBSE's *Bulletin* newsletter in late 1989.

At its January 18 meeting, BBSE instructed its staff to draft legislation, to