



SB 168 (Hill), as introduced January 14, would make it unlawful for any person to sell or offer for sale any horse or foal bred for horse racing if the person knows or has reason to know that steroids have been administered to the horse or foal, and that the horse or foal is or will be entered in a horse race. This bill is pending in the Senate Governmental Organization Committee.

AB 244 (Floyd). Existing law requires CHRB to provide a method to estimate the aggregate handle for each association's proposed meeting and provides that estimates may be revised during the course of a meeting. As introduced January 14, this bill would authorize an association to revise its estimate for the aggregate handle during the meeting only if CHRB determines that the revision is necessary. This bill is pending in the Assembly Governmental Organization Committee.

AB 326 (Floyd), as introduced January 28, would permit the Board to authorize any association which is licensed to conduct harness or quarter horse racing in Orange County to operate a satellite wagering facility, for the purpose of conducting satellite wagering on night harness or quarter horse races conducted in the northern zone. This bill is pending on the Assembly floor.

AB 385 (Mountjoy). Under existing law, the Board is authorized to allocate twelve weeks of harness racing to the 22nd District Agricultural Association, but restricts the allocation of those weeks to the months of January, October, November, and December. This bill would delete that restriction. This bill is pending in the Assembly Governmental Organization Committee.

SB 204 (Maddy), as introduced January 18, would delete an existing provision which states that no California State Lottery game may include a horse racing theme. This bill is pending in the Senate Governmental Organization Committee.

The following is a status update on bills described in detail in CRLR Vol. 11, No. 1 (Winter 1991) at pages 142-43:

AB 159 (Floyd), as introduced December 19, would require CHRB to adopt regulations to eliminate the drug-ging of horses entered in horse races, and to adopt regulations on the medication of racehorses sold at horse sales or horse auction sales sufficient to protect the horses, owners, and the general public. This bill is pending in the Assembly Governmental Organization Committee.

AB 160 (Floyd), as introduced December 19, would revise and recast the provisions relating to CHRB's authority to regulate stewards and racing officials, and would cre-

ate a stewards' committee to advise the Board on matters relating to stewards and racing officials. This bill would also repeal the existing requirement that the Board designate a steward at the track where a meeting is being conducted to monitor the satellite wagering activities at the track and at all facilities receiving the signal. Instead, the Board would be required to set forth requirements for the position of satellite facility supervisor for all satellite wagering facilities operated by the state or on public land. This bill is pending in the Assembly Governmental Organization Committee.

SB 31 (Maddy), as introduced December 3, would prohibit the administration by any means of any substance to a horse entered to race in a horse race within 72 hours of the race in which the horse is entered, unless CHRB has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. This bill passed the Senate on March 14 and is pending in the Assembly Governmental Organization Committee.

RECENT MEETINGS:

At its January 25 meeting, the Board designated Cornell University and the Iowa State Racing Chemist Laboratory as the laboratories which are authorized under Business and Professions Code section 19577 to accept samples from the horsemen's split sample program.

At its February 22 meeting, the Board discussed the enforcement of regulatory section 1468. The rule requires a racing association to provide the services of an ambulance and properly qualified attendants at all times during the running of races at its meeting, or during the hours the association permits the use of its race course for training purposes. For several years, the Board has allowed racing associations to contract with an ambulance company to provide on-call service rather than requiring the ambulance service to be physically at the track. The on-call service is supposed to provide emergency care within five minutes of being called. On several occasions, however, an ambulance service did not arrive for more than 20 minutes after a rider was injured. Due to the serious risks involved, the Board concluded that section 1468 should be strictly enforced, and that racing associations must now provide ambulance service at the track at all times during the running of races at its meeting, and during the hours the association permits the use of its race course for training.

Also in February, the Board discussed a request to amend regulatory section 1970, which prohibits an owner, autho-

rized agent, or trainer with a horse entered in a race from wagering on any other horse competing in that race, except in races with exacta wagering where a wager may be made on a competing horse to finish second. The Board was asked to amend section 1970 to exclude from the prohibition other types of exotic wagering, such as pick-six and pick-nine. The amendment request was referred to the Parimutuel Committee for recommendations and proposed language.

Also at its February 22 meeting, the Board granted a request from Pacific Racing Association (the association that provides thoroughbred racing at Golden Gate Fields) to amend its application and license to provide a seven-week Thursday afternoon twilight program with a first post-time of approximately 3:30 P.M.

FUTURE MEETINGS:

July 26 in Del Mar.
August 30 in Del Mar.
September 27 in San Mateo.
October 25 in Monrovia.
November 15 in Los Angeles.
December 13 in Los Angeles.

NEW MOTOR VEHICLE BOARD

Executive Officer: Sam W. Jennings
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Pursuant to Vehicle Code section 3000 *et seq.*, the New Motor Vehicle Board (NMVB) licenses new motor vehicle dealerships and regulates dealership relocations and manufacturer terminations of franchises. It reviews disciplinary action taken against dealers by the Department of Motor Vehicles (DMV). Most licensees deal in cars or motorcycles.

NMVB is authorized to adopt regulations to implement its enabling legislation; the Board's regulations are codified in Chapter 2, Division 1, Title 13 of the California Code of Regulations (CCR). The Board also handles disputes arising out of warranty reimbursement schedules. After servicing or replacing parts in a car under warranty, a dealer is reimbursed by the manufacturer. The manufacturer sets reimbursement rates which a dealer occasionally challenges as unreasonable. Infrequently, the manufacturer's failure to compensate the dealer for tests performed on vehicles is questioned.

The Board consists of four dealer members and five public members. The Board's staff consists of an executive



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secretary, three legal assistants and two secretaries.

LEGISLATION:

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, in addition to the prohibition against selling and leasing, no person shall transfer a motor vehicle in that situation unless that correction is made, and that disclosure and warranty are provided. This bill would also specify that, except for the requirement that the nature of the nonconformity be disclosed, these provisions do not apply to the transfer or a motor vehicle to an educational institution if the purpose of the transfer is to make the vehicle available for use in automotive repair courses. This bill is pending in the Assembly Committee on Consumer Protection, Governmental Efficiency, and Economic Development.

AB 126 (Moore), as introduced December 6, would provide that, in addition to any other right to revoke an offer or rescind a contract, the buyer of a motor vehicle has the right to cancel a motor vehicle contract or offer which complies with specified requirements until the close of business of the first business day after the day on which the buyer signed the contract or offer. This bill is also pending in the Assembly Consumer Protection Committee.

RECENT MEETINGS:

At the Board's February 28 meeting, Executive Officer Sam Jennings reported that the restructuring of fees paid by manufacturers and distributors from a flat fee of \$200 to \$0.45 per vehicle had been fully implemented. (See CRLR Vol. 10, No. 4 (Fall 1990) p. 176 for detailed background information on this change.) Although payment of these fees has placed the NMVB on fiscally solvent ground again, Jennings recommended that a minimum fee of \$300 be imposed to justify collection costs for the 15-20 dealers who sell less than 667 cars per fiscal year.

FUTURE MEETINGS:

To be announced.

BOARD OF OSTEOPATHIC EXAMINERS

*Executive Director: Linda Bergmann
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In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners (BOE). Today, pursuant to Business and Professions Code section 3600 *et seq.*, BOE 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; BOE's regulations are codified in Division 16, Title 16 of the California Code of Regulations (CCR). The 1922 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.

MAJOR PROJECTS:

Budget Surplus Reduction. At its February 22 meeting, BOE approved a proposal for a long-term budget reduction program. For the past few meetings, BOE has been discussing possible courses of action to eliminate much of its budget surplus, in order to avoid the loss of excess funds to the state's general fund. (See CRLR Vol. 11, No. 1 (Winter 1991) p. 144 for background information.) BOE concluded that decreasing fees for DOs already licensed in California is the most equitable plan for cutting revenues.

At the February meeting, the individual fee reductions were explained in detail. The Board plans to reduce annual licensure fees, from \$175 to \$125 for active licensees. Inactive licensee fees will also be cut from \$150 to \$100 annually. Renewal fees for fictitious name permits will decrease from \$50 to \$25, and original application fees for such permits will be \$50, reduced by half the normal amount. Registration fees for corporations will be cut from \$100 to \$50 annually.

State agencies are normally expected to keep funds in reserve equalling one year's normal expenditures. This reserve balance is a safeguard for the agency in case of the need for emergency spending. BOE has a surplus reserve of \$781,000. Because its average yearly expenditures total somewhere between \$400,000-425,000, BOE has taken this action to reduce its annual revenues and

surplus to a more acceptable and manageable level.

BOE estimates that, with the new budget cuts, annual revenues will be decreased from \$431,000 (1989-90) to \$400,000 (1991-92). It also projects that by the close of the 1992-93 fiscal year, BOE revenues will be reduced to \$345,000 per year. These figures are based upon BOE calculations using the average number of licensees and the average number of license applications.

LEGISLATION:

AB 437 (Frizzelle), as introduced February 6, would change the Board's written exam procedures by requiring the Board to use only a written examination prepared by the National Board of Osteopathic Examiners or BOE; this bill would also delete an existing provision authorizing the Board to make arrangements with other organizations for examination materials as it deems desirable.

Existing law specifies the qualifications for the issuance of a license based on reciprocity as an osteopathic physician to a person who is licensed to practice osteopathic medicine in another state. One of the qualifications is that the applicant hold an unrestricted license to engage in the practice of osteopathic medicine in another state whose written licensing examination is recognized and approved by BOE. Existing law also, in lieu of a Board-approved and recognized state written license examination, authorizes the Board to require an applicant to successfully complete a special examination in general medicine and osteopathic principles as prepared by the National Board of Osteopathic Medical Examiners, BOE, or the Federation of State Medical Boards.

This bill would delete the requirement that the out-of-state licensing examination be approved by the Board, and instead would require the examination to be recognized by the Board to be equal in content to that administered in California. This bill would also delete the authorization of the Board to require the applicant to successfully complete an examination prepared by the Federation of State Medical Boards. This bill is pending in the Assembly Health Committee.

AB 1332 (Frizzelle). The Osteopathic Act requires the Governor to appoint the five professional members of BOE, each of whom are required to have been a citizen of this state for at least the five years preceding his/her appointment and who are graduates of osteopathic schools who hold unrevoked licenses or certificates to practice in this state. The term of office