



struct a racetrack in Riverside County, which would be operated by the Golden Empire Racing Association. It is estimated that the new facility, which would conduct quarter horse and harness racing, could handle annual wagering of approximately \$120 million.

Also at its June 22 meeting, Chairman Chavez directed staff to document when a horse tests positive for high levels of Butazolidin; this documentation will assist CHRБ and its staff in identifying trainers who may be over-medicating their horses.

Also at its June 22 meeting, the Board authorized staff to enter into an Interagency Agreement with UC Davis for the services of CHRБ Equine Medical Director Dr. Rick Vulliet. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 131 for background information.)

At its July 26 meeting, CHRБ concluded its nationwide search for a new Executive Secretary to replace Leonard Foote, who retired in April after serving fourteen years as CHRБ's Executive Secretary. After considering 42 applicants for the \$74,500-per-year position, the Board selected Acting Executive Secretary Dennis Hutcheson as new Executive Secretary. Hutcheson served as Assistant Executive Secretary under Foote since 1988.

At the August 24 meeting, the Board approved a simulcasting agreement between Bay Meadows Racing Association and the California Exposition and State Fairs.

FUTURE MEETINGS:

To be announced.

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 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 man-

ufacturer. 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 secretary, three legal assistants and two secretaries.

MAJOR PROJECTS:

Proposed Regulations. At an October 17 public hearing, NMVB was scheduled to consider several proposed changes to its regulations in Title 13 of the CCR, to restructure the manner in which fees are charged of dealers, manufacturers, distributors, and representatives subject to the jurisdiction of the Board. These fee adjustments are mandated by AB 1104 (Torres) (Chapter 193, Statutes of 1989), which requires that NMVB licensees be charged fees sufficient to fully fund the Board's activities. (See CRLR Vol. 9, No. 4 (Fall 1989) p. 132 for background information on AB 1104.)

Currently, the Board collects \$200 annually from every applicant seeking issuance or renewal of a license as a new motor vehicle dealer, dealer branch, manufacturer, manufacturer branch, distributor, distributor branch, or representative, paid to the DMV in behalf of the Board. The proposed regulatory amendments will increase that annual fee to \$300 for new motor vehicle dealers and dealer branches, while eliminating the flat fee requirement for manufacturers, manufacturer branches, distributors, distributor branches, and representatives.

Instead, the proposed amendments would assess an annual fee of \$0.45 per vehicle distributed by manufacturers and distributors which are in turn sold, leased, or otherwise distributed in the state. Unlike the flat fee above, this fee is to be paid directly to the Board. Manufacturers and distributors will also be required to file a written statement on or before May 1 of each year to enable the Board to calculate the fee to be charged. Where this statement is not submitted, the proposed regulations suggest a system of accounting by reviewing the new motor vehicle registration records of the DMV.

LEGISLATION:

The following is a status update on bills reported in detail in CRLR Vol. 10, Nos. 2 & 3 (Spring/Summer 1990) at pages 205-06:

AB 3515 (Bane), as amended August 22, requires substantial justification for

the failure to comply with discovery procedures associated with a hearing on a petition to terminate a franchise, and authorizes the secretary of the Board to require a party who fails to comply with discovery procedures, authorized by the Board, to pay the attorneys' fees and costs of the party who successfully makes or opposes a motion to compel enforcement of discovery. This bill was signed by the Governor on September 25 (Chapter 1325, Statutes of 1990).

AB 3796 (Bane). Existing law, with specified exceptions, makes residence addresses in the records of the DMV confidential, and restricts the release of mailing addresses in those records. As amended August 9, this bill exempts from those provisions, under specified conditions, licensed vehicle manufacturers and dealers, and persons who provide advance adequate written assurance that the information will be used solely for statistical research or reporting purposes. This bill was signed by the Governor on September 30 (Chapter 1635, Statutes of 1990).

The following bills died in committee: *AB 2604 (Moore)*, which would have provided 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, as specified, until midnight of the first business day after the day on which the buyer signs a motor vehicle contract or offer which complies with specified requirements; and *AB 3190 (Tanner)*, which would have required a specified disclosure to the buyer of a new vehicle by both the manufacturer and the dealer regarding the ability of the vehicle to be operated with tire chains.

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