



REGULATORY AGENCY ACTION

BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Chief: Jack Hayes
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The Bureau of Electronic and Appliance Repair (BEAR) was created by legislative act in 1963. It registers service dealers who repair major home appliance and electronic equipment.

Grounds for denial or revocation of registration include false or misleading advertising, false promises likely to induce a customer to authorize repair, fraudulent or dishonest dealings, any willful departure from or disregard of accepted trade standards for good and workmanlike repair and negligent or incompetent repair. The Electronic and Appliance Repair Dealers Act also requires service dealers to provide an accurate written estimate for parts and labor, provide a claim receipt when accepting equipment for repair, return replaced parts, and furnish an itemized invoice describing all labor performed and parts installed.

The Bureau continually inspects service dealer locations to ensure compliance with the Electronic and Appliance Repair Dealers Registration Law and regulations. It also receives, investigates and resolves consumer complaints.

The Bureau is assisted by an Advisory Board comprised of two representatives of the appliance industry, two representatives of the electronic industry, and five public representatives, all appointed for four-year terms. Of the five public members, three are appointed by the Governor, one by the Speaker of the Assembly, and one by the Senate President pro Tempore.

Armen Karagosian, an electronic service dealer from Fresno, was elected Advisory Board President for the year 1989; Fay Wood, a public member, was recently elected as Vice-President. Ms. Wood was formerly with Elite, a service contracts administrator. She is presently the owner of a consulting/marketing business for companies involved in service contracts.

MAJOR PROJECTS:

Registration of Electronic and Appliance Technicians. At the Board's November 18 meeting, BEAR Los Angeles Office Supervisor Zeferino Lopez presented a proposal for the registration of electronic and appliance technicians in California. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 54 for background information.) The Board is considering whether the registration and/or licensing of technicians would improve consumer

protection. A contested issue is whether technicians should have to pass a competency test to be allowed to repair electronic and appliance equipment.

Those opposed to the licensing of technicians argue that many technicians in the repair industry have been trained by the employer (service dealer) and have become valued, skilled technicians, but may not be able to pass a written test. In contrast to licensing, registration of technicians would allow BEAR to track and discipline incompetent technicians. A registration requirement might prevent an incompetent technician from moving from service dealer to service dealer with impunity. The Board's Legislative Committee, which has been studying this issue, has asked registered service dealers to complete a questionnaire regarding this proposal.

LEGISLATION:

During the 1989 legislation session, the Board plans to sponsor legislation to amend section 9801(g)(2) of the Business and Professions Code, to extend its jurisdiction over the installation of automobile alarm (anti-theft) systems. At present, many dealers who install radios and stereo systems in vehicles and are registered with BEAR also advertise and install security systems. However, the Bureau of Automotive Repair is presently authorized to regulate the installation of automobile security systems, which are electronic in nature but are integrated into the operation of vehicles in other respects. This proposal would give BEAR jurisdiction over the installation of security systems.

BEAR may also seek an amendment to the Penal Code, to make the conversion of funds collected on a third party service contract sale by a retailer an embezzlement as defined and punished under Penal Code section 507. The statute would include not only an owner or partner of any business engaged in the sale of service contracts under a third party arrangement, but any authorized agent selling service contracts working for the retailer.

BEAR also hopes to add section 9854 to the Business and Professions Code, to authorize the Director of the Department of Consumer Affairs to issue a citation for an order of correction to any unregistered person unlawfully advertising in an alphabetical or classified directory. If not corrected, the Public Utilities Commission would then require the phone corporation furnishing service to cease all service to the telephone number contained in the unlawful advertising.

RECENT MEETINGS:

At its October meeting, the Legislative Committee discussed the practice of service contract administrators who require their authorized service dealers to retain replaced parts from service contract repairs for inspection. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 54 for background information.) This practice sometimes conflicts with current section 9843 of the Business and Professions Code, which requires service dealers to return most replaced parts to consumers after repairs. The Committee is unwilling to recommend a change in the statute to exempt service contract administrators or manufacturers who sell service contracts from returning replaced parts. BEAR has sent letters to service contract administrators advising them of this requirement and of the fact that their authorized service dealers may be in violation of section 9843.

FUTURE MEETINGS:

May 26 in Anaheim.

August 25 in San Francisco.

November 17 in San Diego.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

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The five-member Board of Funeral Directors and Embalmers licenses funeral establishments and embalmers and approves changes of business name or location. It registers apprentice embalmers, approves funeral establishments for apprenticeship training, annually accredits embalming schools and administers the licensing examinations. The Board inspects the physical and sanitary conditions in a funeral establishment, enforces price disclosure laws and audits preneed funeral trust accounts maintained by its licensees. (A Board audit of a licensed funeral firm's preneed trust funds is statutorily mandated prior to transfer or cancellation of the license.) In addition, the Board investigates and resolves consumer complaints.

MAJOR PROJECTS:

Advertising Practices. At its September 22 meeting in San Diego, the Board discussed its proposed response to a letter mailed by the Cemetery Board on July 10 to all funeral directors. The July 10 letter represents the latest installment in the ongoing dispute between the Board of Funeral Directors and Embalmers and the Cemetery Board over the funeral