



is also utilized to assist in achieving Bureau goals.

Consumers and clients may pursue civil remedies to resolve complaints and disputes currently within the regulatory authority of the Bureau. In addition, class action suits may be filed on behalf of consumers by the Attorney General's office and local district attorneys against businesses which engage in repetitive unethical business practices.

MAJOR PROJECTS:

Conservatorships. The conservatorship issue continues to be a concern for the Collection Agency Advisory Board (CAAB). (See CRLR Vol. 8, No. 4 (Fall 1988) p. 48; Vol. 8, No. 3 (Summer 1988) pp. 51-52; and Vol. 7, No. 4 (Fall 1987) p. 44 for background information.) At CAAB's January 18 meeting in Palm Springs, Bureau Chief Alonzo Hall was questioned about the status of the Bureau's search for an alternative to the present conservatorship program for out-of-trust collection agencies. Chief Hall stated that the Bureau Chief is the only person who may put a collection agency into conservatorship, through a delegation of statutory authority from the DCA Director. Only a statutory amendment could authorize a change in this procedure.

Qualified Managers Exam. One of the CAAB's goals for 1989 is to draft and implement a new qualified managers examination. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 51 for background information.) In order to legally operate in California, a licensed collection agency must have a qualified manager (QM) on its premises 51% of the time it is doing business. The QM must pass the exam in order to be licensed. Although CAAB discussed the exam at its January meeting, no specific completion date was set for the project.

Powers to Arrest Manual. The updated and edited version of the Private Security Services Advisory Board's (PSSAB) Powers to Arrest Manual is being reviewed by DCA's legal staff. The updated manual contains no new policy or procedural changes, but was edited to correct errors concerning the Penal Code, and to clarify and simplify procedural instructions.

Baton Manual. The PSSAB is in the process of creating a Baton Manual so that training facilities will have uniform criteria for certifying guards to carry a baton. This manual is still being revised by Bureau staff and will then be reviewed by DCA.

LEGISLATION:

AB 613 (Lancaster) would delete the authority of the DCA Director to deter-

mine the equivalent amount of experience in investigation work required for a private investigator's license. Existing law requires a specified amount of experience or the equivalent as determined by the Director. The bill is pending in the Assembly Government Efficiency and Consumer Protection Committee at this writing.

AB 1644 (Peace) would require BCIS to develop a powers to arrest training manual which shall be used by certified instructors in a course of training on the power to arrest. This training would be required to obtain a security guard registration card. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 1501 (Quackenbush) would prohibit a security guard from carrying a baton or firearm unless he/she is in uniform, and would require any person wearing a badge, baton, or firearm to wear a patch reading "security guard" of a design approved by the DCA. This bill would also require any person required to be registered as a security guard to carry his/her registration card while on duty. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 268 (Chacon) would provide that no person who is wearing the uniform of a peace officer or a security officer, or who is carrying a firearm, shall be permitted in the voting booth area of polls on election day, except under specified conditions. AB 268 is pending in the Assembly Committee on Elections, Reapportionment, and Constitutional Amendments.

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 1 (Winter 1989) at page 43:

SB 104 (Robbins), which would increase the maximum fees and expenses that may be charged by a conservator appointed to take over the business of a collection agency, is still pending in the Senate Committee on Insurance, Claims and Corporations at this writing.

SB 141 (Deddeh) was amended on March 9 to change the existing law which prohibits the Bureau from releasing the home address or home phone number of any person licensed as a collection agency or registered as an employee of a collection agency, unless the request is in writing. This bill now provides that BCIS applicants, licensees, and registrants may provide to the BCIS either their home or business address; that registrants and licensees must be notified by BCIS of any request for information concerning that registrant or licensee; and that BCIS is prohibited from releas-

ing the home address or phone number if the licensee or registrant has provided a business address or phone number.

SB 141 would also authorize BCIS to issue interim licenses under specified conditions, and make several other changes to the Collection Agency Act. This bill is pending in the Senate Committee on Insurance, Claims and Corporations.

AB 255 (Floyd), which would permit DCA to adopt regulations that a security guard must meet in order to become a professional bodyguard, is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

RECENT MEETINGS:

Collection Agency Advisory Board. The CAAB set a number of goals for itself at its January 18 meeting in Palm Springs. A resolution of the conservatorship issue and the drafting of the QM exam were the primary goals stated. The Board also approved a motion to maintain an open line of communication between the Bureau and its licensees, develop a collector education program, and support the Bureau's enforcement programs.

The CAAB elected new officers for 1989. Bette Meyers retained her position as Board Secretary. Board Member John Espinosa was elected Vice-Chair and Esther Winston was elected as Board Chair.

Private Security Advisory Board. At its January 26 meeting in Sacramento, the Board elected John Roberts as Chair, Alex Stiglitz as Vice-Chair, and John Taylor as Secretary. The Board also announced its goals for 1989, including review of the Firearms Training Manual for accuracy; publication of the Baton Manual; and approval of the Powers to Arrest Manual by the DCA counsel.

FUTURE MEETINGS:

Collection Agency Advisory Board: September 22 in San Diego.

Private Security Services Advisory Board: July 20 in Sacramento; October 19 in San Diego; January 18, 1990 in San Francisco.

CONTRACTORS STATE LICENSE BOARD

Registrar: David Phillips
(916) 366-5153

The Contractors State License Board (CSLB) licenses contractors to work in California, handles consumer complaints, and enforces existing laws pertaining to contractors.

The thirteen-member Board, consisting of seven public members, five con-



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tractors and one labor member, generally meets every other month. The Board maintains six committees: legislative, enforcement, licensing, public information, strategic planning, and budget/administration. In addition, the Board maintains a Fire Protections Systems Ad Hoc Committee. Committees meet monthly, making recommendations to the full Board for requested action.

MAJOR PROJECTS:

Proposed Regulatory Action. Section 7102 of the Business and Professions Code allows the CSLB Registrar to revoke a license for a period from one to five years, depending on the gravity of the violation, the history of previous legal action, if any, and the history of previous criminal conviction, if any. Current law requires CSLB to adopt regulations specifying the criteria by which the Registrar shall determine the duration of the license revocation. On November 15, 1988, CSLB submitted section 870, Title 16 of the California Code of Regulations (CCR), to the Office of Administrative Law (OAL) for review and approval. This proposed regulatory action sets forth the criteria to be considered in setting the earliest date within the one-year minimum and five-year maximum periods upon which a revoked licensee may apply for licensure. On December 12, OAL disapproved the Board's regulatory action for failure to satisfy the necessity and clarity standards of Government Code section 11349.1. CSLB subsequently amended proposed section 870 to conform to OAL's guidelines. Public comments on the modified version of section 870 were to be received by CSLB by March 20.

At its January 13 meeting, CSLB held a public hearing on proposed amendments to section 843, Title 16 of the CCR. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 43 for background information.) Section 7065.3 of the Business and Professions Code authorizes the CSLB to waive the written trade examination for an applicant who applies for licensure in a trade for which the Board, by regulation, has waived the written trade examination. As proposed at the January hearing, section 843 would specify the criteria under which the Registrar may waive the written trade examinations. Several public comments received by CSLB at the hearing provoked lengthy discussion regarding if and when written trade examinations should be waived, resulting in changes to the proposed amendment. Specifically, the new version of the amendment requires the Board,

in determining whether a waiver of a trade examination may be granted, to consider the health and safety concerns of the trade, the frequency of complaints generated by the license classification for the trade, and the number of applicants for the trade. The new version of the amendment to section 843 was scheduled for an April 21 public hearing.

At its January 13 meeting, CSLB also held a public hearing on proposed amendments to section 832.36, Title 16 of the CCR. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 43 for background information.) Following the hearing, CSLB adopted the proposed amendments, which would remove language authorizing plumbing contractors to install fire protection systems, and add language specifying that plumbing contractors may install irrigation systems. CSLB filed this proposed amendment with OAL, and at this writing is awaiting action by OAL.

Western States Reciprocity Program. At its January meeting, CSLB discussed and approved draft regulatory language which would allow the Registrar to accept the qualifications of a contractor who has maintained an active license for five out of the last seven years in a similar classification in a state wherein the CSLB recognizes reciprocity. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 43 and Vol. 8, No. 4 (Fall 1988) pp. 49-50 for background information.) However, after consultation with the Attorney General, CSLB staff determined that it does not have adequate statutory authority to establish such a rule. Therefore, staff drafted statutory language so that the reciprocity program may be implemented through legislation. The proposed statutory language was to be discussed in detail at a March 22 Licensing Committee meeting.

LEGISLATION:

AB 636 (Eastin), as amended, would provide that a court shall impose upon a person who has been previously convicted of unlicensed contracting a fine of 20% of the contract amount or \$4,500, whichever is greater, or imprisonment in the county jail, or both. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 853 (Seymour) would make it a misdemeanor for an unlicensed contractor to submit a bid to a public agency and would establish penalties for subsequent convictions. At this writing, the bill is pending in the Senate Business and Professions Committee.

AB 959 (Eastin) would subject a prime building contractor to damages in the amount of three times the amount of any money wrongfully withheld from any specialty contractor, and would authorize the prime contractor to withhold a specified amount of money if there is a good faith dispute over the amount due. The bill would require any amount withheld to be placed in a separate interest-bearing account. At this writing, this bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 1038 (Doolittle) would allow the CSLB Registrar to waive all or part of a nonlicensee civil penalty if the person cited completes the requirements for and is issued a contractor's license. This bill would prohibit issuance of a license in those cases, unless outstanding injuries to the public are satisfactorily settled. This bill is pending in the Senate Appropriations Committee.

AB 841 (Frazee) would revise existing requirements which must be met before a contractor may bring action in any court to collect compensation for contracting work performed. This bill is currently pending on the Assembly floor.

AB 967 (Bentley) would require the Registrar to notify disputing parties of the consequences of selecting administrative arbitration over judicial remedies. Failure of an individual to request the arbitration in a timely manner would be cause for the Board to dismiss the complaint by the Registrar. Failure of the licensee to consent to arbitration would be cause for disciplinary action against a licensee. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 1013 (Moore) would make it a misdemeanor for any person not licensed under the Contractors License Law to advertise for construction work without prominently displaying the words "unlicensed contractor." This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 1677 (Friedman) would increase a contractor's required bond to \$15,000 and would require a person who has previously filed for bankruptcy and who has been declared bankrupt to file a \$50,000 bond. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 1079 (Mello) would require CSLB to immediately act upon recommendations made by the State Fire Marshal and CSLB to the legislature regarding the installation, inspection, testing, licensing, design, and manufacturing of



fire extinguishing systems and fire alarm systems. This bill is pending in the Senate Business and Professions Committee.

AB 781 (Mountjoy), as amended, would provide that no CSLB licensure exam shall be required of a qualifying individual if, within the five-year period immediately preceding the application for licensure, the qualifying individual has either personally passed the written exam for the same classification being applied for, or has served as the qualifying individual for a licensee whose license was in good standing at any time during that five-year period and in the same classification being applied for. At this writing, this bill is pending on the Assembly floor.

AB 762 (Mountjoy) would revise provisions of the Contractors License Law concerning unsatisfied judgments and the issuance, reinstatement, or reactivation of a contractor's license. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

Following is a status update on bills reported in detail in CRLR Vol. 9, No. 1 (Winter 1989) at page 44:

AB 118 (Floyd), requiring public entities to verify a contractor's licensure before awarding a public works contract, passed the Assembly Committee on Government Efficiency and Consumer Protection on February 22, and was referred to the Assembly Ways and Means Committee.

AB 115 (Floyd) was amended to require a public entity to award public works contracts for an amount greater than \$500,000 only to a qualified public works contractor. At this writing, this bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

AB 117 (Floyd), defining "lowest bidder" and "lowest responsible bidder", was placed in the Assembly inactive file on March 9.

AB 147 (Floyd), regarding the provision of health insurance coverage by employers whose operations involves asbestos-related work, is pending in the Assembly Committee on Labor and Employment.

AB 148 (Floyd) was amended to require the owner of a public building to make an effort to determine the presence of asbestos, but would not impose penalties if the public building owner fails to make this effort. At this writing, this bill is pending in the Assembly Ways and Means Committee.

SB 153 (Craven), revising the definition of a specialty contractor, is still

pending in the Senate Business and Professions Committee.

FUTURE MEETINGS:

July 20-21 in San Diego.

BOARD OF COSMETOLOGY

Executive Officer: Denise Ostton
(916) 445-7061

In 1927 the California legislature passed Business and Professions Code section 7300 *et seq.*, establishing the Board of Cosmetology (BOC). The Board was empowered to require reasonably necessary precautions designed to protect public health and safety in establishments related to any branch of cosmetology.

Pursuant to this legislative mandate, the Board regulates and issues separate licenses to salons, schools, electrologists, manicurists, cosmetologists, and cosmeticians. It sets training requirements, examines applicants, hires investigators from the Department of Consumer Affairs to investigate complaints, and disciplines violators with licensing sanctions.

The Board is comprised of seven members—four public members and three from the industry.

MAJOR PROJECTS:

BOC Newsletter. Because of recent major changes in the Board's disinfection and sterilization regulations (see CRLR Vol. 8, No. 3 (Summer 1988) p. 55), as well as the new awareness of AIDS and hazardous substances in the workplace, the Board is devoting the next issue of its *Currently Cosmo* newsletter to health and safety issues. The newsletter will include an updated copy of relevant health and safety regulations, which are required to be posted in all cosmetology schools and establishments. The rules will also be included in an insert with renewal applications for all licensees to ensure industry-wide awareness of the changes.

The newsletter will also include information about AB 2139 (Filante) (Chapter 808, Statutes of 1988), which imposes new requirements on tanning facilities. Tanning facilities are not licensed, but many tanning booths are found in cosmetology establishments. The newsletter is expected to be distributed in late May.

Examination Changes. At its January 22 meeting, the Board approved the Examination Committee's recommendation to revise the performance criteria and the practical examination. The examination

format will require each student to spend a day on a salon appointment schedule, actually performing cosmetological services on "customers" while examiners observe. The practical exam will be more consumer-oriented and will test more health and safety issues. The Board expects the new examination format to be in place by the end of 1989, thus allowing cosmetology schools to adjust to the new format.

LEGISLATION:

AB 2272 (Mojonnier) is BOC's clean-up bill, which contains numerous non-substantive changes to the Cosmetology Act. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

RECENT MEETINGS:

At its January 22 meeting, the Board discussed a letter received from Dr. Michael J. Franzblau, President of the Congress of California Dermatological Society (CCDS). The CCDS is concerned about a company that is advertising the services of "dermalogists" who describe their services as permanent cosmetic make-up. Dr. Franzblau stated that a dermalogist is nothing more than a tattoo artist. The letter asks the Board for its support in seeking legislative or regulatory action to prohibit or restrict the use of the term "dermalogist" and other similar terms which mislead the consumer. The Board offered its support to the CCDS in its attempt to stop this practice.

FUTURE MEETINGS:

July 16 in San Diego.

BOARD OF DENTAL EXAMINERS

Executive Officer: Georgetta Coleman
(916) 920-7197

The Board of Dental Examiners (BDE) is charged with enforcing the Dental Practice Act (Business and Professions Code sections 1600 *et seq.*). This includes establishing guidelines for the dental schools' curricula, approving dental training facilities, licensing dental applicants who successfully pass the examination administered by the Board, and establishing guidelines for continuing education requirements of dentists and dental auxiliaries. The Board is also responsible for ensuring that dentists and dental auxiliaries maintain a level of competency adequate to protect the consumer from negligent, unethical and incompetent practice.