



painlessly. This bill, which would provide that the above specified advertising is unprofessional conduct only if it is false or misleading, is pending in the Assembly Health Committee.

AB 1281 (Quackenbush). Existing law provides that an expired dentist's license may be renewed at any time within five years after its expiration upon filing an application for renewal and paying the renewal fee in effect on the last renewal date. This bill would instead provide that an expired license may be renewed at any time within five years after its expiration upon filing an application for renewal and paying all accrued renewal and delinquency fees. AB 1281 is pending in the Assembly Health Committee.

RECENT MEETINGS:

At its February 3 meeting in Los Angeles, the BDE held a symposium on foreign dental licensure. The Board discussed the degrees issued in other countries, and how other states handle foreign dental school graduates. The symposium produced a good deal of background information on the issue.

FUTURE MEETINGS:

July 14-15 in San Diego.
September 8-9 in San Francisco.
November 10-11 in Los Angeles.

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 compli-

ance 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.

Glenn Shoemaker of Oakland was recently appointed as a public member by the Senate Rules Committee. Mr. Shoemaker, now retired, formerly served for eight years as an industry representative on the Advisory Board.

MAJOR PROJECTS:

Future Regulatory Changes. At the January 25 meeting of the Advisory Board's Legislative Committee, the Committee discussed whether it should adopt a regulation to control the use of piercing valves in the repair of refrigeration systems. The valve is used to enter, test, and add refrigerant to the sealed system of a refrigerator, freezer, or air conditioner. The difficulty is sealing the hole properly with a screw-on type valve. The Committee believes a proper temporary repair is accomplished with a clamp-on type valve, and a permanent repair should be made with a solder-on type valve. After a great deal of discussion, the Committee voted to draft a regulation to control the use of piercing valves in the repair of refrigeration systems.

Proposed Agreement on Auto Alarm Systems Jurisdiction. At its January 25 meeting, the Legislative Committee again discussed the fact that service dealers registered with BEAR who install and repair automobile security systems are also required to register with the Bureau of Automotive Repair (BAR). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 46 for background information.) In order to avoid this dual licensure problem for BEAR licensees, BEAR proposes to enter into an administrative agreement with BAR, similar to the agreement between BEAR and the Contractors State Licensing Board regarding the repair and installation of satellite antennas. That agreement was codified in legislation. The Committee approved a motion directing BEAR Program Manager George Busman to draft appropriate language for the administrative agreement between the agencies.

LEGISLATION:

SB 352 (Presley) would provide that BEAR field investigators are peace officers, but would not authorize them to carry firearms. This bill is pending in the Senate Judiciary Committee at this writing.

SB 116 (Rosenthal) would make a statement of legislative intent regarding chlorofluorocarbons (CFCs), which contribute to the depletion of the ozone layer that protects the earth from harmful ultraviolet radiation. Among other things, the bill would require any owner or operator of a retail store, cold storage warehouse, or commercial or industrial building when servicing or disposing of a refrigeration system containing CFCs, and any person who installs, replaces, or services those refrigeration systems, to reuse or recycle the CFCs. The Board is concerned that SB 116's current definition of "refrigeration systems" would include large numbers of refrigerators serviced at a single location by BEAR service dealers. The requirements to recover and recycle CFCs would add substantial costs to the repair process, which costs would be passed on to the consumer. BEAR will solicit comments on SB 116 at its next meeting.

RECENT MEETINGS:

At its January 25 meeting, the Legislative Committee discussed whether to adopt a regulation to require service dealers to place a sign at their place of business advising consumers of their right to a written estimate and return of replaced parts not exempt by regulation. The Committee felt that since most repair work is done in the home, the consumer would not notice a sign in the service facility. The Committee suggested that a better way to inform the public of the Bureau's existence and jurisdiction would be to place information statements under specific headings in the yellow pages of telephone directories. This proposal is currently being discussed with Pacific Bell and GTE.

FUTURE MEETINGS:

August 25 in San Francisco.
November 17 in San Diego.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Executive Officer: James B. Allen
(916) 445-2413

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



REGULATORY AGENCY ACTION

apprenticeship training, annually accredits its 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.

Assembly Speaker Willie L. Brown, Jr. recently appointed Wesley Sanders, Jr. of Compton to the Board. Mr. Sanders has served as the City Treasurer of Compton.

MAJOR PROJECTS:

Preneed Trust Regulation Change. At its January 26 meeting in Sacramento, the Board held a lengthy discussion on the latest draft recommendations of the Preneed Committee relating to the use of income from a preneed trust. (See CRLR Vol. 8, No. 4 (Fall 1988) p. 55 for background information.)

The Committee's latest version of amended section 1265, Chapter 12, Title 16 of the California Code of Regulations (CCR), would increase the annual fee for administering a trust to not more than 4% of the trust balance at the close of the year for which the administrative fee is charged.

Robert Green, representing the California Federation of Memorial and Funeral Societies, objected to the 4% annual fee, stating that 4% of the trust corpus far exceeds the fees normally charged for other types of trusts. He further stated that this proposed charge is unreasonable, arbitrary, and unfair to consumers. Several Board members disagreed, insisting that the 4% administrative charge is a reasonable fee. A representative of the California Funeral Directors Association (CFDA) was vehemently opposed to Mr. Green's viewpoint. He argued that the sale of preneed services is necessary for individual mortuaries to survive and that the 4% figure is very reasonable. He urged the Board to "examine what's needed and what's fair, and not adopt the view that mortuaries are crooks and rip-off artists."

The Board also discussed the Committee's latest draft of changes to section 1275, which would set forth the requirements of a preneed trust agreement. Under the draft rule, the agreement must include a statement, in clear nontechnical language, that the contract is either a guaranteed preneed contract or that it

is a nonguaranteed preneed contract, and, if guaranteed only in part, services or merchandise excluded from the guarantee shall be specified. This statement shall be printed in at least ten-point bold face type and shall be located on the first page of the contract. If the contract is guaranteed, there shall be included in the contract a complete explanation of all terms and conditions limiting the guarantee. If the contract is not guaranteed, there shall be included in the contract a complete explanation of how the trust balance will be applied to pay for services and merchandise provided at the beneficiary's death and that there may be additional payments required or a refund due.

Following lengthy discussion, the Board unanimously approved both draft versions of the two regulatory sections at issue. At this writing, the Board plans to publish its proposed regulatory changes in the *Notice Register* shortly.

Sealing Casket Disclaimer. Also at its January 26 meeting, the Board discussed the requirement of section 1258, Title 16 of the CCR, which states: "There shall be prominently displayed on each casket having or represented as having a sealing device of any kind, a notice stating that there is no scientific or other evidence that any casket with a sealing device will preserve human remains."

Board member Stricklin expressed his view that the requirement of section 1258 is "ridiculous" and that the section should be repealed. However, many felt that the original intent of the section is important and should be retained. The intent of the section is twofold: to inform the public, and to protect funeral directors in terms of liability if for some reason decomposition is discovered at disinterment by family members who did not believe this could occur. The Board made no decision and will discuss the issue at a future meeting.

Written and Oral Embalming Authorization. Section 1214 of the CCR states that "except as otherwise provided in Health and Safety Code section 7304, a dead human body shall not be embalmed without the express authorization of a person having the legal right to control disposition of the remains. Such authorization shall be secured by use of the form prescribed by the Board, attached hereto as Exhibit 1, and made a part of this regulation." The purpose of the section is to ensure that the public is correctly informed and aware that the law does not require a dead human body to be embalmed. Exhibit 1 includes a form for written authorization; Board debate at the January meeting centered on

whether the regulation should be amended to provide an additional form with consistent language for oral authorization. Board members also questioned whether two signatures should be required—one signature for the basic contract, and another for the embalming. The Board made no final decision on the regulation.

LEGISLATION:

AB 2271 (Farr) would amend section 7737 of the Business and Professions Code to authorize that a trustor in a preneed funeral trust may, for any reason, elect that the trust is irrevocable. This bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

RECENT MEETINGS:

At its January meeting, the Board discussed whether it should publish a consumer guide, as is the practice in many other states. It was noted that such a guide could be very helpful to consumers in need of pre-planning their own funeral or those of relatives. If published, it was suggested that the guide be written in neutral, easy-to-read language stating information on the various options and processes.

One problem noted in creating a consumer guide is the danger that it will become outdated soon after publication. Several Board members felt that it would be better to publish a newsletter rather than a consumer guide. The Board decided to form a committee to discuss the two options: publication of a quarterly newsletter, which would be sent to all licensees and interested parties and include notice of Board meetings and pending legislation; and investigation of the development of a consumer pamphlet.

FUTURE MEETINGS:

July 20 in Ventura.

September 28 in Monterey.

November 30 in San Diego.

BOARD OF REGISTRATION FOR GEOLOGISTS AND GEOPHYSICISTS

Executive Officer: John E. Wolfe
(916) 445-1920

The Board of Registration for Geologists and Geophysicists (BRGG) was created by statute in 1969. This eight-member Board licenses geologists and geophysicists and certifies engineering geologists. In addition to successfully passing the Board's written examination, an applicant must have fulfilled specified educational requirements and have the equivalent of seven years of professional