



clude appaloosa races and Arabian races with the consent of the quarter horse horsemen's association. This bill is pending in the Assembly Governmental Organization Committee.

AB 730 (Wright) would make legislative findings and declarations regarding the California thoroughbred racing and breeding industries and require the Legislative Analyst to conduct a study to determine the industry's contribution to the state's economy, determine the state of the industry's economic health, and make recommendations to strengthen the industry's position. This bill is pending in the Assembly Governmental Organization Committee.

AB 1098 (Clute) would require the Board to annually rotate stewards to different race tracks around the state. The bill is pending in the Senate Governmental Organization Committee.

AB 2235 (Statham) would require an organization operating an advertised signal system and administering the pari-mutuel operations of satellite wagering facilities to bear the costs of encoding audiovisual signals and wagering data, and the costs of operating a separate delivery system for wagering information displays. This bill is pending in the Assembly Governmental Organization Committee.

SB 519 (Maddy) would authorize the Board to adopt regulations to allow the entering of thoroughbred horses and appaloosa horses in quarter horse races at a distance not exceeding 5-1/2 furlongs at those meetings. The bill would also require those regulations to provide that no single breed of horse shall make up more than one-half the number of horses in the race. This bill is pending in the Assembly Ways and Means Committee.

The following is a status update on bills discussed in detail in CRLR Vol. 9, No. 2 (Spring 1989) at pages 114-15:

AB 82 (Floyd), which would authorize an association to revise the estimate for the aggregate handle during a meeting if the Board determines that the revision is necessary, is pending in the Senate Appropriations Committee.

AB 169 (Floyd), which would provide for mixed breed racing with pari-mutuel wagering which includes barrel races and steeplechase races, is pending in the Senate Appropriations Committee.

AB 170 (Floyd), which would require CHRB to include in its annual report a tabulation of injuries, fatalities, and comparative accident rates for all racing and training venues in California, and to include recommendations concerning worker safety impacts of improvements

in race track design, jockey equipment, racing procedures, and track and facility maintenance, is pending in the Senate Governmental Organization Committee.

AB 172 (Floyd), which would require every satellite wagering facility to provide accommodations for families with children, failed passage in the Assembly.

AB 176 (Floyd), which would delete the requirement that live audiovisual signal of night harness or quarter horse races in the central zone be offered to satellite wagering facilities in the northern zone during periods of the day when there is not night racing in the northern zone, is pending in the Senate Governmental Organization Committee.

AB 199 (Floyd), which would create a Stewards' Committee to advise the CHRB on matters relating to stewards and racing officials, is pending in the Senate Appropriations Committee.

AB 216 (Floyd), as amended, would enact the California Drug Free Horseracing Act of 1989 to require the Board to adopt rules and regulations to eliminate the drugging of horses entered in horse races. The bill is pending in the Senate Governmental Organization Committee.

AB 347 (Floyd), as amended, requires that one-half of any revenue from license fees payable to the state from satellite wagering facilities located at fairs which is deposited in a separate account in the Fair and Exposition Fund, in excess of \$11,000,000 in any fiscal year, be transferred to the General Fund. This bill has been chaptered (Chapter 74, Statutes of 1989).

SB 56 (Maddy), which would allow the Board to authorize the satellite wagering facility at the 22nd District Agricultural Association to conduct satellite wagering on races run in the northern zone for a three-year pilot period, is pending in the Senate Governmental Organization Committee.

SB 1294 (Maddy), which would require that 6% of the handle from wagers of harness, quarter horse, appaloosa, mixed breed and fair meetings at satellite wagering facilities, or the amount of actual operating expenses, be distributed to a specified organization for operating the audiovisual signal, is pending in the Assembly Governmental Organization Committee.

RECENT MEETINGS:

At its April 28 meeting, CHRB again discussed proposed regulatory action to amend sections 2056-2060, Title 4 of the CCR, regarding simulcast wagering. (See CRLR Vol. 9, No. 2 (Spring 1989) p.

144 and Vol. 9, No. 1 (Winter 1989) pp. 100-01 for background information.) Since some slight changes were made, the Board re-released the proposed language for a fifteen-day comment period which ended May 29. The Board was scheduled to adopt the proposed regulatory changes at its June 23 meeting in Cypress.

FUTURE MEETINGS:

To be announced.

NEW MOTOR VEHICLE BOARD

Executive Officer: Sam W. Jennings (916) 445-1888

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. Most licensees deal in cars or motorcycles.

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 secretary, three legal assistants and two secretaries.

MAJOR PROJECTS:

Status Report on Certification Fees. Pursuant to Business and Professions Code section 9889.75, NMVB has been collecting fees from manufacturers and distributors of new motor vehicles for the purpose of funding the Bureau of Automotive Repair's (BAR) certification of third party dispute programs. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 101; Vol. 8, No. 4 (Fall 1988) p. 116; and Vol. 8, No. 3 (Summer 1988) p. 123 for complete background information.) The collection process began on February 2 and to date, \$695,997.30 in fees has been collected. BAR was scheduled to hold a hearing on its proposed regulations regarding the expenditure of these fees on July 18. BAR's regulatory process has been delayed due to the fact that two state courts—New York and



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Missouri—have been looking into the issue of whether a state certification program is preempted by federal law.

LEGISLATION:

AB 1104 (Torres) would require that new motor vehicle dealers be charged fees sufficient to fully fund NMVB's activities other than the certification of third party dispute resolution processes. The Board would be authorized to recover the direct cost of those activities by charging BAR. This bill is pending in the Senate Appropriations Committee.

The following is a status update of bills described in detail in CRLR Vol. 9, No. 2 (Spring 1989) at page 116:

AB 552 (Moore), which, as amended, would give buyers of a motor vehicle pursuant to a conditional sales contract or purchase order the right to cancel the contract or purchase order, without penalty or obligation, until midnight of the first business day after the day on which the contract was signed, is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

SB 582 (Green), which would delete the separate provisions relating to lessor-retailers, and provide instead for their licensing and regulation under the same provisions which apply to dealers, has become a two-year bill.

SB 587 (Doolittle), which would make it unlawful for any person to lease unsafe, improperly equipped, or unsafely loaded vehicles to a highway carrier or to hire a highway carrier to transport the same, is pending in the Assembly Transportation Committee.

FUTURE MEETINGS:

To be announced.

BOARD OF OSTEOPATHIC EXAMINERS

Executive Director: Linda Bergmann (916) 322-4306

In 1922, California voters approved a constitutional initiative which created the Board of Osteopathic Examiners (BOE). BOE regulates entry into the osteopathic profession, examines and approves schools and colleges of osteopathic medicine and enforces professional standards. The 1922 initiative, which provided for a five-member Board consisting of practicing osteopaths, 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.

The Board's licensing statistics as of September 1988 include the issuance of 1,330 active licenses and 498 inactive licenses to osteopaths.

In March, Governor Deukmejian re-appointed to the BOE William E. Huffman of Gold River, a senior engineering specialist for a Sacramento area aerospace company, and Ronald E. Kaldor of Sacramento, who maintains his own law firm.

MAJOR PROJECTS:

Proposed Regulatory Changes. BOE recently published its proposal to adopt numerous changes in its regulations, which appear in Chapter 16, Title 16 of the California Code of Regulations (CCR). Section 1621 presently sets forth the requirements for an approved written examination for reciprocity licensure. The proposed amendment to section 1621 would specify that in lieu of an approved state written examination, BOE will accept National Boards I, II, and III and National Board Parts I and II and the Federation of State Medical Boards Licensing Examination (FLEX) substituted for Part III. Under the proposed amendment, BOE will also accept the Special Purpose Examination (SPEX) for the Federation of State Medical Boards.

BOE also proposed new sections 1660-1662, Article 12.5, Chapter 16, Title 16 of the CCR, which concern BOE's Impaired Physicians' Diversion Program. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 103 for background information.) As proposed, section 1660 sets forth criteria for acceptance into the program, which include that the applicant be a licensed California resident subject to substance abuse who voluntarily agrees to be evaluated and follow a required treatment program, so long as the applicant has not been convicted of a crime involving substance abuse and has not been previously disciplined by BOE for substance abuse.

Proposed section 1660.2 sets forth the criteria for denial of acceptance into the program, including failure to meet the requirements of section 1660; disciplinary action by any state medical licensing authority; violation of any provision of the Medical Practice Act, excluding those relating to substance abuse; or a finding that the applicant will not substantially benefit from participation or that his/her participation would create too great a risk to public safety.

Proposed section 1660.4 lists the criteria for termination from the program,

which include successful completion; failure to comply with the treatment program; failure to meet the acceptance requirements; establishment of any cause for denial of entry into the program; or a finding that the physician has not substantially benefited from participation or that his/her continued participation would create too great a risk to public safety.

Proposed section 1661 establishes a Diversion Evaluation Committee comprised of three California licensed osteopathic physicians with experience in the treatment and diagnosis of drug and alcohol abuse, who will serve at the pleasure of the BOE. Proposed section 1661.2 requires the Committee to consider the recommendations of the program manager and any consultant to the Committee, and further requires the Committee to set forth a written treatment program for the impaired physician in addition to the statutory mandated duties and responsibilities.

Proposed section 1661.4 requires that Diversion Evaluation consultant(s) be approved by BOE and further requires the consultant(s) to conduct a fully competent medical and/or psychiatric examination of the applicant.

Proposed section 1662 sets forth the procedure for the review of applicants and requires consultant interview of each applicant, along with the medical and psychiatric evaluation of the applicant with appropriate authorization and releases necessary for program participation. Additionally, the regulation notes that the decision of the Committee on acceptances and applicable treatment plan is final.

BOE also proposed amendments to section 1676(a), which would allow the BOE to register fictitious name containing the designations "Medical Corporation," "Medical Associates," "Medical Center," or "Medical Office," in addition to the presently authorized designations of "Medical Group" and "Medical Clinic."

Finally, BOE proposed amendments sections of Title 16: 1690(f), 1690(g), 1690(i), and 1690(j). These amendments would lower the existing annual tax and registration fee from \$200 to \$175; lower the inactive certificate fee from \$200 to \$250; lower the medical corporation renewal fee from \$50 to \$25; and lower the fictitious name permit renewal fee from \$50 to \$25. (See CRLR Vol. 9, No. 2 (Spring 1989) p. 116 and Vol. 9, No. 1 (Winter 1989) p. 103 for background information.)

The BOE was scheduled to hold a public hearing on these proposed regula-