



mer 1988) pp. 45-46 for background information.) The Board has since re-submitted the amendments to OAL. Amendments to two other sections (sections 109 and 116), concerning verification of graduation and credit for work experience, were approved by OAL in June. The Board's adopted amendments to sections 134, 135, and 151, affecting advertising guidelines for architects, penalties for aiding and abetting unlicensed architects, and CALE administration, are still awaiting OAL approval. (See CRLR Vol. 8, No. 3 (Summer 1988) p. 46 and Vol. 8, No. 2 (Spring 1988) p. 41 for background information on these changes.)

Additionally, the Board scheduled an October 18 hearing to consider a proposed amendment to section 119.5. The amendment would clarify the numbering system for the various sections of the 1989 CALE.

LEGISLATION:

SB 2810 (Marks), the Board's fee bill, received the Governor's approval on August 25. This bill authorizes a fee for reviewing an applicant's eligibility to take any section of the architecture examination and increases the maximum fee for any section of the examination from \$50 to \$100; increases duplicate license fees; and increases the maximum renewal fee from \$100 to \$200.

SB 1718 (Lockyer) was signed by the Governor on September 21 (Chapter 1070, Statutes of 1988). Under existing law, a plaintiff who wishes to file suit for malpractice against a licensed architect, engineer, or land surveyor must file with the complaint a certificate stating that another construction design professional in that field has reviewed the facts and believes that the facts demonstrate a viable cause of action. This bill repeals that provision's original sunset date of January 1, 1988, and extends it until January 1, 1992.

AB 4419 (Bradley) was signed by the Governor on July 8 and took effect immediately as an urgency statute. This bill allows BAE a limited opportunity to grant licensure to reciprocity candidates who successfully completed written examinations prior to 1986. This opportunity will remain in effect until July 1, 1989. Thereafter, California's ability to grant reciprocal licensure will be contingent upon agreement between BAE and the licensing board in the candidate's base state that the architecture examinations used in their respective jurisdictions are mutually acceptable for licensing purposes.

RECENT MEETINGS:

At its June 6 meeting in Sacramento, the Board welcomed two new staff members: Lin White, the new enforcement officer; and Kay Kruger, the new enforcement coordinator. The Board also discussed and adopted a response to NCARB's conditions for mediation of the reciprocity issue. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 42 for background information.) The agreement has since been accepted by both parties as a gesture of goodwill.

The Board's August 30 meeting in San Francisco was attended by Herb McKim, first vice president of NCARB. This is the first time in recent memory that a representative of NCARB has attended a BAE meeting. He discussed the development of a computerized licensing examination. A completely computerized examination will be available by 1993. Mr. McKim also accepted a laudatory resolution on behalf of NCARB's Board of Directors. Laudatory resolutions were also adopted for the late Raphael Soriano, a former BAE member, and for Walter Carry, a former president of NCARB.

The Board adopted disciplinary guidelines to be used by administrative law judges and Deputy Attorneys General. These guidelines will be implemented to facilitate uniformity of penalties statewide and to ensure that the Board's disciplinary policies are known. The Board also noted that its consumer pamphlet, *Consumer Guide to Hiring an Architect*, would be available in late October.

FUTURE MEETINGS:

To be announced.

ATHLETIC COMMISSION

Executive Officer: Ken Gray
(916) 920-7300

The Athletic Commission regulates amateur and professional boxing, contact karate, and professional wrestling. The Commission consists of eight members each serving four-year terms. All eight seats are "public" as opposed to industry representatives.

The current Commission members are Bill Malkasian, Raoul Silva, Roosevelt Grier, P.B. Montemayor, M.D., Jerry Nathanson, Thomas Thaxter, M.D., Charles Westlund, and Robert Wilson.

The Commission is constitutionally authorized and has sweeping powers to license and discipline those within its

jurisdiction. The Commission licenses promoters, booking agents, matchmakers, referees, judges, managers, boxers, martial arts competitors, and wrestlers. The Commission places primary emphasis on boxing, where regulation extends beyond licensing and includes the establishment of equipment, weight, and medical requirements. Further, the Commission's power to regulate boxing extends to the separate approval of each contest to preclude mismatches. Commission inspectors attend all professional boxing contests.

MAJOR PROJECTS:

Neurological Examination Program.

In an ongoing attempt to refine its neurological examination program, the Commission is implementing a more extensive counseling program. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 41 for background information.) According to Executive Officer Ken Gray, a boxer who fails the exam will have the opportunity to discuss potential health problems with a licensed physician. Additionally, the Commission has decided that any boxer who fails the first exam will automatically be given a second exam to confirm the results.

In a related area, the Commission is currently developing a news release covering the procedural and technical aspects of the program.

Commission Goals and Objectives.

Last spring, the Commission adopted formal policy goals and objectives. The areas receiving special emphasis include the following: (1) ensuring that the appropriate medical and safety standards are met for boxers and wrestlers; (2) providing a quality medical insurance and pension program for professional boxers; (3) assigning competent officials to boxing matches; (4) approving safe and competitive boxing contests; and (5) consistently enforcing the statutes and regulations relative to boxing.

LEGISLATION:

AB 3150 (Floyd), which would have required the Commission to adopt regulations detailing the criteria for approval of licensed physicians required to be in attendance at all boxing matches, died in the Senate Business and Professions Committee.

AB 529 (Floyd), which would have deregulated professional wrestling, also died in the Business and Professions Committee. The Commission actively opposed the bill. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 42 and Vol. 7, No. 2 (Spring 1987) p. 27 for additional information.)



REGULATORY AGENCY ACTION

RECENT MEETINGS:

At its July 15 meeting in Los Angeles, the Commission approved the licensure of boxing promoter Bill Hargrove. Also at the July meeting, the Commission ratified decisions to retire boxers Rickey Locke, Miguel Rodriguez, and Victor Gonzales.

At its August 19 meeting in San Diego, the Commission approved the licensure of boxing promoters Carlos Eguerra and William Jones, and wrestling promoter Robert DePhilippis. Also at the August meeting, the Commission took action against two former California boxing champions. Bruce Curry was denied a license due to diminished ability, and Miguel (Happy) Lora was suspended for violating California boxing rule 303 regarding drug use before a match.

FUTURE MEETINGS:

To be announced.

BUREAU OF AUTOMOTIVE REPAIR

Chief: Martin Dyer
(916) 366-5100

Established in 1971 by the Automotive Repair Act (Business and Professions Code sections 9880 *et seq.*), the Bureau of Automotive Repair (BAR) registers automotive repair facilities; official smog, brake and lamp stations; and official installers/inspectors at those stations. Approximately 39,200 auto repair dealers are registered with BAR. The Bureau's other duties include complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, oversight of ignition interlock devices, and the overall administration of the California Smog Check Program.

The Smog Check Program was created in 1982 in Health and Safety Code section 44000 *et seq.* The Program provides for mandatory biennial emissions testing of motor vehicles in federally designated urban nonattainment areas, and districts bordering a nonattainment area which request inclusion in the Program. BAR licenses approximately 22,000 smog check mechanics who will check the emissions systems of an estimated six million vehicles this year. Testing and repair of emissions systems is conducted only by stations licensed by BAR.

Approximately 130,000 individuals and facilities are registered with the Bureau. Registration revenues support

an annual Bureau budget of nearly \$34 million. BAR employs 433 staff members to oversee the Automotive Repair Program and the Vehicle Inspection Program.

The Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives. They are Gilbert Rodriguez, Louis R. Kemp, Vincent L. Maita, Herschel Burke, Alden P. Oberjuege, Joe Kellejian, Kathryn Lee, Jack Thomas, and William Kludjian.

MAJOR PROJECTS:

Tulare County Smog Check Program. In January 1988, the Tulare County Board of Supervisors decided to implement California's Smog Check Program. The program officially commenced on September 1, with the Department of Motor Vehicles notifying selected Tulare County motorists that a Smog Check certificate is needed to complete registration renewal. Program headquarters are located in Visalia. Tulare County is a highly agricultural area, and smog levels have caused it to become borderline nonattainment. The main concern is crop loss due to poor air quality. BAR's goal was to have fourteen official Smog Check stations licensed after September 23.

Inspection and Repair Manual Challenged. Section 9 of the Bureau's *Licensed Smog Check Inspection and Repair Manual 1987*, entitled "How To Perform The After-Repair Test," has been challenged by C. Marshall Brown of San Rafael as being a regulation within the meaning of Government Code section 11342(b), which therefore must be adopted pursuant to the Administrative Procedure Act. Brown alleges that the "retest" procedures set forth in section 9 implement, interpret, or make specific Health and Safety Code sections 44012, 44013, and 44015. The Office of Administrative Law (OAL) was scheduled to issue its determination on the challenge in late September.

Regulatory Changes. In late August, the Bureau published proposed changes to sections 3340.35 and 3340.50.4 of its regulations, which appear in Subchapter 1 of Chapter 33, Title 16 of the California Code of Regulations. An amendment to section 3340.35 would authorize BAR to charge a fee of not more than \$6 to be paid by licensed Smog Check stations for certificates of compliance or noncompliance. Currently, the section provides for a \$5 fee. Amended section 3340.50.4 would establish the same \$6 fee for certificates purchased by licensed

fleet facilities participating in the Smog Check Program. The proposed effective date is January 1, 1989. A hearing on these proposed changes was scheduled for October 6 in Sacramento.

Regulatory changes affecting Smog Check Program station and inspector licenses and licensing fees, and establishing certification, decertification and recertification standards (see CRLR Vol. 8, No. 1 (Winter 1988) p. 44 for details), which were resubmitted to OAL in early June, were again rejected on July 22. OAL disapproved them on technical grounds, stating that the rule-making record was incomplete. The proposed regulations were scheduled for resubmission to the OAL in October.

LEGISLATION:

AB 3540 (Tanner) makes technical, nonsubstantive changes in the statutory provisions which require BAR to establish a program for the certification of Third Party Dispute Resolution Processes used for the arbitration of "lemon law" disputes. The bill was signed by the Governor on September 13 (Chapter 841, Statutes of 1988).

The following is a status update of bills discussed in CRLR Vol. 8, No. 3 (Summer 1988) at pages 47-48, and CRLR Vol. 8, No. 2 (Spring 1988) at pages 43-44:

SB 1997 (Presley) was signed by the Governor on September 30. The bill, as amended August 24, was substantially changed so that the Bureau will remain within the Department of Consumer Affairs (instead of being abolished and recreated within the Resources Agency). As approved by the Governor, the major provisions of the bill include the following:

- Extends the January 1, 1990 termination date of the Smog Check Program to January 1, 1999;

- Directs the Air Resources Board to develop a test procedure to detect excessive smoke emissions from heavy-duty diesel motor vehicles that could be used in roadside inspections;

- Establishes cost limitations for repairs required under the Program, including parts and labor, ranging from \$50 to \$300, depending on model year;

- Beginning in the 1990 model year, requires auto manufacturers to warranty all emissions components for three years/50,000 miles, and extend the coverage to seven years/70,000 miles on all parts that cost more than \$300; and

- Requires all vehicles manufactured in and after 1966 to obtain a certificate of compliance or noncompliance (except