



REGULATORY AGENCY ACTION

was amended to include the Board's policies regarding evaluation of an architect candidate's experience and education. In addition, language has been added to specify that candidates may not receive work experience credit for co-op or internship courses which are required as part of their degree program. The Board also adopted proposed amendments to sections 109(b) and 116(a), concerning verification of graduation and credit for work experience. These amendments were forwarded to OAL for review on May 16.

In March, the BAE also approved drafted amendments to sections 134, 135, and 151, affecting advertising guidelines for architects, penalties for aiding and abetting unlicensed architects, and CALE administration. A vote on adoption of these amendments was scheduled for the Board's June 6 meeting in Sacramento. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 41 for additional information regarding changes to sections 109, 116, 134, 135, and 151.)

Also at its March 29 meeting, the Board approved the notice and language for the proposed amendment of section 144, regarding examination and renewal fees. The proposed change would increase the cost of taking the CALE and raise registration renewal fees for architects. A regulatory hearing on this proposed amendment was scheduled for July 14 in Sacramento.

Stamp Requirement Legislation. In March, BAE reviewed proposed legislation which would require California architects to obtain and use a stamp when submitting plans, specifications, and instruments of service to building officials for approval. BAE accepted an Examination Committee recommendation that the Board move forward immediately with the stamp bill. Committee approval for this legislative proposal came after the Board conducted a survey of building officials, and found they favor such a requirement. A similar requirement was contained in a bill introduced during 1987, AB 1113 (Bradley), but the language requiring stamp use was later amended out of that measure. (For background information, see CRLR Vol. 7, No. 4 (Fall 1987) p. 38 and Vol. 7, No. 3 (Summer 1987) p. 56.)

Adoption of BAE Goals and Objectives. Each board within the Department of Consumer Affairs has been asked to draft a description of its goals and objectives using the DCA's mission statement and goals as a guide. (For background information, see CRLR Vol. 8, No. 1 (Winter 1988) pp. 38-39.) In

keeping with this mandate, BAE has stated that it is committed to (1) ensuring public protection by improving the licensing and examination functions of the Board; and (2) enhancing public protection and confidence through an improved enforcement effort.

LEGISLATION:

AB 4419 (Bradley). Existing law authorizes BAE to grant reciprocal licensure to individuals licensed as architects in jurisdictions other than California upon satisfaction of the Board's licensing requirements, including passage of the CALE or an equivalent exam. Equivalency of an examination entails a determination by the licensing authority in the candidate's home jurisdiction and by the Board. As amended in April and May, this bill would recast the reciprocal licensure provisions to require completion of the CALE or another written examination acceptable to the Board. The measure would also delete a requirement under existing law that principals of all parties to any business association formed in this state to provide architectural services must be licensed. At this writing, AB 4419 is pending in the Assembly Ways and Means Committee.

SB 2810 (Marks) would provide a fee for reviewing an applicant's eligibility to take any section of the architecture examination and would increase the maximum fee for any section of the exam from \$50 to \$100; would increase duplicate license fees; and would increase the maximum renewal fee from \$100 to \$200. This bill is pending in the Senate Appropriations Committee.

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 March, the Commission held a workshop to explain the purposes and objectives of neurological examinations required of all boxers in California. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 41 for background information.) Two Commission medical consultants, Dr. Fred Flynn and Dr. Richard Drew, explained the objectives of the neurological examination requirement and described the medical methodology for administering the exams. Commission members and staff, ringside physicians, and boxing promoters and managers attended the workshop.

Regulatory Changes. The Commission has adopted its proposal to include neurological examination physicians in the definition of boxing "officials." (See CRLR Vol. 8, No. 2 (Spring 1988) p. 42.) The amendment to section 330, Chapter 2, Title 4 of the California Code of Regulations, has not been reviewed by the OAL, as of this writing.

LEGISLATION:

AB 3150 (Floyd), introduced February 9, would require the Commission to adopt regulations detailing the criteria for approval of licensed physicians required to be in attendance at all boxing matches. The bill passed the Assembly on April 4 and was scheduled to be considered by the Senate Business and Professions Committee on June 13. The Commission currently takes a neutral position on the bill.

AB 529 (Floyd), which would deregulate professional wrestling, was to be considered by the Senate Business and Professions Committee on June 13. The Commission actively opposes the bill. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 42 and CRLR Vol. 7, No. 2 (Spring 1987) p. 39 for additional information.)

RECENT MEETINGS:

At its March 18 meeting in Los



Angeles, the Commission approved the licensure of boxing promoters George Stassi and John Ellis.

Also at the March meeting, boxer Victor "Pit Bull" Gonzales appealed the Commission's decision to retire him. The Commission granted Gonzales a temporary license pending results of neurological testing and review of his performance in subsequent fights. According to Executive Officer Ken Gray, the temporary license has since been revoked and Gonzales is again retired.

At the March meeting, the Commission also ratified decisions to retire boxers Otis Lee Rodgers, Kick Green, Francis Charles, S.T. Gordon, and Juan Torres.

FUTURE MEETINGS:
To be announced.

BUREAU OF AUTOMOTIVE REPAIR

Chief: Martin Dyer
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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. Governor Deukmejian recently appointed two new public members and one industry member to the Board, and reappointed two industry members. Gilbert Rodriguez, a San Jose graphic designer and art director, replaces public member Charles R. English, whose term expired. Louis R. Kemp, a Sacramento-area business consultant, replaces public member Wesley M. Balbuena. Vincent L. Maita of Sacramento has been appointed to fill an industry member position on the Board. Reappointed were Herschel Burke and Alden P. Oberjunge, both of Long Beach.

MAJOR PROJECTS:

San Joaquin County Smog Check Program. In April 1987, San Joaquin County became the eighth California district to request implementation of the Smog Check Program. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 40.) The program officially commenced on April 1, 1988, with the Department of Motor Vehicles (DMV) notifying selected San Joaquin motorists that Smog Check certificates will now be required for renewal of their vehicle registrations. Smog Check certificates will also be required for transfer-of-registration and initial transactions.

BAR has designated a new District 8, consisting of all of San Joaquin County, which was formerly part of District 1, Sacramento. The new San Joaquin BAR District office opened for business on February 1. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 45.)

Regulatory Changes. The Board's numerous changes to regulations contained in Subchapter 1 of Chapter 33, Title 16 of the California Code of Regulations, described in CRLR Vol. 8, No. 2 (Spring 1988) at pp. 42-43, were submitted to the Office of Administrative Law (OAL) for review in early June.

Regulatory changes which were described in CRLR Vol. 8, No. 1 (Winter 1988) at p. 44, and disapproved by OAL on February 19, were resubmitted to OAL in early June.

LEGISLATION:

SB 1997 (Presley) passed the Senate on May 20. The measure would, *inter alia*, abolish the Bureau of Automotive Repair; create the Department of Vehicle Inspection and Repair within the Resources Agency; and transfer all BAR duties and functions to the newly-created department. (See CRLR Vol. 8, No. 2 (Spring 1988) pp. 43-44 for background information.)

SB 1997 was amended several times in April and May. As originally proposed, the bill would have required new car makers to warrant defects in a car's pollution control system for ten years or 100,000 miles, if the repair costs exceed \$300. As amended, the bill would require the manufacturer to warrant that the vehicle or engine is designed, built, or equipped to conform to applicable emission standards for five years or 50,000 miles; that it is free from defects which could cause it to fail to conform to applicable requirements for three years or 50,000 miles; and that it is free from defects in emissions-related parts which individually cost more than \$300 to replace, for seven years or 70,000 miles, as specified.

AB 4620 (Bader) proposes revisions to the Smog Check Program. As amended in April, AB 4620 would revise, rather than delete, the Smog Check Program exemption for older vehicles, specifying that the exemption applies to vehicles manufactured prior to the 1966-model year. AB 4620 is pending in the Assembly Transportation Committee. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 43 for details.)

AB 3345 (Floyd). Existing law generally requires all motor vehicles to be equipped with pollution control devices and prohibits both the modification of those devices and the installation of any pollution control device which does not meet required standards. These prohibitions do not apply to modifications which, as found by resolution of the state Air Resources Board (ARB), do not adversely impact the effectiveness of required pollution control devices. This bill would have eliminated the requirement that the ARB make those findings by resolution. AB 3345 failed passage in the Assembly Transportation Committee.

AB 1250 (Lewis), as amended in January, would affect BAR by exempting registered electronic and appliance repair dealers from the Automotive Repair Act. The measure would also revise a provision of existing law which exempts automobile dealers or manufacturers from the Electronic and Appliance Repair Dealer Registration Law where the dealer or manufacturer installs or replaces a motor vehicle radio, antenna, or audio or video playback equipment related to the sale of a motor vehicle. This bill would revise the exemption to provide that it applies to the repair of a motor vehicle in addition to the sale of a motor vehicle. AB 1250 passed the Assembly and is pending in the Senate Business and Professions Committee.