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 According to Executive Officer Ken Gray, the temporary license has since been revoked and Gonzales is again retired.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
(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. 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 Aiden P. Oberjuere, 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.
SB 2808 (McCorquodale) would pro-
hibit any automotive repair dealer from
charging more than the dealer's regular
shop hourly rate, and would define and
prohibit the use of the so-called "flat
rate" method of charging. SB 2808 is
pending in the Senate Business and
Professions Committee.

AB 4458 (Elder) would require a
retail seller of a policy of extended ser-
vice warranty to obtain insurance cover-
age to back up that policy. This bill
would do so for the purpose of indemni-
ying both the seller and the purchaser
of the extended service warranty in the
event of loss or depletion of the claims
reserve account held by the underwriter
of the extended service warranty. AB
4468 was amended on April 27 to define
"extended service warranty," and exempt
retail sellers of such warranties who
manufacture products covered therein
and obligors under the warranties who
manufacture, distribute, or import the
goods covered. The measure passed the
Assembly on May 12 and is pending
before the Senate Committee on Insur-
ance, Claims and Corporations.

AB 3531 (Tanner) would make tech-
nical, nonsubstantive changes to the
provisions in existing law which require
the Bureau of Automotive Repair to
establish a program for the certification
of third-party dispute resolution pro-
cesses used for arbitration of disputes
under California's "lemon law." AB 3531
is pending in the Assembly Committee
on Governmental Efficiency and Con-
sumer Protection.

AB 3321 (Duplissie), as introduced,
would have exempted motor vehicles
over 21 years old from the Smog Check
Program, while requiring such vehicles
to be equipped with exhaust devices, if
required by other specified provisions of
the law. AB 3321 was amended on May
4 and is no longer relevant to BAR.

SB 1863 (McCorquodale) would autho-
risize emissions warranty service pro-
dviders to perform emissions warranty
service work. Under existing law, there
is no authority for a vehicle owner to
have emissions warranty service per-
formed except by a person designated
by the vehicle manufacturer or its agent.
SB 1863 is pending in the Senate Com-
mittee on Insurance, Claims and Cor-
porations.

LITIGATION:
Volvo North America Corporation
has agreed to dismiss a key lawsuit
brought in U.S. District Court in Cal-
ifornia, in a settlement which could
significantly increase the amount of
generic-brand parts used in Volvo-related
auto body repairs. In December 1986,
Volvo brought a suit against Keystone
Automotive Industries Inc., a California-
based vehicle parts distributor, alleging
patent infringement and challenging the
company's right to sell its replacement
fenders to garages which repair Volvo
cars. Keystone countered that its replace-
ment parts were as good as the Volvo
originals and that, because of the generic
nature of the parts, they were beyond
the bounds of patent protection. The
settlement between Volvo and Keystone
contains a stipulation which provides
that customers will be informed of any
attempt to use non-original-equipment
manufacturer parts in their vehicles.

FUTURE MEETINGS:
August 26 in Los Angeles.

BOARD OF BARBER
EXAMINERS
Executive Officer: Lorna P. Hill
(916) 445-7008

In 1927, the California legislature
created the Board of Barber Examiners
(BBE) to control the spread of disease
in hair salons for men. The Board, which
consists of three public and two indus-
try representatives, regulates and licenses
barber schools, instructors, barbers, and
shops. It sets training requirements and
licensing sanctions. The Board licenses
approximately 22 schools, 6,500 shops,
and 21,500 barbers.

MAJOR PROJECTS:
Regulatory Changes. On April 11,
the Board conducted a hearing in San
Diego on proposed changes to Chapter
3, Title 16 of the California Code of
Regulations. Existing regulations pro-
vide no standards for models used by appli-
cants taking the practical portion of the
barber examination. Proposed section
229, which would set such standards,
was initiated because the Board has
received numerous complaints from exam-
ination candidates who believe their
models have been rejected arbitrarily by
the examiners. The Board established
the proposed model standards after ex-
tensive discussion with examiner field
representatives, barber college owners,
and industry Board members on the
minimum hair length required for a can-
didate to demonstrate a haircut; mini-
mum beard growth required for a shave;
and specific prohibitions against certain
persons serving as models. After the
hearing, the Board voted to adopt the
regulation as originally drafted. The
Board will forward the proposed regula-
tion to the Office of Administrative Law
(OAL) for approval in the near future.

The Board's many proposed changes
to regulations contained in Chapter 3,
which were enumerated and discussed in
CRLR Vol. 8, No. 2 (Spring 1988) at p. 44
and adopted by the Board in January,
are being reviewed by the Department
of Consumer Affairs (DCA) at this writ-
ing. All regulatory changes adopted by
DCA boards and bureaus must be re-
viewed by the Department before sub-
mision to the OAL. (For background
information, see CRLR Vol. 8, No. 1
(Winter 1988) p. 45.)

Changes to Practical Portion of
Exam. At its April meeting, the Board
voted to make major revisions to the
practical portion of its licensure exam.
Specifically, the BBE decided to delete
sections of the practical exam covering
shampoo, hairstyle, hair coloring, chem-
ical hair straightening, and chemical
waving.

The Board's action was immediately
met with protests from representatives
of northern California barber schools
who had not been in attendance at the
April meeting and were unable to com-
ment on proposed exam revisions before
the BBE voted to implement them.

The Board's agenda for its April meet-
ing did not specify that the Board would
discuss possible revisions to the practical
portions of the exam, nor did it indicate
that the Board would actually vote on
the matter. The agenda did list "Examina-
tion Review" as an item for Board
consideration and enumerated specific
topics for discussion in that subject area—
one of which indicated that actual exam
revisions would be determined. The
state's open meetings law provides that the
notice of a meeting of a state body
"shall include a specific agenda for the
meeting, which shall include the items
of business to be transacted or discussed,
and no item shall be added to the agenda
subsequent to the provision of this
notice." Government Code section
11125(b).

At the urging of BBE Executive
Officer Lorna Hill, the Board reconsid-
ered its decision at a May 16 meeting in
Los Angeles. Ms. Hill provided Board
members with an analysis indicating that
the exam revisions would significantly
reduce the examinee passage rate. Board
members voted to rescind their April
decision and reconsider the matter at a
future meeting.