



ments, is pending in the Assembly Health Committee.

#### RECENT MEETINGS:

At its March meeting in San Francisco, the BDE adopted a policy requiring approval by the Board president prior to a Board member accepting a public speaking engagement. The policy was modified to require that the member submit copies of his/her speech text to ensure continuity in presenting the Board's positions.

#### FUTURE MEETINGS:

September 9-10 in San Francisco.  
November 11-12 in Newport Beach.

### BUREAU OF ELECTRONIC AND APPLIANCE REPAIR

Chief: Jack Hayes  
(916) 445-4751

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 compliance 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.

#### MAJOR PROJECTS:

*Proposed Regulations.* Proposed regulatory changes which were the subject of a public hearing on April 5 have been approved by the Office of Administrative Law and filed with the Secretary of State. The changes involved the amend-

ment, adoption, or repeal of four sections of Chapter 27, Title 16 of the California Code of Regulations. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 55 for background information.)

#### LEGISLATION:

The following is a status update on bills discussed in CRLR Vol. 8, No. 2 (Spring 1988) at page 55:

*AB 1250 (Lewis)*, which would extend the exemption of automobile dealers or manufacturers found in Business and Professions Code section 9806, as specified, and would exempt registered electronic and appliance repair dealers from the Automotive Repair Act, remains in the Senate Business and Professions Committee.

*AB 1913 (Harris)*, as amended April 25, would raise the monetary jurisdictions of small claims courts from \$1,500 to \$2,500. This bill remains pending in the Senate Judiciary Committee.

*AB 4570 (Duplissea)*, concerning extended service warranties, passed the Assembly on April 28 and has been referred to the Senate Committee on Insurance, Claims and Corporations.

*AB 4468 (Elder)* would require that extended service warranties sold by retail outlets be backed by insurance for purposes of indemnifying both the seller and the purchaser of the warranty. As amended on April 27, the measure would specifically exclude manufacturers who sell extended warranties for products they sell or obligors under such warranties who are the manufacturers, distributors, or importers of the goods covered. *AB 4468* passed the Assembly on May 12 and is pending in the Senate Committee on Insurance, Claims, and Corporations.

#### FUTURE MEETINGS:

August 19 in Long Beach.  
November 18 in Ontario.

### 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 apprenticeship training, annually accredits embalming schools and administers the licensing examinations. The Board inspects the physical and sanitary conditions in a funeral establishment, en-

forces 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.

#### MAJOR PROJECTS:

*Administrative Citation and Fine System.* On April 14 in Sacramento, the Board considered committee recommendations regarding the establishment of a citation and fine system pursuant to SB 2335 (Montoya). SB 2335, which became effective on January 1, 1987, authorizes (with specified exceptions) boards, bureaus, and commissions within the Department of Consumer Affairs to establish by regulation a system for the issuance of citations to licensed or unlicensed persons. The citation may provide for an administrative fine of not more than \$2,500 for each investigation made by the agency. The existing Funeral Directors and Embalmers Law and Board regulations do not contain such provisions.

To implement SB 2335, the Board recently proposed the addition of Article 5.5 (commencing with section 1240) to Chapter 4, Title 16 of the California Code of Regulations. Specifically, the proposed regulations would authorize the executive officer to issue citations containing orders of abatement and to levy fines for substantiated violations of statutory law and regulations. The provisions would specify the content of a citation and the mode of service upon a licensee. The proposed language would also set forth three ranges of fines for three classifications of violations.

The regulations would authorize the executive officer, when an order of abatement is issued in conjunction with a citation, to grant extensions of time in which to comply with such an order and would specify the conditions under which extensions may be granted. The executive officer would also be authorized to issue citations and orders of abatement against unlicensed persons who perform services for which licensure as a funeral director or embalmer is required. Further, the regulations would set forth procedures for the contest of any citation, order of abatement, or fine, including an informal conference. The executive officer would be empowered to affirm, modify, or dismiss the action taken. Requesting an informal conference would not waive the right to further appeal and a formal hearing unless the citation was dismissed as a result.