



# REGULATORY AGENCY ACTION

Patrol to cooperatively inspect these vehicles. Existing law does not include a requirement that heavy-duty diesel vehicles maintain emissions standards;

-SB 1997 would establish cost limitations for repairs required under the Smog Check Program, varying between \$60 and \$300, in accordance with the model year of the vehicle;

-public agencies, which are currently exempt from the Smog Check Program, would be required to obtain certificates of compliance for their vehicles;

-automobile sellers would be required to provide purchasers with a certificate of compliance or noncompliance; and

-the bill would limit existing manufacturers' warranty provisions for emissions parts to vehicles manufactured prior to the 1990 model year. For 1990 and later model year vehicles, the bill specifies new warranty requirements.

SB 1997 was scheduled for an April 5 hearing in the Senate Transportation Committee.

**AB 4620 (Bader)**, as introduced February 19, also proposes revisions to the Smog Check Program, including the following:

-the bill would extend the termination date of the Smog Check Program until January 1, 1995;

-annual inspections for Smog Check compliance would be required, instead of the current biennial requirement;

-the exemption from the Smog Check Program of vehicles over twenty years old would be deleted;

-the Smog Check Program would become a mandatory statewide program;

-the current distinction between test stations and repair stations would be eliminated;

-the existing cost limitations applicable to low-emissions service and adjustments would be deleted;

-the bill would require vehicle owners to keep the compliance certificate with the vehicle at all times;

-all of the following would be deleted: the existing \$10 limit on annual test and repair station license fees and training courses; the existing \$6 limit on compliance certificate fees; the requirement that the Department of Consumer Affairs conduct a cost-benefit analysis concerning the Smog Check Program; and the requirement that test and repair stations transmit vehicle data and emissions test results to the Department;

-civil penalties applicable to violations by mechanics, inspectors, and stations would be revised; and

-the authorization of the state Air Resources Board (ARB) to retest

vehicles which fail to meet assembly line standards would be eliminated; instead, ARB would be required to test samples of all vehicle classes in actual use in the state. This bill would apply these requirements to new direct import vehicles.

AB 4620 is pending in the Assembly Transportation Committee.

**AB 2283 (Areias, et al.)**, as introduced, pertained to written estimates for repair work. As amended in January, the bill is no longer relevant to BAR.

**AB 2550 (Allen)**, which would have required bonding of automotive repair dealers, died in committee. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 44 for details of this bill.)

## RECENT MEETINGS:

The Board members viewed a recent public service announcement prepared by BAR starring Edward Olmos of "Miami Vice." The message in the announcement is that the Department of Motor Vehicles will no longer grant extensions to comply with Smog Check Program requirements.

Board member William Kludjian has been participating in Smog Check Program presentations to the public. BAR Chief Martin Dyer commented that field offices are directed to respond to requests from the public in addition to seeking out audiences for presentations regarding the Smog Check Program.

Board member Alden Oberjuege commented that perhaps the decline in the number of official lamp and brake stations is due to the independent shop's difficulty in obtaining tools and manuals needed to perform such services on vehicles which are equipped with newer technology.

## FUTURE MEETINGS:

To be announced.

## 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 industry representatives, regulates and licenses barber schools, instructors, barbers, and shops. It sets training requirements and examines applicants, inspects barber shops, and disciplines violators with licensing sanctions. The Board licenses approximately 22 schools, 6,500 shops, and 21,500 barbers.

## MAJOR PROJECTS:

**Regulatory Changes.** On January 25, the Board conducted a hearing in Sacramento on proposed changes to Chapter 3, Title 16 of the California Code of Regulations (CCR). (For background information on these proposed changes, see CRLR Vol. 8, No. 1 (Winter 1988) p. 45.)

The Board voted to adopt substantive changes to sections 203.2 (examination appeals), 213 (uniforms during college hours), 213.1 (labels on bottles and containers), 214.1 (transfers), 216.1 (records), 217.1(a) (new course of instruction), 219.2 (barber students: 400-hour courses), 219.3 (instructor training program), 224 (display of shop license and certificates), and 236.1 (charge for dishonored checks). BBE also adopted amendments to sections 246.3 (attendance: changes in employment), 247 (approval of apprentice trainer; training requirements), and 300 (administrative fines).

The BBE voted not to adopt proposed changes to other regulations, including those affecting sections 224.1 (premises for practice of barbering) and 224.3 (leasing and rental agreements).

The Board voted to repeal regulations contained in Article 4.5, which pertain to BBE's educable mentally retarded program. The program was initiated in 1971 to provide educable mentally retarded persons with an opportunity for a profitable vocation. However, since the initiation of the program, no mentally retarded person has made application through the provisions of the article. Therefore, the Board has decided to terminate the program. The Board also voted to repeal subsections (e) and (f) of section 214 (student attendance).

In addition, BBE adopted several new regulations, including sections 203.5 (abandonment of applications) and 204.2 (student enrollments).

The Board also adopted technical, nonsubstantive changes to 23 other regulatory sections, including the renumbering of seven regulations which previously appeared in Article 4 into new Article 3.5 (Examinations).

Finally, BBE voted to remove several regulations from its proposed regulatory package, including sections 242 (seminars), 242.1 (inactive instructor license), 203.3 (conditional credit on examination), and 229 (model standards).

The Board's staff is in the process of compiling its rulemaking file for submission to the Office of Administrative Law.

The Board was scheduled to conduct a hearing on April 11 in San Diego on a proposed change to Chapter 3, Title 16



of the CCR. The proposed change would add section 229 regarding model standards. This change was dropped from the January 25 regulatory package in order to prepare further analysis and testimony. The proposed regulation would outline standards for models to be used by candidates taking the practical portion of the barber examination.

**Correction.** In CRLR Vol. 7, No. 4 (Fall 1987) p. 41, we erroneously reported that BBE agreed with recommendations to amend sections 212 and 212.2 of the Board's regulations. The Board decided not to change either section. We apologize for the error.

**Examination Scheduling.** In response to the large number of students who are scheduled but fail to appear for the BBE exam in southern California, the Board recently implemented a "standby" program. Prior to the exam, the Board will designate a limited number of individuals as standbys. These individuals may appear at the exam, and may be admitted if other admittees fail to show up for their scheduled exams.

The Board decided to implement the standby program based on its own internal statistics for the period July 1987 to January 1988. During this time period, BBE's statistics showed that 98 out of 378 examinees scheduled for testing in southern California did not show up for the BBE exam. Thus, at its January 25 meeting, the Board heard public comment and decided to implement the program. BBE will limit the number of examinees to be designated as standbys for each examination, rather than allowing an unlimited number of standbys. The plan is in its experimental stages and BBE will monitor it in order to determine its effectiveness.

**Chino Youth Training Program.** The Board is currently in the process of deciding whether to grant full certification to the barber training program at the Youth Training School at Chino. Full certification requires completion of a 1500-hour training program by the barbering student. Currently, the BBE only certifies the Chino program for 1200 hours because previously the program did not offer hands-on experience in shaving and other facial treatments.

However, Chino program officials contend that its seven-year-old program now offers complete training. If BBE certifies the program for 1500 hours, then the Chino Youth Training Program would be afforded all the benefits of a fully licensed barbering school. Thus, BBE would institute the administration of written and practical examinations at

the training facility. The Board was scheduled to discuss whether to full certify the Chino Youth Training Program at its April 11 meeting.

**Operations Manual for Inspections.** In order to improve the Board's inspection of shops, BBE has drafted an operations manual for inspectors to use in determining whether barber shops are in compliance with the applicable codes and regulations. The operations manual consists of information pertaining to the inspection process, and cross-references the information to applicable BBE regulations and statutes. The manual is an internal document and will not be distributed to licensees. It will provide a convenient reference guide for shop inspectors, which should diminish the amount of time required by an inspector to inspect a shop. Shop inspectors will have an opportunity to comment on the effectiveness of the manual in improving shop inspections. BBE expects to finalize the manual in approximately six to eight weeks.

**Projected Fiscal Budget of BBE.** Governor Deukmejian has asked all boards to compile an analysis of their projected budgets for the next five years, incorporating their goals and objectives into the fiscal analysis. BBE has begun this task.

## LEGISLATION:

**SB 1388 (Montoya) and SB 1179 (Maddy),** each offering a different approach to merger of the barber and cosmetology licensing programs, were not heard in the Senate Business and Professions Committee before the January 22 deadline. Therefore, both bills are dead for this session. (For more information on the merger issue, see CRLR Vol. 7, No. 3 (Summer 1987) p. 68; Vol. 7, No. 2 (Spring 1987) p. 41; and Vol. 7, No. 1 (Winter 1987) p. 1.)

## RECENT MEETINGS:

At its January 25 meeting, the Board discussed different methods of evaluating school personnel in barber training facilities. Board members expressed a desire to improve the quality of instructors as well as to reevaluate the schools in which they teach in order to prepare students to competently enter the barbering profession. The matter was submitted to the education subcommittee for further study.

## FUTURE MEETINGS:

June 20 (location undecided).

## BOARD OF BEHAVIORAL SCIENCE EXAMINERS

*Executive Officer: Kathleen Callanan (916) 445-4933*

The eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs.

## MAJOR PROJECTS:

**Proposed Regulatory Changes.** At its February 19 meeting in Palm Springs, BBSE discussed three proposed regulatory changes. First, the Board plans to amend section 1805 of its regulations in Title 16, California Code of Regulations, to comply with the Permit Reform Act of 1981. New section 1805.1 would establish application processing time limits for the Board's various programs (MFCC internship, MFCC license, LCSW license, LEP license, license-renewals, corporate registration, and hypnosis certification).

The Board will also propose an amendment to section 1806 of its regulations, to provide that an application for licensure shall be deemed complete when all documents and information required to determine eligibility for examination have been submitted to the Board. Applications must be completed within one year of filing with the Board, or they will be deemed abandoned. An application would also be deemed abandoned if the applicant does not submit evidence that he/she has removed deficiencies within two years of a deficiency letter.

The Board also approved language which will amend section 1807.2, to clarify that no exemption will be given regarding child abuse training.

Finally, BBSE plans to amend section 1812, which defines acts which are substantially related to the qualifications, functions, or duties of a licensee and may serve as a basis for denial, suspension, or revocation of a license. The proposed amendment would add a list of specific acts to this definition, including violence toward another person; sexually related crimes; possession of drugs; theft; violation of any provision