



BAE proposes eliminating procedures for the appeal of exam contents following issuance of the CALE results. The Examination Committee recommended this change, believing the appeals procedures are unnecessary in light of (1) a BAE policy which allows candidates to identify problem questions immediately following the exam administration; and (2) the extensive review process employed by the Examination Committee prior to exam scoring.

Board staff plans to publish these proposed changes in January.

**Consideration of Stamp Requirement.** At its October meeting in Sacramento, the Enforcement and Practice Committee reviewed proposed statutory language which would require architects to stamp plans, specifications, and instruments of service.

The Committee discussed reasons for imposing such a requirement, including building officials' difficulty in reading architects' signatures. The stamp would contain the architect's name as well as a place for his/her signature. The Committee decided more information was needed and directed staff to survey building officials and other state boards and then to develop a list of pros and cons on the issue.

## FUTURE MEETINGS:

To be announced.

## ATHLETIC COMMISSION

*Executive Officer: Ken Gray*  
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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 and wrestlers. The Commission places primary emphasis on boxing, where regulation extends beyond licensing and includes the establishment of equipment, weight, and medical require-

ments. 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 Reports.** At its October 16 meeting in San Francisco, Commissioner Thaxter presented an overview of the Commission's neurological examination program. The Commission requires boxers to undergo a neurological examination at least 72 hours prior to their first bout of the year. Currently, six medical offices throughout the state are under contract to administer neurological examinations.

The Commission has revised the examination over the past year, specifically delineating the pass/fail criteria; implementing modifications to eliminate ethnic and cultural biases; and translating the medical history portion of the exam into Spanish. Examining physicians can now not only recognize brain damage, but can discover deterioration in mental processes on a cumulative basis. In the future, Commissioner Thaxter suggested that physicians could perform studies over time to determine deteriorating brain function.

The Commission has lost two of its contracted physicians due to a common policy among insurance companies of excluding physicians who assume liability under a contract and/or render professional service to professional athletes. At least one leading insurer of physicians has requested that the Commission issue a list of the physicians providing service on its behalf. Executive Officer Ken Gray has asked the California Medical Association and a representative of the Senate Governmental Organization Committee to look into the matter.

**Federal Regulation of Boxing.** Ron Russo, the Supervising Deputy Attorney General assigned to represent the Athletic Commission, wrote a letter to U.S. Representative Pat Williams, the author of H.R. 134 and H.R. 2305, federal legislation which proposes to regulate boxing at the federal level. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 39.) The letter criticized the bills for not going as far as they should or could, and for weakening expansive regulatory programs which already exist, such as the Commission's program in California.

On behalf of the Commission, Russo suggested that federal legislators create a central recordkeeping depository to prevent boxers from fighting in a juris-

diction after being knocked out, suspended for medical reasons, or retired in another jurisdiction. Second, Russo requested that Congress establish regulatory guidelines containing minimum federal standards which could be waived in favor of a state system which meets or exceeds the federal standards.

**Budget.** The Department of Finance recently disapproved a Commission budget change proposal (BCP) to increase the 1988-89 budget by approximately \$30,000. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 39.) Six thousand dollars of the requested funds was intended to cover increased rent for the Sacramento office, while \$24,000 was requested to pay inspectors now assigned to monitor amateur boxing events. The Commission anticipates that the BCP will be approved as soon as it provides the Department of Finance with additional information.

## RECENT MEETINGS:

At its December 4 meeting, the Commission adopted a policy to limit title fights to twelve rounds. The World Boxing Association recently reduced the number of rounds in its title fights to twelve, while the World Boxing Council reduced its title fights to twelve rounds several years ago.

Also at the December 4 meeting, the Commission decided to appoint a committee to establish medical standards for professional wrestlers. According to Executive Officer Gray, setting medical standards for professional wrestlers will be difficult, as many of the wrestlers are older and not in top physical shape, yet they have been wrestling for a living for many years. The committee will set forth uniform standards for use by examining physicians in determining when a wrestling match would pose immediate danger to a wrestler's health.

## 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. The Bureau's other duties in-



clude complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, and the overall administration of the California Smog Check Program.

Approximately 130,000 individuals and facilities are registered with the Bureau. Registration revenues support an annual Bureau budget of nearly \$34 million.

The Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives.

## MAJOR PROJECTS:

**Regulatory Changes.** The Board has proposed changes to its regulations contained in Chapter 35, Title 16 of the California Administrative Code. A public hearing regarding these changes was held on December 9. Among the changes being considered is a proposal to amend section 3340.24 to provide that Smog Check Program station and inspector licenses, and qualified mechanics' and fleet owners' qualifications are subject to suspension or revocation. Currently, only licensed inspectors are subject to these disciplinary measures.

A fee change is proposed as an amendment to section 3340.25 of the Board's rules. If approved, the licensing fee for Smog Check Program inspectors would be \$20 biennially rather than the current \$10 annual fee. In addition, amended section 3340.25 would require that licensed inspectors complete specified training courses administered by BAR.

Certification, decertification, and recertification standards would be established in sections 3340.32, 3340.32.1, 3340.33, and 3340.33.1. These sections would apply to institutions and instructors providing training to individuals who wish to become qualified mechanics in the Smog Check Program. Retraining of the Smog Check mechanics is also covered by these proposed rules. For example, section 3340.33.1 states causes which are sufficient to justify decertification of instructors who train Smog Check Program mechanics. The proposed rules also include provisions for recertification of instructors after correction of the cause of decertification.

**Advanced Training for Mechanics Available.** BAR has entered into an interagency agreement with the State Employment Training Panel in an effort to assist mechanics who are at risk of losing their jobs because of their in-

ability to keep pace with advanced technology. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 40.) In effect, the Bureau is functioning as the marketing arm for the program. In implementing the first stage of the interagency agreement, the Bureau is attempting to identify educational institutions or employers who can provide training in the repair of computer-controlled automobiles. A fund derived from unemployment insurance is available to reimburse employers for the cost of providing such training for their mechanics. In the second stage of the agreement, the Bureau will focus on identifying specific individuals who could benefit from the program.

**New Smog Check Compliance Certificates.** All Smog Check Program licensees are being notified that, beginning January 1, the "H"-Series certificates previously used for certification of vehicles will no longer be accepted by the Department of Motor Vehicles (DMV). "H"-Series certificates not issued to customers by December 31 may be returned to the Bureau for a refund, or may be exchanged at no additional cost for the "I"-Series certificates which DMV now requires.

**Implementation of 1987 Legislation.** At the Board's November 13 meeting, staff member Thomas Maddock reported on three 1987 bills signed by the Governor which directly relate to BAR. SB 55 (Presley) allows certain counties which are not presently in the Smog Check Program to request participation in the program. Requesting districts must meet two conditions: (1) they must adjoin a current smog check air district; and (2) residents in the requesting district must commute into the affected smog district.

Another measure discussed was SB 409 (Presley), which primarily addresses training requirements and qualifications for Smog Check Program mechanics and inspectors. Beginning January 1, the bill requires inspectors to provide proof to the Bureau of completion of a training course designed to inform them of responsibilities they must meet before signing smog certificates.

SB 409 also amends provisions governing citations issued in the Smog Check Program. Current law allows citations to be issued against a smog check station when BAR finds probable violations of regulations governing smog certifications. SB 409 broadens the applicability of the citation authority by subjecting inspectors and mechanics to its purview. The bill further provides that if a station fails to appeal a citation and

does not pay the fine within thirty days, the station will not be able to renew its license or purchase new smog certificates for issuance.

Maddock also outlined AB 2057 (Tanner) for Board members. Popularly known as the "Lemon Law Bill," AB 2057 gives consumers the opportunity to arbitrate disputes with car dealers through a certified third party dispute resolution process if their new vehicles are considered "lemons." A vehicle is presumed to be a lemon if, within twelve months of purchase or 12,000 miles, (1) a problem develops which cannot be repaired after four attempts; or (2) the vehicle is out of service for thirty days or more.

Under SB 2057, the Bureau is charged with certifying, decertifying, monitoring, and inspecting all third-party dispute resolution processes. The law, however, does not give the Bureau any authority to intervene in individual third-party proceedings to, for example, change an arbitration ruling or otherwise assist a dissatisfied consumer. Maddock stated that although at least five states have laws like AB 2057, which provide for dispute resolution processes, none of those states certify their processes.

In order to fund the new third-party certification process, the DMV will assess a fee on new vehicle distributors/manufacturers not to exceed \$1 per car sold in California. It is estimated that 70-100 processes will have to be evaluated under the new law.

## LEGISLATION:

The following is a status update on two-year bills which were discussed at length in CRLR Vol. 7, No. 4 (Fall 1987) at p. 40:

**AB 2283 (Areias, et al.),** concerning written estimates for repair work, is currently pending before the Assembly Ways and Means Committee. The sponsor's office indicated that it plans to continue pursuing passage of the bill. As of this writing, no hearing date has been set.

**AB 145 (McCorquodale).** Assemblymember McCorquodale's office indicated that this bill, which would have allowed independent repair shops to perform warranty work if licensed by the Department of Consumer Affairs, is being dropped.

**AB 2250 (Allen).** AB 2250, which would have required bonding of automotive repair dealers, has been labeled "dead" by Assemblymember Allen's office.



## RECENT MEETINGS:

At the November 13 meeting, Board member Jack Thomas reported on his recent attendance at the California Consumer Affairs Conference. Thomas felt that the conference was very beneficial and encouraged other Board members to attend the conference in the future.

A public information update was given by Joe Valencia which included presentation of a video entitled *Write it Right*, which has been prepared by the Bureau to provide information to mechanics and consumers on the requirements of the Auto Repair Act. The video is available from the Bureau for a nominal fee.

Valencia also updated the Board on the status of Smog Check Program implementation in San Joaquin County. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 40.) The Bureau is in the process of accepting bids from public relations firms to make public awareness presentations; beginning in March, residents of San Joaquin will be notified of the new program.

## FUTURE MEETINGS:

To be announced.

## BOARD OF BARBER EXAMINERS

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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.* The Board was scheduled to conduct a hearing on January 25 in Sacramento on proposed changes to Chapter 3, Title 16 of the California Administrative Code. Some of the proposed changes are technical in nature and correct specific statutory citations in the text and/or accompanying authority and reference notes of various provisions. Other technical changes involve the renumbering of some regulations to facilitate the creation of a new Article 3.5, pertaining to examinations.

The substantive changes proposed by BBE include amendment of existing sections 203.2 (examination appeal), 213 (uniforms during college hours), 213.1 (labels on bottles and containers), 214 (attendance), 214.1 (transfers), 216.1 (records), 217.1 (new course of instruction), 219.2 (barber students: 400-hour courses), 219.3 (instructor training program), 224 (display of shop license and certificates), 224.1 (premises for practice of barbering), 224.3 (leasing and rental agreements), and 236.1 (charge for dishonored checks).

Also proposed are amendments to sections 242 (seminars), 246.3 (attendance: changes in employment), 247 (approval of apprentice training: training requirements), and 300 (administrative fines), as well as repeal of all regulations currently contained in Article 4.5 (educable mentally retarded program). The Board has noted that since the enactment of Article 4.5 in 1971, no mentally retarded person has made an application through the provisions of that article.

Finally, BBE proposes the addition of a number of new regulations, including section 203.3 (conditional credit on examination), 203.5 (abandonment of applications), 204.2 (student enrollments), 229 (model standards), and 242.1 (inactive instructor license).

## LEGISLATION:

*SB 1388 (Montoya)* and *SB 1179 (Maddy)*, each offering a different approach to merger of the barber and cosmetology licensing programs, were discussed at an interim hearing before the Senate Business and Professions Committee in Palm Springs on December 8. BBE presented testimony at the hearing on SB 1179. (For background information on these measures and the issues they address, see CRLR Vol. 7, No. 3 (Summer 1987) p. 68; Vol. 7, No. 2 (Spring 1987) pp. 40-41; and Vol. 7, No. 1 (Winter 1987) p. 1.)

*SB 1234 (Montoya)* was incorrectly reported in the previous issue of the *Reporter* (CRLR Vol. 7, No. 4 (Fall 1987) at p. 41) as affecting BBE's Student Security Fund. In fact, all language in the measure which pertained to BBE or the Fund was amended out of the bill. As chaptered, SB 1234 related only to the Board of Cosmetology. We apologize for the error.

## FUTURE MEETINGS:

To be announced.

## BOARD OF BEHAVIORAL SCIENCE EXAMINERS

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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:

*Exam Appeal Regulations.* The Board continues to discuss the need for exam appeal regulations. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 42 for background information.) As of this writing, the Exam Committee has not yet drafted any specific language for the regulations, which were scheduled for further discussion at the Board's February 19 meeting.

*Regulatory Determination Decision.* On December 4, the Office of Administrative Law (OAL) issued a regulatory determination concerning a challenged BBSE rule. The subject of the determination was a letter mailed to all MFCCs and LCSWs on January 6, 1987, which contained "Proposed Regulations for Completed Coursework or Training in Child Abuse Assessment and Reporting." The letter stated that as a prerequisite to renewal of their licenses, MFCCs and LCSWs would have to comply with section 28 of the Business and Professions Code and section 1807.2, Title 16 of the California Administrative Code, both of which address required training in child abuse assessment and reporting.

The legislature added section 28 to the Business and Professions Code, effective January 1, 1986 (Chapter 844, Statutes of 1986). Specifically, the law requires training in the area of child abuse assessment and reporting for all persons applying after January 1, 1987 for an original license or renewal of a license as an MFCC or LCSW.

The basis of the challenge, as contained in a request for determination initiated in March 1987 by Ruth H. Gordon, MFCC, was that the language cited as "section 1807.2" in the BBSE letter had not been formally adopted by the Board or approved by OAL as of