



industry representatives. 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. Most emphasis is placed 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 Examinations. Commissioner Thaxter reported on the progress of the neurological examination program (see CRLR Vol. 6, No. 4 (Fall 1986) p. 27). He stated that administration of the exams is going smoothly. The Medical Advisory Committee is studying other issues related to the safety of the boxers, and recommendations will be made to the Commission at a later date.

LEGISLATION:

SB 2004 (Montoya) would have provided for the certification and regulation of athletic trainers. (See CRLR Vol. 6, No. 2 (Spring 1986) p. 35.) The bill was vetoed by the Governor with the following message: "I am returning Senate Bill 2004 without my signature. This bill would provide state certification and regulation by the State Athletic Commission. The measure, scheduled to take effect on January 1, 1989, would be administered by the Athletic Trainer Examining Committee, created by this bill. While I appreciate the motivation behind this measure, there has been no demonstration of need for the State to become involved in the certification of athletic trainers."

HR 2127 (Richardson) is proposed federal legislation which would establish the United States Boxing Commission (USBC) as a nonprofit corporation. The purposes and powers of the Commission would include: (1) proposing changes in the rules of professional boxing to ensure the safety of participants; (2) establishing a uniform set of rules for state boxing commissions to follow; (3) researching the causes of boxing-related injuries; (4) establishing standards for physical and mental examinations; (5) providing for a voluntary pension, life, and health insurance fund for professional boxers; (6) issuing annually-renewable certification cards to boxers, trainers, cut men, referees, ringside

physicians, and other boxing assistants who have met Commission standards; and (7) establishing criteria for membership. The California Athletic Commission supports this bill, which has passed the House and has been referred to the Committee on Commerce, Science, and Transportation in the Senate.

RECENT MEETINGS:

At the October 17 meeting, the Commission announced that P.B. Montemayor, M.D., of Sacramento has been appointed to the Commission by Governor Deukmejian.

On December 5, Executive Officer Ken Gray reported on the possibility of conflict with the Amateur Boxing Federation (ABF), a national organization which sanctions and organizes amateur boxing contests and programs throughout the country. Essentially, the jurisdictions of the Athletic Commission and the ABF appear to be overlapping. The matter came to light when an ABF referee worked a non-ABF bout. That referee was threatened with loss of his ABF license if he continued to work non-ABF matches. The two groups are discussing the matter, and Mr. Gray will report more fully as more facts become known.

At the December 5 meeting, the Commission agreed to assist the UCLA School of Medicine in conducting a study on head injuries. UCLA's study is not restricted to boxing, but will focus on all sports which expose athletes to a significant risk of head injury, including football. The purposes of the study are to detect early warning signs of critical brain damage and to determine the type of evaluation which is most effective in detecting developing head injuries. The Commission will assist by referring boxers who have failed a neurological exam to the school.

The Athletic Commission is anxious to propose legislation which would give it authority to monitor and sanction the use of illegal drugs by professional athletes. This issue was discussed extensively at both the October 17 and December 5 meetings. Kathy Summer-ton, legislative aide to Senator Seymour, was present at both meetings to assist in the Commission's discussion.

Justification for such legislation may include the visibility of athletes as role models in society, and safety of the athlete and others.

Several problems regarding the nature and scope of such legislation were vigorously discussed. Jurisdictional problems were noted; commissioners of profes-

sional leagues and owners of professional teams may be unwilling to yield any authority to the Athletic Commission. Additionally, it is unclear whether athletes who are members of teams from other states or who reside in another state and come to California to play could be subject to the Commission's authority. Some Commission members also questioned whether the Commission has the resources to effectively monitor, investigate, and sanction drug use.

One proposal discussed at length involves an umbrella or back-up concept. The Commission would establish minimum disciplinary standards which all professional sports must meet. If the sport's commissioner does not act to discipline professional athletes in accordance with these standards, then the Athletic Commission could intervene to impose additional discipline. An umbrella bill may be more acceptable to the legislature than would a bill giving broader authority and jurisdiction to the Commission over professional athletes. However, a need for such legislation must be demonstrated, and the Athletic Commission must establish it is the appropriate body to implement such regulation. Accordingly, the Commission is studying current facts and figures to better determine whether such need exists and what the Commission's role should be. This topic of discussion will appear on future agendas.

FUTURE MEETINGS:

March 20 in Los Angeles.
April 17 in San Francisco.
May 15 in San Diego.
June 12 in San Jose.

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 include 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:

New Vehicle Warranty Service: Consumer Education. The Advisory Board has relayed to BAR and to the state Air Resources Board its concern about the need for a consumer awareness program to educate consumers on their rights under warranties on newly-purchased vehicles. Repair shop owners find that their customers have been charged by dealers for work which should have been covered under the five-year/50,000-mile emission warranty. Customers are often told that unless they return to the dealer from which they purchased the car for service (e.g., tune-ups), the warranty will be ineffective. Customers are also encouraged to purchase "extended warranties" which in reality do not extend beyond the existing warranty. Independent garage owners also report that computerized emissions systems in new cars burn out spark plugs prematurely. Customers are then charged by dealers for a complete tune-up as well as the emissions/warranty work, when in fact only the spark plugs need replacement.

Another problem reported involves dealers who take back old parts from customers, have the customer fill out a warranty card, and then keep the rebate from the manufacturer under the five-year/50,000-mile warranty.

Extended service contracts are also becoming the source of a large number of complaints. Consumers report that they have been prevented from obtaining credit unless they purchase the contract, and that adjusters who decide whether work is covered under the contract are improperly trained.

At the November 21 meeting, Board member Joe Kiljian pointed out that consumers have a responsibility to know what they are buying. For example, owner's manuals contain an explanation of the five-year/50,000-mile warranty. The Board will continue to work with BAR and the Air Resources Board on these concerns, which will be addressed again at the next meeting.

LEGISLATION:

SB 2335 (Montoya), which has been signed by the Governor, allows autho-

rized state agencies to issue administrative citations and fines for rule violations. BAR is not yet ready to propose regulations for a citation system. BAR prefers to focus on warning and deterring potential violators, rather than on writing citations after the fact.

AB 3939 (Farr). With the passage of the Farr-Davis Driver Safety Act of 1986, California has become the first state to enact legislation allowing ignition interlock devices to be installed on the vehicle of a convicted drunk driver upon court order. The Office of Traffic and Safety has been authorized to implement the program in four counties. The two-year program will be considered successful if recidivism is reduced by at least 10% over the two-year period. BAR anticipates that issues involving consumer complaints about the manufacture and installation of the devices, the auditing of installers of the device, and the certification of the device will arise in the near future.

RECENT MEETINGS:

At its November 21 meeting in San Francisco, Linda Whitney, Research Manager for BAR, presented an evaluation of the smog check program repair ceiling. The major issue continues to be compliance with the program. Ms. Whitney discussed the benefits of the program to the consumer and the state, and is preparing a full report to be presented in early 1987.

Ms. Whitney also provided updated information on whether California will implement an annual or biennial smog inspection program. The EPA appears to favor a nationwide biennial program, but the California Inspection Maintenance Review Committee has not yet decided which program would be best for California.

The Board also discussed the cost and warranty service of the smog test analyzer device. Shop owners expressed concerns over an apparent lack of periodic checks by manufacturers of their smog check test analyzers, and stated that preventive maintenance should be a priority.

FUTURE MEETINGS:

To be announced.

BOARD OF BARBER EXAMINERS

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In 1927, the California legislature created the Board of Barber Examiners

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:

Merger with Board of Cosmetology: At its November 24 meeting in Costa Mesa, the Board heard testimony from 100 people, mostly barbers and some cosmetologists, on whether the Board of Barber Examiners (BBE) should merge with the Board of Cosmetology (BC). The majority of people testifying opposed the merger, arguing that they do not want to lose control over their profession; that cosmetology and barbering are not the same profession and should not be regulated by the same board; and that many had made a conscious choice to be a barber instead of a cosmetologist. The testimony centered on merger of licenses, as most of the witnesses appeared to have assumed that a merger of the boards will necessarily entail a merger of the cosmetology license with the barber license. (*But see FEATURE ARTICLE, supra at 1.*)

Harold Jones, Executive Director of the Board of Cosmetology, also testified at the meeting. He informed BBE that BC had unanimously voted to enter into negotiations with BBE regarding the proposed merger. Moreover, Mr. Jones stated that his board believes that current legislative sentiment favors either merger or abolition of the two boards. He stated that it would be wise for the two boards to initiate the merger, instead of having the legislature define the terms of the merger for them. Mr. Pamplin, BBE industry member, asked Mr. Jones what BC's reaction would be if BBE does not agree to enter into negotiations with BC. Mr. Jones replied that BC would do what it perceives to be its "legislative duty." Mr. Pamplin assured Mr. Jones that BBE would also do what it perceives to be its "legislative duty."

LEGISLATION:

AB 86 (Elder) would abolish the Board of Cosmetology and vest its authority in the Board of Barber Examiners. The bill would also change the name of the Board of Cosmetology Contingent Fund to the Cosmetology Contingent fund.