



of the sanctioning organization and those of the Commission.

In order to eliminate future disputes, the Commission has adopted a policy on the assignment of referees and judges to championship fights. The policy, adopted at the Commission's February meeting, provides that the number of California-licensed officials assigned to a match will be determined according to specified criteria, including the state and national citizenship of the boxers. The policy also provides for exceptions, as agreed to by the Commission, and the right to reject an official without explanation.

The goal of this policy is to promote neutral officiating of title fights in California. The Commission hopes to provide sufficient flexibility in the assignment of officials to national and world title bouts so as not to discourage the various sanctioning bodies from sponsoring matches in California, while maintaining the control necessary to ensure the safety of the participants and the integrity of the boxing contest.

Prior to the Commission's adoption of the policy, several promoters opposed it, expressing the fear that it would keep title fights out of California, thus hindering the growth of boxing in California.

Regulation of Drug Use by Professional Athletes. The Commission is considering the introduction of legislation which would give it limited authority to monitor and sanction the use of illegal drugs by athletes in all professional sports (see CRLR Vol. 7, No. 1 (Winter 1987) p. 34), and recently reviewed a rough draft of the proposed legislation. Entitled the "Clean Sports Act," the proposal would authorize the Commission to oversee the discipline of a professional athlete convicted of a crime involving drug or alcohol use. This topic received little attention at the January and February meetings. At the February meeting, Commissioners Nathanson, Silva, and Westlund were appointed to a special committee created to further study this issue.

LEGISLATION:

AB 529 (Floyd) would repeal portions of the Business and Professional Code governing the licensing and regulation of wrestling. The Athletic Commission, which currently regulates professional wrestling, unanimously opposes this bill. Supervising Deputy Attorney General Ron Russo has indicated there may be constitutional defects in AB 529. The authority to regulate

wrestling stems from a voter's initiative in the early 1930s. Article 2, section 10 of the California Constitution prohibits the legislature from overturning a voter's initiative. The Commission directed Mr. Russo to contact the legislature and Assemblymember Floyd regarding AB 529's possible constitutional flaws. A staff member from Assemblymember Floyd's office stated that supporters of the bill consider professional wrestling to be entertainment and not a sport; therefore, there is no need for the regulation of wrestling. As of this writing, AB 529 is awaiting referral to committee.

RECENT MEETINGS:

Section 18606 of the Boxing Act requires Commission members to elect a chair and vice-chair at the first meeting of each year. At the January meeting, Bill Malkasian and Raoul Silva were unanimously elected chair and vice-chair, respectively. Former chair Jerry Nathanson praised the Commission for accomplishing many important goals and objectives during his two years as chair, making special mention of measures the Commission has taken to promote the health and safety of boxers, including the creation of the Medical Advisory Committee.

The Governor's proposed budget has reduced the Commission's budget by 2% (\$13,000). Executive Officer Ken Gray reported that the reduction could be accomplished without affecting service.

At the February meeting, George Foreman, 1968 Olympic gold medalist and former world heavyweight champion, was issued a boxing license by the Commission. At the age of 38, he has not participated in a professional fight in ten years. Consequently, Mr. Foreman was required to testify at length about his physical condition before his license was granted.

FUTURE MEETINGS:

May 15 in San Diego.
June 12 in San Jose.

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. 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:

Implementation of Farr-Davis Safety Act of 1986. BAR is presently working with the Office of Traffic Safety (OTS) to implement AB 3939 (Farr). Effective January 1, 1987, this bill authorizes a court to order installation of certified ignition interlock devices on motor vehicles owned or operated by convicted drunk drivers. (See CRLR Vol. 7, No. 1 (Winter 1987) p. 35 for more information.) The cost of the device, charged to the offender, will be in excess of \$400.

While OTS is the regulatory agency responsible for the implementation and oversight of the program, BAR is required to cooperate with OTS in its implementation. Thus far, BAR's responsibility has been to maintain a list of manufacturers of the interlock device.

Emissions Guarantee at Time of Tune-Up. At the Advisory Board's February 27 meeting in San Diego, the Board discussed Assemblymember Connelly's request that BAR investigate the feasibility of a guarantee by repair shops that automobiles tuned up in the shop meet smog specifications. Although Bureau Chief Martin Dyer called the proposal "intriguing," he identified several practical limitations to this proposal, including the fact that there are no required trade standards for tune-ups.

Several issues were raised in the ensuing discussion. Most comments dealt with the problem of defining a "tune-up." For example, repairs on newer cars rarely amount to full "tune-ups," in the traditional sense of points, plugs, and condenser. Others questioned whether a customer who only needs new spark plugs would be required to purchase a package deal, including full tune-up and smog guarantee. The fact that many people perform their own tune-ups and would be unaffected by



this proposal was discussed; issues including practicability, costs to consumers and industry, and the possibility of such a proposal being tied to 1988 smog legislation in lieu of regulation on the subject were scheduled for discussion in detail at the next Advisory Board meeting.

Smog Check Program. In December 1986, BAR's Program Analysis and Evaluation Unit conducted a telephone survey of 540 inspection and maintenance (I/M) stations to ascertain the current range of smog inspection fees and hourly labor rates, and to determine industry response to proposed changes in the smog certificate purchasing system. Survey results included the following:

-The average smog inspection fee is \$20.85; charges range from \$6.50 to \$44.00.

-The average inspection fee has decreased from \$24.19 in 1984 to \$20.85 in 1986.

-Fifty percent of the stations surveyed charge for reinspection, assessing an average fee of \$16.90.

-The average hourly labor rate at I/M stations is \$37.05, with rates ranging from \$10-\$65 per hour. The average labor rate has increased 10% since 1984.

-I/M stations responded favorably to a proposed change in BAR's certificate purchasing system which would facilitate ordering smog certificates by telephone.

The full survey is available upon request by contacting BAR staff member Annette Chaconas at (916) 366-5103.

Vehicle Warranties. In response to discussion at its last meeting concerning consumers' lack of information regarding their vehicle warranties (see CRLR Vol. 7, No. 1 (Winter 1987) p. 35), the Air Resources Board and BAR will launch a warranty enhancement program. One of the program's major goals is to make consumers, repair industry members, and manufacturers more aware of each group's rights, interests, responsibilities, and liabilities. A second goal is to decrease vehicle emissions through increased consumer use of emissions warranties. It is believed that consumers will more readily authorize needed repairs if they know work will be done under warranty, rather than at direct cost to them.

One suggestion for the warranty enhancement program involves required repair of emission control parts which are under warranty. Presently, if (1) an emission control part of a car needs repair due to a malfunction not involving

consumer tampering; (2) a warranty provision cannot be found to cover it; and (3) the cost of repair exceeds \$50, the consumer is not required to have the part repaired. Under the proposal, emission control repairs would be required without regard to the upper cost limit if the vehicle is still covered by warranty, again relieving the consumer from direct payment.

Some enhancement plan projects are ready for immediate implementation, including the training of ARB and BAR staff in warranty issues; improving and expanding Department of Motor Vehicles smog check notices; and mailing warranty regulations to all dealerships. Projects involving longer-range goals include increasing public awareness through a media campaign; providing uniform and comprehensible consumer warranty statements with new cars; and improving warranty processing regulations.

To determine program effectiveness, a baseline study of dealership service manager and repair records, vehicle owners, and warranty complaints will be conducted initially, and repeated after the enhancement program has been in place for some time.

It is believed the warranty enhancement program, operating at full potential, could result in a 25% reduction in emissions, which exceeds the Legislature's goal of 10%.

LEGISLATION:

AB 3611 (Tanner) failed passage last session. This bill would have enacted the Automobile Warranty Arbitration Program Certification Act, to be administered by BAR, and would have provided a process for the resolution of disputes between the owner/lessee of a new car and the manufacturer or distributor. BAR would have been required to certify automobile warranty arbitration programs, and monitor and inspect the programs on a regular basis to assure continued compliance. This legislation may be reintroduced this year.

AB 3546 (Lancaster), effective January 1, 1987, adds section 9889.22 to the Business and Professions Code, which defines as perjury any false statement on an oath, affidavit, certificate of compliance or noncompliance, or application form required by the Automotive Repair Act or the Health and Safety Code. Such a statement is therefore criminally punishable as a felony.

SB 145 (McCorquodale). Presently, warranty service may be performed only by persons designated by the vehicle

manufacturer or its agent. This bill would permit warranty service to be performed by an independent service provider licensed by the Department of Consumer Affairs, thereby creating a new licensing program. As of this writing, SB 145 had not been assigned to committee.

RECENT MEETINGS:

At the Advisory Board's February 27 meeting in San Diego, Gary Hunter of the Air Resources Board introduced the district managers of the Air Pollution Control Districts. Managers gave brief descriptions of the smog check programs in their areas.

Martin Dyer informed Board members that a new public service announcement regarding smog checks will be airing soon and will star Ricardo Montalban. BAR will also repeat a clean air poster contest for sixth-graders, similar to that held last year.

A new slide show prepared by BAR was shown to the Board. It describes the function and process of the smog check program, and is available for use by any interested consumer group through local BAR offices.

FUTURE MEETINGS:

June 12 in San Francisco.

BOARD OF BARBER EXAMINERS

Executive Officer: Lorna P. Hill
(916) 445-7008

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 Questionnaires. In late 1986, the Board mailed 6,500 questionnaires to barbershop owners and 3,000 questionnaires to barbers, seeking the barbering industry's views on whether the Board of Barber Examiners (BBE) should merge with the Board of Cosmetology (BOC). At the Board's February 2 meeting, BBE Executive Officer Lorna Pasco Hill reported that only 200