



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
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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 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



of these questionnaires had been returned. Hill noted that 90% of the questionnaires returned were from barbershop owners, of which 79% were barbers.

Sixty-eight percent of those responding opposed a merger of the two boards, citing a desire to maintain the barber tradition, and fear that a merger would lower professional standards. Thirty-two percent favored merger, in the belief that a merger would increase business opportunities for barbers.

Merger Discussions. Executive Officer Hill reported that she had recently attended a meeting of the BOC, which voted to oppose AB 86, Assembly-member Elder's merger bill (see LEGISLATION, *infra*). Hill also stated that the BOC has voted to sponsor merger legislation of its own—SB 1179 (Maddy) would merge the two boards and create a new board consisting of three cosmetology members, two barber members, and four public members (see LEGISLATION, *infra*).

BBE public member Edna Mayard, who had also attended the BOC's meeting, stated that the general consensus of the BOC is that a merger is inevitable. Mayard urged the BBE to enter into negotiations with the BOC regarding a possible merger.

In response to Ms. Mayard's comments, Board member Elton Pamplin stated that he believes a merger is unnecessary; in his view, the two boards eliminated the need for a merger two years ago when regulations were adopted which allow owners of barber or cosmetologist shops to hire either cosmetologists or barbers.

Board public member Paul Schwager expressed concern that the Board is possibly being "set up" by Fred Shanbour, a lobbyist for cosmetology and barber schools who persuaded Assembly-member Elder to introduce AB 86. Schwager noted that both the cosmetology school and barber school associations are opposed to AB 86, and observed that the bill may have been introduced to force each of the boards to act in order to counterbalance the other board's response to AB 86.

In the end, the Board voted not to enter into negotiations with the BOC, nor will it support AB 86 or any other bill proposing merger of the two boards.

Budget Deficit. Lorna Hill announced that the Board would experience a deficit on July 1, 1990, stating that fees cannot be increased until January 1, 1988, and suggesting that more revenue could be collected if the

Board becomes more aggressive in collecting delinquent license fees. Hill also cautioned the Board that a deficit might lead to closer legislative scrutiny, which in turn could lead to abolition of the Board if the legislature does not want to allocate additional funds.

Barber Poles. The Board agreed to sponsor a campaign to inform cosmetologists that it is a violation of the Business and Profession Code for cosmetologist shop owners who do not employ barbers to display barber poles outside their establishments.

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. Fred Shanbour, the lobbyist who requested that Assembly-member Elder introduce the bill, stated in a recent interview that the bill was introduced to encourage the two boards to begin a dialogue on the merger issue; he believes the bill has accomplished this purpose.

SB 1179 (Maddy), introduced March 5, would create a Board of Cosmetology and Barbering in Chapter 10 of the Business and Professions Code. The new board would be vested with all the powers, duties, and jurisdiction formerly vested in the Board of Cosmetology and the Board of Barber Examiners. The new board would consist of nine members: four public members, three cosmetology industry representatives, and two members representing the barbering profession.

SB 1388 (Montoya) is another merger bill, which would abolish the Board of Cosmetology and transfer its powers and duties to the Board of Barber Examiners. The bill would also add two cosmetology industry representatives to the Board of Barber Examiners, for a total of seven board members (two barber industry representatives, two cosmetology industry representatives, and three public members).

RECENT MEETINGS:

At its February 2 meeting in San Francisco, the Board refused to seek amendment of the Business and Professions Code provision which requires barbers to wash their hands before serving a new patron. The Board was unsympathetic to suggestions that barbers be allowed to cleanse their hands with alcohol from a spray bottle,

rather than being required to wash their hands in a sink.

Lorna Hill announced that the executive staff had completed the study required by the Permit Reform Act of 1981 (Chapter 1087, effective January 1, 1983). The Act requires the Board to determine the minimum, maximum, and median number of days required to process applications and complaints. Hill stated that the Office of Administrative Law (OAL) has been refusing to process regulations adopted by boards which have not undertaken the study required by the Permit Reform Act, and that regulations adopted by the BBE in October were not submitted to the OAL until the study was completed.

Hill also announced that the National Conference of Barbers will be held in San Francisco on September 20-24. She suggested that the Board hold its meeting the day before the conference, and that one or more Board members participate in the conference.

Elton Pamplin suggested that the Board sponsor a symposium on alternatives to licensing. He suggested that representatives from the five states which do not require testing after graduation from barber school be invited to participate in a panel discussion of their states' methods of licensing. Don Forfang of Moler Barber College further suggested that the Board sponsor symposia on the following topics: liability insurance for barber schools and shops; AIDS; reciprocity; continuing education; merger of boards; and a nationally-validated entrance exam. The Board agreed to forward possible symposium topics to representatives of the National Conference for comment.

Current Board policy requires barbers to update the photographs on their barber licenses every eight years. The Board recently agreed that barber inspectors, when inspecting barber shops, should deliver applications to barbers whose licenses need updating.

Hill also recently reminded the Board that AB 3060, which was enacted in the last legislative session, requires individuals to provide their social security numbers to the Board upon application for licensing or license renewal.

FUTURE MEETINGS:

To be announced.