A hearing on this regulation was held on February 18, and the written comment period was extended for fifteen days from that date. BEAR's Program Manager George Busman explained that BEAR plans to "go easy on enforcement" of section 9844 until it can implement the statute in such a way that the "unusual circumstances" of some dealers will be considered.

At this point, BEAR is enforcing section 9844 with respect to face-to-face dealer/consumer encounters only. According to Mr. Busman, the Bureau of Automotive Repair's regulations include a "face-to-face encounter only" exception to the rule requiring written estimates, similar to that proposed in section 2722. Thus, BEAR is somewhat optimistic that the Office of Administrative Law will approve its proposed exception.

RECENT MEETINGS:

The Advisory Board met on February 20 in Monterey. While the main topic of discussion was the written estimate requirement (see MAJOR PROJECTS, supra), other issues were also addressed, including whether the Bureau should regulate the sale of service contracts. Bureau Assistant Chief Gordon Boranian informed the Board that the market for consumer electronics service plans is growing, and probably accounts for $200 to $400 million in annual national sales for televisions alone.

Mr. Boranian cited section 116 of the Insurance Code as the only provision which regulates service contract sales of which he is aware. Section 116 provides that new car dealers must have an insurance policy to pay claims if the dealer defaults on its service contracts. This section does not, however, extend to electronic equipment and appliances. The Department of Consumer Affairs is considering a draft of proposed electronics/appliance service contract legislation, but is still gathering information on the proposal.

Representatives of Pacific Bell Directory were present at the February 20 meeting. Industry members questioned PacBell about yellow pages "trade captions" such as "Authorized Repair" and "Authorized Service." Control over these alphabetically printed captions is desirable, since a dealer's listing under "Repair" appears earlier than does a listing under "Service." Marie Shibuya-Snell, Director of the Department of Consumer Affairs, was a special guest at the Advisory Board meeting. She presented an overview of the Department's structure and aims, and reassured her audience that although Governor Deukmejian believes that less government means a more effective government, his recent budget cuts would not affect the Bureau.

FUTURE MEETINGS:

May 29 in Fresno.

BOARD OF FUNERAL DIRECTORS AND EMBALMERS

Executive Officer: James B. Allen

(916) 445-2413

The five-member Board of Funeral Directors and Embalmers licenses funeral establishments and embalmers and approves changes of business name or location. It registers apprentice embalmers, approves funeral establishments for apprenticeship training, annually accredits embalming schools and administers the licensing examinations. The Board inspects the physical and sanitary conditions in a funeral establishment, enforces price disclosure laws and audits preneed funeral trust accounts maintained by its licensees. (A Board audit of a licensed funeral firm's preneed trust funds is statutorily mandated prior to transfer or cancellation of the license.) In addition, the Board investigates and resolves consumer complaints.

MAJOR PROJECTS:

Legislation to Increase Revenues. At its meeting on January 22 in San Jose, the Board considered and approved the proposed legislation drafted by the Board's Legislative and Budget Committee to increase fees.

The past introduction of legislation to increase fees has been somewhat controversial for several reasons. At least one member of the Board noted that fee increase requests were unsuccessful in 1983, 1984, and 1985 because of their inclusion in preneed bills. A related issue of particular controversy concerns the source of the increased revenue. Proposals range from the imposition of fee increases on embalmers (who generate 52% of the Board's revenue), funeral directors (who generate 41% of the Board's revenue), or morticians (who generate only 5% of the Board's revenue by maintaining reportable preneed trust accounts, yet expend 42% of its budget) (see CRLR Vol. 6, No. 1 (Winter 1986) p. 30 and CRLR Vol. 6, No. 3 (Summer 1986) p. 31 for details). The Board's 1987 legislative proposal to increase revenue disperses the fee increases over