



REGULATORY AGENCY ACTION

9, No. 2 (Spring 1989) p. 46 for background information.)

Also at the June meeting, the Commission retired Herman Pettigrew, a 40-year-old boxer, after his last fight was stopped in the first round. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 39 for background information.) The Commission granted a wrestling promoter's license to Paul Brown (dba West Coast Wrestling Alliance); and granted a kickboxing promoter's license to Dannie, Timmy, and Larry Stell (dba LTD Productions).

At its July 21 meeting in Irvine, the Commission discussed its 1990-91 budget. The budget amount (\$783,000) is the same as last year. The only change, a \$40,000 increase in neurological examination expense, is due to a 50% increase in the number of boxers licensed.

Also at the July meeting, the Commission approved the World Boxing Organization (WBO) as a sanctioning organization in California, with the understanding that the WBO follow the laws, rules, and regulations of the Commission and that the Commission has the final decision in assignment of officials to championship contests. The Commission granted wrestling promoter's licenses to World Championship Wrestling (dba National Wrestling Alliance) and William Jimenez, Samuel Vasquez, and Sammy Vasquez (dba Latin American Wrestling Association); and granted a boxing promoter's license to Noel DeGaetano (dba Celebrity Boxing).

At its August 25 meeting, the Commission decided to terminate its membership in all boxing organizations which sanction championship contests, but will remain in close communication with them. The Commission had been a dues-paying member in the organizations to show impartiality and rarely had participated in their decisionmaking processes.

Also at the August meeting, the Commission denied Lalo Velazquez's claim to the California Junior Welterweight Title as inadequate; Velazquez failed to fight champion John Montes.

The Commission discussed its ongoing selection process for the Assistant Executive Officer position. Donald Muse, a candidate for the permanent position, is serving as the acting Assistant Executive Officer.

FUTURE MEETINGS:

December 15 in Los Angeles.

BUREAU OF AUTOMOTIVE REPAIR

Chief: John Waraas

(916) 366-5100

Toll Free Complaint Number:

1-800-952-5210

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. Approximately 39,200 auto repair dealers are registered with BAR. The Bureau's other duties include complaint mediation, routine regulatory compliance monitoring, investigating suspected wrongdoing by auto repair dealers, oversight of ignition interlock devices, and the overall administration of the California Smog Check Program.

The Smog Check Program was created in 1982 in Health and Safety Code section 44000 *et seq.* The Program provides for mandatory biennial emissions testing of motor vehicles in federally designated urban nonattainment areas, and districts bordering a nonattainment area which request inclusion in the Program. BAR licenses approximately 22,000 smog check mechanics who will check the emissions systems of an estimated six million vehicles this year. Testing and repair of emissions systems is conducted only by stations licensed by BAR.

Approximately 130,000 individuals and facilities are registered with the Bureau. Registration revenues support an annual Bureau budget of nearly \$34 million. BAR employs 433 staff members to oversee the Automotive Repair Program and the Vehicle Inspection Program.

The Bureau is assisted by a nine-member Advisory Board which consists of five public and four industry representatives. They are Herschel Burke, Carl Hughett, Joe Kellejian, Louis Kemp, William Kludjian, Vincent Maita, Alden Oberjurge, Gilbert Rodriguez, and Jack Thomas.

Carl Hughett is a new member of the Board. Hughett has retired from the Los Angeles Police Department, where he was formerly head of the automotive repair detail section. His experience also includes helping to develop the Automotive Repair Act and training BAR staff and investigators.

MAJOR PROJECTS:

New Smog Check Test and Repair Exams. In August, changes to the Smog Check Program pursuant to SB 1997

(Chapter 1544, Statutes of 1988) took effect regarding the examination and certification of mechanics. (See CRLR Vol. 8, No. 4 (Fall 1988) pp. 44-45 for background information on SB 1997.) The "test only" mechanic category was eliminated, and a two-tiered mechanic qualification program was created. The first tier consists of the unlimited class, which will allow a qualified mechanic to both test and repair all model year vehicles. This class requires more technical knowledge of current technological changes in motor vehicles. The second tier is the limited class, which authorizes a qualified mechanic to test and repair 1979 and older model vehicles. All Smog Check Program mechanics must be retested according to the new guidelines by December 31, 1989 in order to obtain the qualification certificate required to perform smog checks.

Regulatory Changes. On August 11, BAR published proposed regulatory changes to implement SB 1997. These proposed regulations would revise Article 5.5, Chapter 33, Title 16 of the California Code of Regulations (CCR), in numerous ways, including the following: first, several definitions in section 3340.1 would be updated. The current exemption from the Smog Check Program for vehicles which run on liquid petroleum gas or liquid natural gas contained in section 3340.5 would be repealed. An amendment to section 3340.10 would expressly state that no person shall operate a Smog Check station unless licensed to do so by BAR. Under an amendment to section 3340.15, Smog Check stations would be authorized to conduct their testing out of doors in the case of heavy duty vehicles and would be required to post their prices. Revised section 3340.16 would amend the equipment and material requirements of "test only" stations, and would require the posting of a conspicuous notice advising customers that the station is licensed only to test vehicles and cannot make repairs.

Amended section 3340.16.5 would update some of the equipment requirements for Smog Check stations; amended section 3340.17 would require that BAR's June 1989 test analyzer system specifications replace the May 1983 system specifications. Amended section 3340.24 would grant BAR the right to revoke or suspend licenses or to pursue legal or administrative remedies against licensees who willfully resist, delay, or obstruct BAR employees, or who falsely or fraudulently issue or obtain certificates of compliance with the Program. New sec-



tion 3359 would require notice to customers who ask that automotive work will be sublet. In the area of deceptive advertising, new section 3372.2 would provide that the advertising of "lube" or "lubrication service" would constitute misleading advertising if the actual work done is other than the injection of grease into grease fittings.

BAR held public hearings on these regulatory proposals on September 20 (Los Angeles), 21 (San Diego), 26 (San Francisco), and 28 (Sacramento), and was expected to announce its decision in early October.

Certification of Third Party Dispute Resolution Processes. On July 17, BAR's Arbitration Review Program (ARP) held a regulatory hearing on numerous proposed regulations implementing AB 2057 (Tanner) (Chapter 1280, Statutes of 1987), which requires BAR to establish standards used to determine whether a third party dispute resolution process is in substantial compliance with various provisions of the Song-Beverly Consumer Warranty Act. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 39 and Vol. 9, No. 2 (Spring 1989) p. 47 for detailed background information on these proposed regulations.)

Following the hearing, ARP adopted the proposed regulations with some modifications, and submitted them to the Office of Administrative Law for approval.

LEGISLATION:

AB 1104 (Tanner), which deals with the third party dispute resolution process for new cars, was signed by the Governor on July 21 (Chapter 193, Statutes of 1989). This new statute requires that third party dispute resolution programs obtain and maintain certification from BAR, and requires BAR to pay a fee to the New Motor Vehicle Board (NMVB) to defray NMVB's cost in collecting fees for certifying the third party dispute resolution processes. BAR will pay this fee from the Certification Account in the Auto Repair Fund.

AB 2532 (Vasconcellos), as amended September 5, would require the use on or after January 1, 1992, of BAR-approved refrigerant recycling equipment in servicing air conditioners with chlorofluorocarbon (CFC) refrigerants. The bill would also require BAR to establish and enforce procedures regarding the installation and use of that recycling equipment and to certify people trained to use such equipment. The bill would also prohibit the sale of refrigerant substances in specified small amounts. This

bill was referred for interim study.

SB 787 (Rosenthal), which would authorize a state-certified third party arbitration process for used cars, has become a two-year bill. The bill would require BAR to establish a program for certifying the resolution processes by creating the necessary rules and regulations, forms, and minimum standards for implementing the program. In addition, BAR would be required to review the operation and performance of the processes and would certify third party resolution participants.

The following is a status update on bills described in detail in CRLR Vol. 9, No. 3 (Summer 1989) at pages 39-40:

SB 1120 (Areias), as amended August 30, regulates the use of replacement parts for the non-mechanical repair of motor vehicles. This bill was signed by the Governor on September 25 (Chapter 817, Statutes of 1989).

SB 352 (Presley) was amended on September 13 to eliminate all language authorizing BAR representatives to exercise powers of arrest as peace officers during the course of their employment. This bill was vetoed by the Governor on September 30.

SB 1276 (Presley), as amended September 13, makes technical corrections and changes to the Smog Check Program, including the establishment of reduced emission goals, increasing the threshold cost of required repairs, and tightening the licensing and testing of Smog Check stations and mechanics. This bill was signed by the Governor on September 29 (Chapter 1154, Statutes of 1989).

SB 155 (Leonard), as amended on June 13, would impose an additional tax on specified motor vehicle fuels at designated rates, based on whether the fuel meets specified standards. This bill was referred for interim study.

The following bills have become two-year bills, and may be pursued when the legislature reconvenes in January: *AB 1718 (Hayden)*, which would require BAR to establish and administer procedures for the installation and use of refrigerant recycling equipment and to certify businesses and persons who are trained to use such equipment; *AB 2025 (Farr)*, which would extend operation of the ignition interlock program in specified counties until January 1, 1994; *AB 2036 (Speier)*, which, as amended August 21, would permit any county in a non-attainment area to impose a \$1 surcharge on the fee for the issuance of a certificate of compliance with the motor vehicle emissions inspection program, and would require the surcharge to be allocated to

the county's transportation planning agency; *AB 2040 (Farr)*, which would require BAR to work with the Office of Traffic Safety in designating stations for the installation of ignition interlock devices and to establish standards for manufacturers of those devices; *AB 2404 (Connelly)*, which would prohibit on or after January 1, 1992, the sale or offer for sale of CFC coolants suitable for use in mobile air conditioners in containers smaller than fifteen pounds; *AB 292 (Floyd)*, which would eliminate the requirement that the Air Resources Board find by resolution that certain modifications of pollution control devices are not prohibited; and *SB 1429 (C. Green)*, which would expand the ignition interlock program to eight counties and extend the program termination date to January 1, 1992.

RECENT MEETINGS:

At the August 25 joint meeting of BAR and the Bureau of Electronic and Appliance Repair (BEAR) in Burlingame, the two advisory boards discussed the issue of dual registration of car radio and burglar alarm installers. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 50 and Vol. 9, No. 2 (Spring 1989) p. 55 for background information.) BAR unanimously voted to support BEAR's proposal exempting BEAR-registered shops which solely install or repair car radios or burglar alarms from having to register with BAR. The proposal would also exempt BAR registrants who install car radios or burglar alarms from having to register with BEAR.

FUTURE MEETINGS:

To be announced.

BOARD OF BARBER EXAMINERS

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

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 24 schools, 6,500 shops, and 21,500 barbers.