



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.



REGULATORY AGENCY ACTION

MAJOR PROJECTS:

Merger Possibility Looms Again. In spite of BBE's longstanding opposition, the legislature appears determined to merge BBE with the Board of Cosmetology (BOC). AB 1108 (Epple), the Board's fee bill which was introduced last session, was amended on May 17 to indicate the legislature's intent that the two boards be consolidated; it further directs BBE and BOC to submit a report on a merger plan to the legislature by December 1990. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 41 for background information; see also Vol. 7, No. 1 (Winter 1987) p. 1 for extensive background information on the merger issue.) BBE is so opposed to the merger language that it has asked Assemblymember Epple to withdraw AB 1108. (See *infra* LEGISLATION.)

The legislature has scheduled two interim hearings which will include discussion of the BBE/BOC merger issue. The Senate Business and Professions Committee was slated to hold its oversight hearing on October 25-26, and the Assembly Committee on Governmental Efficiency and Consumer Protection was scheduled to discuss the issue on December 7-8. Assemblymember Delaine Eastin, chair of the Assembly committee, indicated that BBE members would be subpoenaed to the hearing if necessary.

Student Trust Fund Assessments Increased. At its July 10 meeting, BBE approved an amendment to section 204.6(b), Chapter 3, Title 16 of the California Code of Regulations (CCR). At present, each barber college is assessed a sum of \$2 per student enrolled, which is deposited into BBE's Student Security Trust Fund. This fund is used to refund unused tuition that a student would otherwise lose in the event of a school closure. The amendment to section 204.6(b) will increase the assessment to \$5 per student and will increase the trust fund's maximum amount to \$50,000. This change in fees and trust fund balance was prompted by the closure and bankruptcy filing of the Career Opportunities School in Pasadena. (See CRLR Vol. 9, No. 3 (Summer 1989) p. 41 for background information.)

Currently, the fund has a cap of \$10,000. The balance has been reduced to \$8,700, and claims are still awaiting settlement. The new \$50,000 cap will cover the total tuition cost of approximately fifteen students.

Proposed Removal of the Shave. James Vega, a barber from Santa Paula, recently asked BBE to consider removing the shave requirement from the registered

barber examination. In a letter to the Board, Vega stated that he has not been asked to give a shave in eight years. He later presented his views at BBE's July meeting. During the Board's discussion of his proposal, Department of Consumer Affairs (DCA) legal counsel Gus Skarakis pointed out that the law defines barbering to include shaving and requires barber colleges to teach shaving; thus, a legislative amendment would be required. The Board said it would continue to consider the matter.

Proposal to Recodify Barber Law. BBE Executive Officer Lorna Hill was scheduled to present the proposed recodified Barber Law at BBE's October meeting. Hill's intent in proposing the recodification is to simplify the statute for easier reference; add previously approved language relating to bonding of schools; add new college definitions; prepare new language on a cost recovery provision relating to administrative hearing costs; include fee language which was derailed this year; and include language relating to moral turpitude.

LEGISLATION:

SB 190 (Morgan), as amended September 12, establishes the Council for Private Postsecondary and Vocational Education, comprised of fifteen members appointed in a prescribed manner and three ex officio members; and, commencing January 1, 1991, requires the Council to be responsible for the approval of private postsecondary and vocational educational institutions, including barber schools. The bill prohibits institutions from issuing academic or honorary degrees or from offering courses of education leading to educational, professional, technological, or vocational objectives, unless they have demonstrated compliance with prescribed minimum standards and have been approved by the Council. The Council is authorized to receive and investigate complaints alleging violations of the bill's provisions and, at the conclusion of a hearing, to report its findings to the Attorney General, or to commence an action to revoke an institution's approval to operate.

Further objectives of the bill include the following: to ensure minimum standards of instructional quality and institutional stability for all students in all types of institutions; to establish minimum standards concerning quality of education, ethical and business practices, health and safety, and fiscal responsibility; to prohibit the granting of false or misleading educational credentials; and to prohibit misleading literature, adver-

tising, solicitation, or representations by private educational institutions or their agents.

This bill was signed by the Governor on October 1 (Chapter 1307, Statutes of 1989).

The following is a status update on bills reported in detail in CRLR Vol. 9, No. 3, (Summer 1989) at page 41:

AB 1108 (Epple), which states legislative intent directing the merger of BBE and BOC, was made a two-year bill. The bill would also delete existing maximum limits on licensing fees charged by BBE until January 1993, and would increase the maximum fees effective January 1, 1991. BBE, which originally sponsored the fee bill, opposes the merger language and has asked that it be withdrawn.

AB 459 (Frizzelle), which provides that a previously licensed individual may renew his/her license at any time after license expiration upon payment of the applicable fees, and upon satisfaction of continuing education requirements, has been made a two-year bill. The Board opposes this bill.

FUTURE MEETINGS:

To be announced.

BOARD OF BEHAVIORAL SCIENCE EXAMINERS

Executive Officer: Kathleen Callanan (916) 445-4933

The eleven-member Board of Behavioral Science Examiners (BBSE) licenses marriage, family and child counselors (MFCCs), licensed clinical social workers (LCSWs) and educational psychologists (LEPs). The Board administers tests to license applicants, adopts regulations regarding education and experience requirements for each group of licensees, and appropriately channels complaints against its licensees. The Board also has the power to suspend or revoke licenses. The Board consists of six public members, two LCSWs, one LEP, and two MFCCs.

MAJOR PROJECTS:

LCSW Licensing Laws. BBSE is responsible for implementing SB 2658 (Watson), a 1988 bill which significantly changed clinical social worker licensing laws. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 41 and Vol. 8, No. 4 (Fall 1988) p. 46 for background information.) In particular, the new statute requires two years of post-master's degree supervised