

RADIO AND TELEVISION REPAIR IN VIRGINIA

**REPORT OF THE
ADMINISTRATOR OF CONSUMER AFFAIRS
TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY OF VIRGINIA**



House Document No. 24

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RADIO AND TELEVISION REPAIR IN VIRGINIA
REPORT OF THE
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Richmond, Virginia
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To: HONORABLE LINWOOD HOLTON, *Governor of Virginia*
and
THE GENERAL ASSEMBLY OF VIRGINIA

I. INTRODUCTION

In recent years the increased complexity in such electronic home devices as television sets, especially color televisions, and stereo-tape component sets and the like, has created an aura of technical mystique as to the operation and repair of many of the consumers' home electronic appliances and a feeling of helplessness at the hands of repairmen and technicians. It has been the feeling of many consumers, legislators and members of the electronic repair trade itself that, as a result of the technical complexities involved in such repairs, there has been a large degree of consumer victimization in the form of overcharging, unnecessary repairs, and other similar acts and practices detrimental to the consumer and the industry as a whole. In order to study the need for legislation which might remedy this problem, the General Assembly enacted House Joint Resolution No. 107 at its 1970 session.

HOUSE JOINT RESOLUTION NO. 107

Directing the Administrator of Consumer Affairs to make a study and report on the need for legislation to license electronics technicians and others in related fields.

Whereas, the business of electronics has become increasingly important due to advanced technology; and

Whereas, the majority of the consumer population is unexperienced and untrained in such highly technical matters; and

Whereas, the possibility and probability of consumer victimization in overcharging, overreading, unnecessary substitution of parts and other unethical practices by technicians and repairers of television sets and other electronic home devices has reached alarming proportions; and

Whereas, a study should be made thereof; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Administrator of Consumer Affairs is directed to make a study and report on the advisability of enacting legislation for the licensing and regulation of electronics service dealers, technicians and apprentices. The Administrator shall consider all aspects of the problem, and may make such investigations thereto as may be requisite to present data in support thereof. All agencies of the State shall assist the Administrator in his study upon request. The Administrator shall

complete his study and report to the Governor and General Assembly no later than November one, nineteen hundred seventy-one.

To assist him in his study and recommendations, the Administrator of Consumer Affairs appointed a committee of distinguished citizens from both the consumer and business segments of the community. The list of committee members follows: Mrs. Doris E. Behre, Virginia Citizens Consumer Council, Inc.; Frank Blount, Virginia Electronics Association, Inc.; Claude D. Fryman, General Electric Company; Honorable Frederick T. Gray, Member, Senate of Virginia; Vernon E. LaPrade, Virginia Electronics Association of Richmond; J. T. Mathews, Sears Roebuck & Company; Mrs. James M. Minor, Jr., Virginia Federation of Women's Clubs; R. M. Price, Esquire, Wards Company, Inc.; Mrs. James B. Roberts, Virginia Federation of Women's Clubs; Clifford Shaw, Virginia Electronics Association; and Mrs. J. A. Throckmorton, Virginia League of Women Voters. Also assisting the committee in the study were The Honorable M. B. Rowe, Commission of Agriculture and Commerce, and Sumpter T. Priddy, Jr., Virginia Retail Merchants Association.

Legal advice, research and drafting assistance was provided by Assistant Attorney General William T. Lehner of the Attorney General's Division of Consumer Counsel.

The study included three public hearings, one each at Richmond, Roanoke, and Fairfax and also numerous meetings and conferences with the committee itself in the appraisal of problems presented and solutions.

II. PROBLEMS PRESENTED

A general consensus of problems and abuses present in the field of electronic repairs, especially with regard to repair of televisions, radios and stereos, was obtained through the testimony of consumers and consumer groups, businesses and business organizations, and electronic repairmen and electronic dealer organizations. The most commonly mentioned problems follow:

1. Improper or unworkmanlike repair performed by unqualified or poorly trained repairmen, thereby causing a financial loss to consumers;
2. Improper or unworkmanlike repair performed by unqualified or poorly trained repairmen, thereby producing a real or potential electrical or radiation hazard in the home;
3. Unconscionable overcharges for work performed;
4. Unnecessary repair intentionally performed and charged;
5. Misrepresentations in billing of charges by repairmen for work not actually performed;
6. Unreasonable repair delays and inadequate repair warranties and guarantees by service dealers.

The above abuses are not listed in any particular order of prominence; however, testimony seemed to indicate that such acts and practices were not isolated or uncommon in the repair of televisions, radios, and similar electronic equipment.

Mrs. Lori Laustrup of the Roanoke Better Business Bureau testified that in the year 1970 her office received approximately seven hundred telephone calls concerning radio and television repairs; also, seventy written complaints on the subject were received. Approximately four hundred

of the telephone calls were from consumers attempting to acquire information as to honesty or proficiency of radio and television repair dealers. Approximately three hundred of the telephone calls were actual complaints concerning the repair or non-repair of radio, television and similar appliances.

Mr. Thomas E. Acey of the George Washington University Law School Consumer Protection Center testified that the Center compiles statistics on complaints and that electronics was the second largest group of complaints overall, and that television and stereo repair was at the top of the electronics complaint list. The overwhelming number of these complaints concerned improper repair.

Mrs. Laura Horowitz of the Virginia Citizens Consumer Council, Inc., testified that although her organization does not keep statistics on the number of complaints received, radio and television repair complaints have ranked high. She further testified that the Better Business Bureau of metropolitan Washington, D. C., which includes northern Virginia in its service area, reported that radio and television repair complaints rated third among all categories; also, that President Nixon's Executive Assistant for Consumer Affairs, Virginia Knauer, placed radio and television repairs high on their list of received complaints.*

Many examples of specific abuses were presented usually by other radio and television technicians who recalled incidents told to them by consumers who eventually came to these technicians for satisfaction after being frustrated at the hands of unskilled or unethical repairmen. One example given of a hazardous situation which was created due to the "repair" of a television set by an unqualified repairman was a case where a picture tube was replaced without a bonded safety band, thereby presenting the potential hazard of an explosion in the home. To further attest to the special skills necessary to proficiently repair these electronic devices, W. H. Gruver, Assistant Professor at Virginia Western Community College in Roanoke and who is also licensed as a radio and television technician in the State of Louisiana, testified that technology in the radio and television field has tripled in the last twenty years and that continuing education is needed to remain competent even if one was once knowledgeable in such repair techniques.

Examples of unethical or fraudulent practices were also presented. In one case a technician testified that a prior employer instructed him to place new tubes in television sets when out on house calls, even if the tubes were not needed. Another technician reported that one customer was charged fifty dollars by another dealer for merely replacing a \$3.70 tube in a color television set. In another case, an elderly couple on a small pension was charged for a new television tube and other additional work; however, upon examination by another technician, it was discovered that only a rebuilt tube was inserted in the set and that no additional work was performed.

There also were complaints by consumers and dealers alike concerning the fact that advertisements placed by radio and television repair dealers contain no meaningful proficiency information for consumer utilization. This situation apparently exists because there are no proficiency or ethical standards required to engage in the electronic repair trade.

* According to testimony, automotive repair complaints usually ranked first.

III. APPROACHES TO RESOLUTION OF THE PROBLEM

Various forms of legislation and regulation have been suggested by various interest groups. These recommendations range from the suggestion that there should be no regulation whatsoever, to a recommendation of a complete licensing regulation, to include both individual repairmen and dealers.

The Lynchburg Retail Merchants Association opposed compulsory licensing and/or registration while contending that licensing tends to play into the hands of interest groups and ultimately presents economic and legal barriers to entry into the field. The representative of Sears, Roebuck and Company, Mr. Frank Duncan, generally concurred with the Lynchburg Retail Merchants Association; however, Mr. Duncan further testified that he also endorsed the approach taken by the representative from Wards Company, Inc., in that should any regulatory scheme come to pass, it should require only the firm or dealer to be licensed and held responsible.

Mr. Mac Arenstein, representing the service division of Wards Company, Inc., testified that he would favor legislation which did not require the licensing of individual technicians but, instead, licensed only the company or dealer and further required financial stability of the dealer. The Wards representative claimed that a licensing requirement for individual technicians could result in limiting the number of technicians available. He also claimed that, for the most part, the individual technician merely follows instructions of his employer.

Nicholas A. Spinella, Esquire, testified on behalf of the Virginia Electronics Association, a voluntary association consisting of approximately one hundred fifty independent electronic repair dealers in Virginia employing approximately five hundred technicians. The Virginia Electronics Association proposed a requirement for total licensing. Under this plan, dealers and technicians alike would be required to be licensed. Licenses would be granted only to those persons possessing sufficient bond, good moral character, and who are able to pass an examination. This proposal would contain a "grandfather clause." The VEA claimed that such legislation would protect the consumer from unethical and unskilled servicemen by keeping out incompetent, unskilled or inexperienced service repairmen, and also by revoking licenses of unethical and fraudulent operators.

The Virginia Citizens Consumer Council, represented by Mrs. Horowitz and Robert J. Surovell, Esquire, recommended licensing of both the individual technician and the dealers, such regulation to be administered by a strong independent regulatory agency with investigative power to not only investigate complaints but to actively police for incompetent and fraudulent service. This proposal would have the licensing board composed of representatives of the industry, as well as consumers, and would require the bonding of dealers. Any grandfather clause was opposed on the grounds that the problems in radio and television repair have arisen ostensibly because of those already in operation, thus demonstrating the need to include in any regulatory scheme those persons presently practicing. Mr. Surovell further stated that licensing of individual technicians, if coupled with a grandfather clause, could be counterproductive and restrictive, thereby creating a barrier for new technicians while perpetuating some fraudulent or incompetent operations. Similar opposition to the grandfather clause was expressed by the representative from the Better Business Bureau.

IV. ANALYSIS

The general tenor of the testimony at the public hearings seemed to confirm the need for regulation of some sort in an attempt to halt the many abuses which apparently prevail throughout the radio and television and related appliance repair industry. The requirement of bonding or financial stability of dealers was generally called for and appears to be a reasonable requirement in this area. Grandfather clauses should be avoided when feasible; however, there is always some hesitation to deprive a person of a business which he may have operated for many years without complaint. In this regard, the requirement to license a dealer by the examination of his technical skills seems unnecessary in light of the fact that it is not the company which performs the skilled acts but the employee. On the other hand, some form of regulation appears needed to insure that a dealer is of good moral character, that he does not engage in fraudulent practices, that he fulfills his just obligations to his customers, and that he not act in a negligent or dangerous manner. Should any dealer have a history of fraud or gross negligence in the operation of his service repair business, such a dealer should not have the unqualified right to continue conducting business in that fashion.

There is also apparently a need to insure that individual servicemen who perform the technical operations are competent and that they will continue to train themselves in this area of rapid technological advances. In addition, a skilled technician, and the dealer who employs such skilled technicians, should be able to communicate this high degree of ability and competency to the consuming public. In the same fashion, a consumer should be able to obtain meaningful information with regard to particular competency, which information is not available today unless one conducts a "survey." However, while reliable information as to competency is desirable, compulsory licensing of individual servicemen may not provide the best solution. In a conscious effort to refrain from creating a barrier around the entrance to the radio and television repair trade, it appears advisable that any program for encouraged competency should not be a prerequisite to practicing the trade.

Any burdens that may be legislatively placed upon dealers and technicians in order to accomplish the goal of ethical and workmanlike practices in the field of radio and television repair should be reasonable ones which do not infringe upon legitimate rights or the fair relative positions of either industry or consumers. In order to administer such a regulatory scheme, a self-sustaining board or bureau should be created with the appropriate clerical, technical, and investigative assistance and should be given authority to promulgate reasonable rules and regulations in an effort to correct the many abuses unveiled. Such a bureau should have the benefit of advice from both industry and consumers alike, and the administration and enforcement of the regulatory scheme should insure a responsive forum for all reasonable complaints.

Whether any regulatory scheme might ultimately result in increased repair costs to consumers as a result of bonding, licensing, and higher wages, is conjectural; however, should any cost increase be passed on to the consumer as a result of dealers' employment of more qualified individuals or the payment of regulatory fee or bonding requirements, the hypothetical cost increases may in the long run be a small price to pay for protection from poor repairs and unethical conduct.

V. RECOMMENDATION

It is recommended that a radio and television repair registration and certification act be enacted. Such a bill would incorporate many of the recommendations received during the public hearings and during committee meetings, and would provide for registration (not licensing) of dealers, bonding, voluntary certification upon passing of an examination for individual technicians, and a regulatory bureau created within the present State Department of Professional and Occupational Registration. The bill to carry out this recommendation is appended hereto.

Respectfully submitted,

Roy L. Farmer

Administrator of Consumer Affairs

A B I L L

To amend the Code of Virginia by adding in Title 54 a chapter numbered 24.1 containing sections numbered 54-872.1 through 54-872.28, relating to regulation of the radio and television repair industry and providing for a bureau in the State Department of Professional and Occupational Registration, clerical, investigative and technical assistance, rules and regulations, Advisory Board, complaints and investigations, registration of dealers, fees, bonding, voluntary certification, prohibitions, enforcement, how fees applied.

Be it enacted by the General Assembly of Virginia :

1. That the Code of Virginia be amended by adding in Title 54 a chapter numbered 24.1 containing sections numbered 54-872.1 through 54-872.28 as follows :

Chapter 24.1

Radio and Television Repair Registration and Certification Act

§ 54-872.1. This act shall be known as the Virginia Radio and Television Repair Registration and Certification Act.

§ 54-872.2. The following terms as used in this chapter have the meaning expressed in this section, unless the context clearly requires otherwise:

(a) "Person" shall include firm, partnership, association or corporation.

(b) "Department" shall mean the State Department of Professional and Occupational Registration.

(c) "Director" shall mean the Director of the State Department of Professional and Occupational Registration.

(d) "Bureau" shall mean the Bureau of Radio and Television Repair Registration and Certification.

(e) "Board" shall mean the Advisory Board of the Bureau of Radio and Television Repair Registration and Certification.

(f) "Service dealer" shall mean a person who, for compensation, engages in the business of repairing, servicing, or maintaining television, radio, tape system or phonograph equipment.

(g) "Certified Radio and Television Repairman" shall mean a person who meets the requirements as set forth in § 54-872.16.

(h) "Shop" shall mean any place in this State where the business of repairing, servicing, or maintaining television, radio, tape system or phonograph equipment is regularly performed or regularly received from a consumer for such repair, service, or maintenance.

§ 54-872.3. Except for provisions relating to voluntary certification, this chapter shall not apply to :

(a) Any employee of a service dealer if the employee repairs, services or maintains television, radio, phonograph or tape system equipment for compensation only as such an employee.

(b) The repair, service, or maintenance of equipment used in commercial, industrial, or governmental establishments when such work is performed by the establishment's own employees.

§ 54-872.4. There is hereby created a Bureau of Radio and Television Repair Registration and Certification in the State Department of Professional and Occupational Registration under the supervision and control of the Director. The Director shall administer and enforce the provisions of this chapter.

§ 54-872.5. The Director, in accordance with Chapter 2 of Title 2.1, may appoint, on part-time or full-time basis, such clerical, investigative, and technical personnel as may be necessary to carry out the provisions of this chapter.

§ 54-872.6. The Director, with active assistance from the Board, shall establish and enforce such rules and regulations as may be reasonable for the conduct of service dealers and certified radio and television repairmen and for the general enforcement of the various provisions of this chapter and in the public interest. The Director shall distribute to each registered service dealer and certified radio and television repairman copies of this chapter and of the rules and regulations thereunder. Such rules and regulations shall be adopted, amended, or repealed in accordance with Chapter 1.1 of Title 9.

§ 54-872.7. The Director shall keep a complete record of all registered service dealers and certified radio and television repairmen and shall annually prepare a roster showing the names and addresses of all currently registered or certified dealers and repairmen. A copy of the roster shall be made available to any person requesting it upon the payment of such sum as shall be established by the Director as sufficient to cover the costs and mailing thereof.

§ 54-872.8. (a) There is created in the Bureau an Advisory Board which shall consist of seven members appointed by the Governor, the first members of which shall be appointed at least ninety days prior to the effective date of this chapter.

(b) Four members of the Advisory Board shall be selected to represent the public and shall have no connection financially or otherwise with the television, radio, phonograph and tape system repair industry. Three members shall be selected from the television, radio, phonograph, and tape system repair industry. The Board shall elect from its members, each for a term of one year, a president and a vice-president, and may appoint such committee as it deems necessary to carry out its duties. The Director shall serve ex officio as secretary of the Board but shall not be a member thereof.

(c) Each member of the Board shall be appointed for a term of four years and shall hold office until the appointment and qualification of his successor. The terms of the members of the Board first appointed shall expire as follows: One member, January fifteen, nineteen hundred seventy-five; three members, January fifteen, nineteen hundred seventy-six; three members, January fifteen, nineteen hundred seventy-seven. The terms shall thereafter be for four years. Vacancies occurring shall be filled by appointment to the unexpired term.

§ 54-872.9. (a) The Board shall meet at least twice a year. Additional meetings may be held upon the call of the Director, the President, or at written request of any three members of the Board. All meetings of the Board shall be open and public.

(b) The quorum required for any meeting of the Board shall consist of four members, one of which shall be a representative of the television, radio, phonograph, and tape system repair industry.

§ 54-872.10. The Board shall:

(a) Inquire into the practices of the television, radio, phonograph, and tape system repair industry, the functions of the Bureau and the matter of the policy thereof, and make such recommendations with respect thereto as, after consideration, may be deemed important and necessary for the welfare of the consuming public.

(b) Confer and advise with the Director as to how the Bureau may best fulfill its function.

(c) Consider and make appropriate recommendations on its own initiative as to changes in, or additions to or deletions of regulations which the Director has adopted as, after consideration, may be deemed important and necessary.

(d) Assist the Director in the preparation of content and manner of administering the examination for qualification as "Certified Radio and Television Repairman".

(e) Consider and make appropriate recommendations in all matters submitted to it by the Director.

(f) Assist the Director in the collection of such necessary information and data as the Director may deem necessary to the proper administration of this chapter.

§ 54-872.11. The members of the Board shall be paid each the sum of thirty dollars per day for each day actually spent in the performance of their official duties, plus their actual and necessary expenses.

§ 54-872.12. The Director shall receive all complaints of violations of this chapter and of any regulation established hereunder by any service dealer, whether registered or not, or by any employee, partner, officer, or agent of any service dealer, or by any certified radio and television repairman. Upon receipt of information of violations the Director shall investigate and gather evidence thereof. The Director may also, on his own initiative, conduct spot check investigations of service dealers throughout the State on a continuous basis. Upon the completion of any investigation conducted pursuant to this section the Director shall report the findings together with documented evidence, if any, to the Board at its next meeting; provided, however, that such reporting shall not be a prerequisite to institution of enforcement proceedings by the Director.

§ 54-872.13. (a) Every service dealer shall register with the Director upon forms prescribed by the Director and shall pay the fee required for each shop operated by him in this State. The forms shall contain sufficient information to identify the service dealer, including name, address, and other identifying data to be prescribed by the Director. If the business is to be carried on under a name other than the owner or owners, such name other than the owner or owners shall be stated. If the service dealer is a partnership, identifying data shall be stated for each partner. If the service dealer is a corporation, data shall be included for each of the officers and directors of the corporation. The individual in charge of each shop shall also be stated.

(b) The fees for registration shall be thirty-five dollars for the initial registration for each shop in this State, and thirty-five dollars for a renewal fee for each shop, if renewed prior to its expiration date. If the registration is renewed more than thirty days after it ceased to be valid the renewal fee plus a delinquency charge in an amount equal to fifty per-

cent of the renewal fee in effect on the last preceding regular renewal date must be paid.

§ 54-872.14. (a) A good and sufficient surety bond in the sum of not less than three thousand dollars nor more than five thousand dollars, as determined by the Director, shall be required of each shop prior to registration. Such bonds shall be made in favor of the Secretary of the Commonwealth.

(b) No bond shall be accepted for filing unless it be with a surety company authorized to do business in this State, and shall be conditioned that the principal named therein will not do any of the acts meriting suspension or invalidation of his registration or certification under the provisions of this chapter.

(c) Any person aggrieved by any act of the principal named in such bond in violation of the provisions of this chapter may proceed on such bond against the principal or surety therein, or both, to recover damages. All such proceedings shall be instituted in the circuit court of the county or corporation court of the city where the violation occurred.

§ 54-872.15. (a) Upon receipt of the form properly filled out, receipt of the required fee, and the filing of the required bond, the Director shall, provided the applicant is of good moral character, validate the registration and send a proof of such validation to the service dealer. The Director shall prescribe regulations and conditions upon which a person whose registration has previously been invalidated or has previously been refused validation, may have his registration validated. For the purpose of this chapter a person lacks good moral character only if he would represent a potential danger to persons or property while in a private home.

(b) A registration which is validated prior to May first of any year shall cease to be valid on June thirtieth of the same year if not renewed. A registration which is validated on or after May first of any year shall cease to be valid on June thirtieth of the following year if not renewed.

(c) To renew a valid registration the service dealer shall, prior to the applicable date specified in subsection (b) above, apply for renewal on a form prescribed by the Director and pay the renewal fee and file the bond prescribed. To renew a registration thereafter the service dealer shall apply for renewal on a form prescribed by the Director, pay the renewal fee in effect on the last regular renewal date, file the bond prescribed and, if applicable, pay the delinquency fee. Renewal shall be effective on the date on which the application is filed, the date on which the renewal fee is paid, the date the bond is filed, or the date on which the delinquency fee, if any, is paid, whichever occurs last.

(d) A registration shall cease to be valid on the thirtieth day from the date on which any of the information required to be provided by the registration form or the prescribed bond ceases to be current. The Director shall make regulations prescribing the procedure for keeping such registration information current.

(e) Certificates proving the validation of registration must be prominently displayed in the public area of each shop so registered.

§ 54-872.16. (a) The certificate of "Certified Radio and Television Repairman" shall be granted by the Director to any real person who meets with the following requirements:

(1) He shall be domiciled in the Commonwealth of Virginia, or have a shop located therein at the time of making application;

(2) He shall be over the age of eighteen years;

(3) He shall be of good moral character;

(4) He shall not have been found guilty of any crime involving fraud or dishonest dealing nor have had a registration or certification revoked in this State for such activity;

(5) He shall have had at least two years experience in the repair, service, or maintenance of television, radio, phonograph, and tape system equipment and shall furnish affidavits from two other persons over the age of twenty-one years who are engaged in the same work to the effect that the applicant possesses the requisite experience;

(6) He shall have passed the examination prescribed and administered by the Director for qualification as "Certified Radio and Television Repairman."

(b) The program for qualification as "Certified Radio and Television Repairman" and approval is voluntary in nature and is not a prerequisite to lawfully engage in the business of television, radio, phonograph, and tape system repair, service or maintenance.

§ 54-872.17. (a) The examinations to be given by the Director shall be practical in character and shall be confined to those matters which fairly test the capacity of the applicant for the certificate. The examination shall cover the theory and practice of service, knowledge and the provisions of this act, interpretations of charts and blueprints and the knowledge of proper safety measures relating to the physical safety of the general public who may use his service. The examination may be written or oral and may require the applicant to perform certain practical operations. The Director shall insure that the questions and answers are changed from time to time and shall insure that the questions parallel the progress being made in the television, radio, phonograph, and tape system field.

(b) Applicants for certification under the provisions of this article shall be examined at a time and place fixed by the Board; said examination shall be held not less than twice a year.

(c) Application for certification under this article shall be made under oath on forms furnished for such purpose by the Director and shall contain, in addition to other reasonable information of identity, information as to the basic requirements established in § 54-872.16 (a) and necessary affidavits shall be affixed thereto. Applications shall be filed with the Director at least ten days before the date set for the examination and shall be accompanied by an examination fee of twenty-five dollars. There shall be no limit on the number of times a person may apply for and take the examination.

(d) Upon completion of the examination and the obtaining of a grade previously established by the Director as a passing or a satisfactory grade, such applicant for certification as a "Certified Radio and Television Repairman" shall be issued such a certificate by the Director provided the applicant possesses and meets the other qualifications required by this chapter.

§ 54-872.18. (a) The certificate of a "Certified Radio and Television Repairman" must be renewed annually. A certificate which is validated or granted prior to May first of any year shall cease to be valid on June thirtieth of the same year if not renewed. A certificate which is validated

or granted on or after May first of any year shall cease to be valid on June thirtieth of the following year if not renewed. A renewal fee of five dollars shall accompany the request for renewal which shall be on forms provided by the Director.

(b) There shall be no delinquency charge for failure to renew the certificate; however, when a certificate is not renewed for two consecutive years another certificate shall be granted only after the person so attempting to renew meets all the requirements for initial application for certification and again takes and passes the examination. If a "Certified Radio and Television Repairman" is found to have been guilty of gross negligence or in instances where complaints and investigation discloses a pattern of unworkmanlike repair, service or maintenance, the Director may require such person to reapply for, retake, and again pass the examination prior to the renewal of any such person's certificate.

§ 54-872.19. On or after January one, nineteen hundred seventy-three, it shall be unlawful to act as a service dealer without first having registered in accordance with the provisions of this chapter and unless such registration is currently valid.

§ 54-872.20. The Director may refuse to register, revalidate, or may invalidate temporarily or permanently the registration of a person for any of the following acts or omissions done by himself or any employee, partner, officer, or agent of the service dealer and related to the conduct of his business, and certification of any person may be refused or invalidated if any of the following acts are his own :

- (a) Conduct constituting gross negligence;
- (b) Acting for more than one customer in a transaction without the knowledge and consent of all parties thereto;
- (c) Any unconscionable acts or practices;
- (d) Suffering the conviction of a felony, provided that a certified copy of the record of the court conviction be received by the Director.

§ 54-872.21. The Director may further refuse to register, revalidate, or may invalidate temporarily or permanently the registration of a person for any of the following acts or omissions done by himself or any employee, partner, officer, or agent of the service dealer and related to the conduct of his business, and certification of any person be refused or invalidated if the act is his own :

(a) Advertising, orally or in writing, or representing in any fashion that he is a "Certified Radio and Television Repairman" or operates a "Certified Shop", or words of similar import and meaning, unless he has met the requirements for certification and possesses a valid and current certificate, or unless the shop employs on a full-time basis a "Certified Radio and Television Repairman" who performs a basic supervisory function over all repair, service, and maintenance work and who further inspects the finished product, and such final inspection is indicated on the consumer's sales slip. Any advertising in violation of this provision shall be deemed to be untrue, deceptive, or misleading;

(b) Making any other false promises of a character likely to influence, persuade, or induce a customer to authorize the repair, service, or maintenance of the equipment covered by this chapter;

(c) Any other conduct which constitutes fraud or dishonest dealing;

(d) Failure in any material respect to comply with the provisions of this chapter or regulations thereunder.

§ 54-872.22. (a) All work done by a service dealer shall be recorded on an invoice in such detail as is required by regulations issued by the Director and shall describe all service work done and all parts supplied. If any used parts are supplied, the invoice shall clearly state that fact. One copy shall be given to the customer and one copy shall be retained by the service dealer for a period of at least one year.

(b) The service dealer shall return replaced parts to the customer excepting such parts as may be exempted from this requirement by regulations of the Director and excepting such parts as the service dealer must return to the manufacturer or distributor under a warranty arrangement.

(c) If a customer requests an estimate for labor and parts necessary for a specific job, the service dealer shall make such an estimate in writing and may not charge for work done or parts supplied in excess of one dollar of the estimate without previous consent of the customer. The service dealer may charge a reasonable fee for making the estimate, but notice of such fee must be given to the customer prior to engaging in any work toward making the estimate.

(d) A service dealer may not make the compensation of any employee, partner, officer, or agent dependent upon the value of parts replaced in any equipment by, or with the consent of, such employee, partner, officer, or agent.

(e) The use of "guarantee" and words of like import shall conform to the regulations adopted by the Director.

(f) Each service dealer shall maintain such records as are required by the regulations adopted to carry out the provisions of this chapter. Such records shall be open for reasonable inspection by the Director or other law enforcement officials.

§ 54-872.23. All proceedings to refuse to register, revalidate, and temporarily or permanently to invalidate a registration, or to invalidate a certification, shall be conducted pursuant to the notice and hearing provisions of Article 1.1 of Title 9.

§ 54-872.24. The expiration or invalidation of a valid registration or certification shall not deprive the Director of jurisdiction to proceed with any investigation or hearing against a service dealer or to render a decision invalidating a registration or certification temporarily or permanently.

§ 54-872.25. Any person who fails to comply with the provisions of this chapter is guilty of a misdemeanor and punishable by a fine not exceeding one thousand dollars or by confinement in jail not exceeding six months, or by both such fine and imprisonment. The court taking jurisdiction may, in addition, enjoin the unlawful conduct.

§ 54-872.26. In addition to any other penalties prescribed or authorized herein, for action or inaction declared illegal or unlawful, injunction of a mandatory or restraining nature shall also be granted by the court of record of the city or county wherein said illegality or unlawfulness has occurred. The application for such injunction shall be made by the Attorney General or appropriate attorney for the Commonwealth at the request of the Director. The application shall be tried in the same manner

and under the same rules of procedure as other civil actions are tried. The action shall be brought in the name of the Commonwealth.

§ 54-872.27. No person required to have a valid registration under the provisions of this chapter shall have the benefit of any lien for labor or materials unless he has such a valid registration.

§ 54-872.28. All fees payable under this chapter shall be collected by the Director and paid by him to the general fund of the State treasury. All money so collected during the biennium beginning July one, nineteen hundred seventy-two, is hereby appropriated to the Bureau for expenditure in carrying out the provisions of this chapter.

2. Should any provision or item of this act or the application thereof be held invalid, such invalidity shall not affect other provisions, items or applications of this act which can be given effect without the invalid provisions, items or application and to this end the provisions of this act are declared severable.

3. This act shall be effective January one, nineteen hundred seventy-three.