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Attorney's Corner
By Larry Culley

There are two items which bear discussion in this month's "Attorney's Corner". The first is a subject I have raised before. Let me repeat it for those who have forgotten it:

- **NOTIFY YOUR ASSOCIATION IMMEDIATELY WHEN YOU RECEIVE A DMV HEARING NOTICE SO THAT YOUR ASSOCIATION ATTORNEY HAS ENOUGH TIME TO ORDER THE A.F.I.'s REPORT FROM ALBANY FOR THE HEARING! WE NEED THE A.F.I. REPORT TO MOUNT A PROPER DEFENSE.**

The other day a D.M.V. Administrative Law Judge refused to adjourn a July DMV hearing I had for a used car dealership while I filed a F.O.I.L. request for the A.F.I. Report. She noted that the Dealer had received the Notice of Hearing back in early May, which was when I would ordinarily have filed a F.O.I.L. request had I but received the report shortly after the Dealer got it. But he never sent the Report to me until about ten days ago. Fortunately, I was able to travel to the Judge's office where she was able to give me a copy of *some* of the Report. But your Association attorneys may not be so lucky next time, thus raising the prospect of the suspension or revocation of your license, and a hefty fine, due to your Association attorneys being unable to mount an effective defense for lack of the A.F.I.'s Report**. So please: send your Association a copy of any DMV, or other governmental Notice of Violation or Hearing as soon as you receive it.** If you delay you're only hurting yourselves.

Second, a N.Y. case has recently come to my attention where a female employee of a repair shop, an office manager and book keeper, filed a claim against her employer for sexual harassment and discrimination. Supposedly, the offenses devolved from racy banter to inappropriate touching, to putting lewd moves on the employee. This is a subject coming under increasing scrutiny in our industry. How do you treat your employees? With respect and consideration? Are you still hanging up revealing calendars or pin-ups in your shop, even if no longer in public areas? Are you or any of your employees making fun of any employee for their race, religion or gender? Or do you run your business in a professional manner and ensure that your employees do not violate these norms? Times have changed from years ago and it behooves you to pay attention to the working climate you maintain at your business. Failure to do so can lead to problems with which you never want to deal. A word to the wise should be sufficient.

The contents of this column are not intended as legal advice. I give no legal advice without an appointment and interview with a client.

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Attention Tobacco Retailers

It isn't enough that New York tobacco retailers need to deal with the State Health Departments, County Health Departments and Consumer Affairs Departments, Police Departments and others who are enforcing the State Underage Tobacco Sales to Minors law but now along comes the Federal Government.

YES, the Federal Food and Drug Administration are sending underage boys and girls to tobacco retailers to attempt to purchase tobacco products. You would think that with all the enforcement we have, they could find a better use for their money. I wonder if President Trump knows how wasteful they are.

To top it off they don't try to buy cigarettes. They had the underaged agent ask for a cigar. Tobacco retailers, watch your employees when they make a tobacco sale. You can lose your license and be fined. Without the ability to sell tobacco products your bottom line will fade away.

Hybrid Vehicle Market Continues To Evolve

The U.S. market is poised to see an increased share of hybrid and plug-in electric hybrid vehicles being sold in 2017 and beyond. Although the Toyota Prius, which was the first mass-produced hybrid EV, has been around for nearly two decades, hybrid vehicles still have a very small share of the market—they made up less than 2.0% of sales in 2016.

There are a multitude of reasons for this, including, but not limited to, consumer resistance to change, higher prices for hybrid vehicles over traditional powertrains, and relatively low and stable liquid fuel prices (especially in the last couple of years). Yet despite these challenges, expect to see more hybrid vehicles being produced and purchased in the near future, especially plug-in hybrids.

From the manufacturers' and fuels industry's perspective, increasingly progressive CAFE standards make hybrid electric vehicles extremely attractive, while they also benefit the fuels industry because they still rely on liquid fuel. From a consumer perspective, as more hybrid and plug-in electric hybrid vehicles come to market, costs of these vehicles should come down, making them even more attractive to consumers to buy. It is no surprise, then, that hybrid vehicles will continue to evolve and make gains in the market in the years to come.

According to a soon-to-be released Fuels Institute report series, "Tomorrow's Vehicles" (available in mid-July), plug-in hybrids are poised to increase market share of new vehicles sold from less than 0.5% of those sold in 2016 to potentially as much as 4% by 2025. Together, plug-in hybrids and traditional hybrids could account for more than 7% of new vehicles sold by that time.

New Vehicle Technologies Need Years To Reach Market Saturation

It would take close to a decade for a new vehicle technology to reach market saturation, according to a new report released today by the Fuels Institute. The report, "New Technology Adoption Curves: A Case Study on Delivering E25-Capable Vehicles to Market," demonstrates that it would be highly unlikely for a new vehicle powertrain optimized to operate on a gasoline blend containing 25% ethanol (E25) to achieve 20% market share by 2025, due directly to fleet turnover rates.

"To signal the fuels market to make a new fuel product broadly available, there must be a realistic expectation that demand will be sufficient to support the retail and distribution investments," explained Fuels Institute Executive Director John Eichberger. "For this project, we selected a 20% share of vehicles on the ground to represent that signal. The study found that it would likely take many years, combined with very strong sales of these new vehicles in their first years on the market, to achieve this level of market penetration."

The study, prepared by Navigant Research, calculates how many of these new vehicles must be sold each year to reach 20% fleet share by 2025 if the vehicles were first offered for sale in 2018, 2020 or 2022. The report shows, in each scenario, that vehicle sales in the first and subsequent years must be significant to achieve the model's established targets. First-year sales of E25-capable vehicles would have to total 629,000 if introduced in 2018, 1.3 million in 2020 and 3.8 million in 2022. The ramp-up in sales in subsequent years required to achieve 20% market share is equally significant.

"Because the existing light-duty fleet in the United States is so large, it will take a considerable amount of time for any new technology to reach market saturation," Eichberger continued. "The report does not consider any elements other than sales and fleet turnover. It does not evaluate automaker production schedules, regulatory approval requirements or any other market introduction steps, each of which could add complexity and further delay market penetration. This study is simply a calculation of fleet turnover."

"While we analyze E25-capable vehicles in this case study, the findings are applicable beyond E25," Eichberger said. "It does not matter what technology or powertrain is being contemplated, as every change to the fleet will take time to affect the market."

Gilbarco Announces First U.S. Fuel Dispenser EMV Transaction

Gilbarco Veeder-Root has announced the successful processing of the first U.S. EMV transaction at a fuel dispenser, utilizing Gilbarco's Passport Point-of-Sale (POS) and Encore fuel dispensers on the First Data network.

Gilbarco's Passport POS solution is the first POS in the United States to process forecourt EMV transactions, leveraging FlexPay CRINDS from Gilbarco. Gilbarco expects forecourt EMV payments to quickly begin turning on across the country at the large installed base of FlexPay CRINDS as the software is released for payment networks throughout the year, and as fraud migrates to less secure

payment points and security-conscious customers migrate to those sites with enhanced security.

The Passport POS system has supported EMV in-store transactions since May 2016. With simple software upgrades, Passport sites can be easily configured and enabled for full EMV transactions at the dispenser for all major card types.

“Gilbarco is proud to continue to lead the market on EMV technologies, both inside the store and at the dispenser. Our customers are looking to enable EMV at the dispenser as soon as possible, to provide the security their customers expect of them, and to get the most of the forecourt EMV hardware investments they’ve already made,” said Mark Williams, vice president of marketing for Gilbarco Veeder-Root, in a press release.

Kamlesh Patel, owner of the 49 Fuels site processing the first U.S. forecourt EMV transaction, was eager to enable EMV at the forecourt. “Our dispensers were already EMV-ready, so turning on EMV at the dispenser just required a simple Passport software upgrade,” Patel said. “We’ve seen our customers rapidly become accustomed to paying with their chip cards inside the store on our Passport system, and they are quickly expecting to be able to use their chip card at the dispenser, as they know that it gives them additional security.”

Drop In E-Cig Use Drives Decline in Youth Tobacco Use

Tobacco use among U.S. youth declined from 2015 to 2016, according to new numbers released by the Centers for Disease Control and Prevention (CDC) and the Food and Drug Administration’s (FDA) Center for Tobacco Products.

The 2016 National Youth Tobacco Survey found that the number of middle and high school students who say they are current tobacco users — defined as having used a tobacco product in the past 30 days — dropped from 4.7 million in 2015 to 3.9 million in 2016.

The drop was primarily driven by the decline in electronic cigarette use among those youths: 3 million in 2015 to just under 2.2 million in 2016.

In addition, declines were also seen during that timeframe among high school students who used two or more tobacco products, any combustible tobacco products, and hookah, according to the CDC.

"Far too many young people are still using tobacco products, so we must continue to prioritize proven strategies to protect our youth from this preventable health risk," said CDC Acting Director Anne Schuchat.

According to the two agencies, tobacco prevention and control strategies at the national, state, and local levels likely contributed to the reduction in tobacco use, particularly for e-cigarettes.

However, the report notes that continued surveillance of all forms of youth tobacco product use is important to help determine whether the current downward trend in youth tobacco use continues.

"While the latest numbers from the 2016 National Youth Tobacco Survey are encouraging, it is critical that we work to ensure this downward trend continues over the long term across all tobacco products," said FDA Commissioner Scott Gottlieb.

"Every day in the U.S., more than 2,500 youth under the age of 18 smoke their first cigarette and more than 400 youth become daily cigarette smokers. It is also clear from these most recent numbers that youth are continuing to experiment with, or becoming regular users of, a wide range of other tobacco products," he added.

In 2014, the FDA launched "The Real Cost" campaign, its first youth tobacco prevention campaign, which has helped prevent nearly 350,000 kids from smoking cigarettes, and continues to enforce important youth access restrictions, according to Gottlieb. "We plan to build on these vital efforts to reduce tobacco-related disease and death," he said.

The study also found that many youth report using multiple tobacco products. Specifically, 1.8 million middle and high school students reported using two or more tobacco products in the past 30 days.

Among current tobacco users in 2016, 47.2 percent of high school students and 42.4 percent of middle school students used two or more tobacco products.

The report also found that 20.2 percent of high school students and 7.2 percent of middle school students reported current use of any tobacco product. E-cigarettes remained the most commonly used tobacco product among youth for the third consecutive year, used by 11.3 percent of high school and 4.3 percent of middle school students.

Although the data reflects a decline during 2015-2016, current use of any tobacco product did not change significantly during 2011–2016, because of the sharp increases in e-cigarettes and hookah during 2011–2014, according to the agencies.

Other key findings in the 2016 National Youth Tobacco Survey include:

- Among all high school students, the most commonly used products after e-cigarettes were: cigarettes (8 percent), cigars (7.7 percent), smokeless tobacco (5.8 percent), hookah (4.8 percent), pipe tobacco (1.4 percent) and bidis (0.5 percent).
- Among all middle school students, the most commonly used products after e-cigarettes were: cigarettes (2.2 percent), cigars (2.2 percent), smokeless tobacco (2.2 percent), hookah (2 percent), pipe tobacco (0.7 percent) and bidis (0.3 percent).
- Among non-Hispanic white and Hispanic high school students, e-cigarettes were the most commonly used tobacco product. Among non-Hispanic black high school students, cigars were most commonly used.
- Cigarette use was higher among non-Hispanic whites than among non-Hispanic blacks; smokeless tobacco use was higher among non-Hispanic whites than other races.
- Bidis are small, thin, hand-rolled cigarettes imported to the United States, primarily from India and other Southeast Asian countries, according to the CDC.

"Tobacco use in any form, including e-cigarettes, is unsafe for youth," said Corinne Graffunder, director of CDC's Office on Smoking and Health. "Tobacco products contain nicotine, which is highly addictive and can harm the developing adolescent brain."

Fuel Retailers And Community Leaders Urge Congress To Oppose Commercial Rest Areas

This week, a diverse coalition from restaurants and fuel retailers to city governments, trucking firms and blind entrepreneurs asked key lawmakers to oppose efforts to commercialize interstate rest areas as Congress considers infrastructure legislation.

The Trump administration's recent proposal to allow the sale of food, fuel and other commercial services at interstate rest areas would drain local businesses of customers, communities of much-needed jobs, and city governments of critical tax revenue by putting established businesses in direct competition with state governments. At the same time, it would give the state an unfair competitive advantage by granting the state direct access to highway motorists, the groups said in letters to Congress.

Further, upending long-established policy prohibiting commercial rest areas threatens the livelihood of the nation's blind merchants, who service the vending machines at rest areas, and would hinder the U.S. Department of Transportation's goal of expanding commercial truck parking capacity nationwide.

"Congress effectively privatized highway services in 1960, when Congress prohibited states from offering commercial services at rest areas along the Interstate Highway System specifically so that private sector entities would grow and provide services to the traveling public," said Lisa Mullings, president/CEO of the National Association of Truck Stop Owners (NATSO). "Established businesses including travel plazas, convenience stores, restaurants and hotels are already meeting the needs of highway travelers. … Commercializing Interstate rest areas would create far more problems than it will solve."

In many rural communities located near interstates, gas stations, restaurants, convenience stores, truck stops and hotels represent the largest amount from local taxpayers, contributing more than $22.5 billion in state and local taxes. These funds help support schools, police and fire departments and other vital public services.

New Hire Paperwork:
Requirements & Recommendations

By HR Solutions Blog Team

Various federal, state, and local laws require that employees complete certain paperwork at the time of hire. In addition to these requirements, other paperwork is recommended to help you administer payroll, benefits, and other HR responsibilities. Here are some of these key forms:

Required New Hire Paperwork:

Form I-9. An I-9 Form must be completed to verify that the new hire is authorized to work in the United States. Section 1 of the form must be completed by the end of the employee's first day of work for pay (but it cannot be completed until the employee has been offered, and has accepted, the job). Employers must complete Section 2 within three business days of the employee's start date. For example, if an employee begins work on a Monday, Section 2 must be completed by Thursday. Note: In November 2016, the government released a revised version of the I-9. Employers were required to begin using the new version by January 22, 2017.

Form W-4. All new hires must complete a W-4 to determine the amount of federal income tax to withhold from their wages. A number of states also require a tax withholding form. If the employee refuses to complete a W-4, the general best practice is to withhold as if the employee were single and claiming no withholding allowances. If the employee has questions or asks for advice on how to complete a W-4, instruct them to speak with a tax advisor.

Notice of Coverage Options. Under the Affordable Care Act (ACA), employers must provide a Notice of Coverage Options to all new hires within 14 days of their start date. This requirement applies even if the employer doesn't offer health insurance and/or the employee is not eligible for health insurance.

State and local notices. Many states and local jurisdictions also require that employers provide specific notices to employees at the time of hire. For example, California requires employers to provide new hires with notices related to state disability insurance, paid family leave, workers' compensation, and other employment-related protections. Provide new hire notices in accordance with your state and local requirements.

New hire reporting. Federal law requires that employers submit certain information to their state regarding each new hire within 20 days of the employee's start date, but several states have shorter timeframes. New hire reporting is included in many RUN Powered by ADP® packages. If you have to fulfill these responsibilities on your own, you have several options, such as submitting the new hire's W-4 or an equivalent form. Check your state's new hire reporting program for details.

Recommended New Hire Paperwork:

Handbook acknowledgment. After providing new hires with a copy of your employee handbook, they should sign a form acknowledging that they have received and are responsible for complying with all company policies. Make sure you give employees enough time to read and ask questions about the handbook before they are required to sign the acknowledgment form.

Payroll authorizations. If you offer direct deposit, provide new hires with a direct deposit authorization if they would like their pay deposited directly into their bank account each pay period. A payroll deduction authorization should also be provided for voluntary deductions, such as health insurance premiums and retirement savings plans.

Benefits information. All new hires should receive information about the benefit programs you offer as well as any forms required to enroll. Note: Employers with health benefit and/or retirement plans must provide a summary plan description (SPD) to individuals when they become a participant in the plan or a beneficiary under such a plan. New employees must receive a copy of the SPD within 90 days after becoming covered by the plan.

Emergency contact. An emergency contact form lets you know who to contact in the case of an emergency. This form should be completed within the employee's first few days of work.

Receipt of company property. If you provide your new hire with company property, such as a laptop, cell phone, or key, have the employee complete a receipt of company property form. This acknowledges that the employee has received the company property listed, that they will maintain it in good condition, and that they will return it upon separation from the company, or earlier if requested.

Conclusion:

The forms listed above can be found in the New Hire Paperwork section of HR411®. Consider using a checklist to ensure that you complete and provide all required documents to each new hire. And don't forget that the employee's first day should be about more than just completing paperwork. Look for ways to ease their transition into your company by facilitating introductions with co-workers, reviewing their roles and responsibilities, and establishing goals.

State AGs Promise To Fight EPA On Vehicle Emission Standards

New York Attorney General Eric T. Schneiderman, leading a coalition of 13 attorneys general and the Pennsylvania Department of Environmental Protection, warned the Trump administration that any effort to roll back key vehicle emission standards would be met by a "vigorous" court challenge.

In a letter to Environmental Protection Agency (EPA) Administrator Scott Pruitt, the coalition says that it will take legal action if the EPA attempts to weaken air pollution standards set for passenger cars and light-duty trucks for model years 2022 to 2025.

"Reducing pollution from cars and trucks is vital to New Yorkers' and all Americans' health and environment, as we protect the clean air we've worked so hard to achieve and fight climate change," Schneiderman said. "Any effort to roll back these affordable, achievable, and common-sense vehicle emission standards would be both irrational and irresponsible. We stand ready to vigorously and aggressively challenge President Trump's dangerous anti-environmental agenda in court, as we already have successfully done."

In 2012, the EPA adopted stringent standards for greenhouse gas emissions from cars and light-duty trucks for the 2017-25 model years. EPA also agreed to complete a midterm evaluation to confirm achievability of the more stringent standards for model years 2022-25. The 2022-25 standards would reduce carbon emissions by the equivalent of removing 422 million cars from the road and cut greenhouse gas emissions by 540 million metric tons, as well as improve vehicles' fuel economy, according to the coalition.

EPA completed its midterm evaluation in January 2017, and the EPA, California Air Resources Board and the National Highway Safety and Traffic Administration issued a report finding that the current greenhouse gas emission standards for model years 2022-25 can be met using existing available vehicle technology. After public notice and comment, EPA concluded that it would keep these standards in place. In March, the Trump administration announced that it would "revisit" EPA's midterm evaluation decision.

Reacting to media reports that the Trump administration plans to roll-back current fuel economy emissions standards for cars and light trucks for model years 2022-2025, U.S. Sens. Edward J. Markey (D-MA), Tom Carper (D-DE) and Jeff Merkley (D-OR), also pledged to oppose efforts to dismantle the Obama administration's 54.5 mpg standard.

In the AG letter, the coalition expresses its strong disagreement with Administrator Pruitt's contention that EPA's midterm evaluation process was flawed, providing a point-by-point rebuttal of the administrator's criticisms. The letter states that "the characterization in your May 2 letter that EPA 'circumvented' the required legal and scientific processes in its midterm evaluation is erroneous and inconsistent with your stated desire to 'follow the letter of the law.'"

The coalition concludes the letter with the warning that if EPA acts to weaken or delay the current standards for model years 2022-25, "we intend to vigorously pursue appropriate legal remedies to block such action."

Schneiderman is leading the coalition, which includes the Attorneys General of New York, Connecticut, Delaware, the District of Columbia, Iowa, Maine, Maryland, Massachusetts, Oregon, Pennsylvania, Rhode Island, Vermont and Washington, as well as the Secretary of the Commonwealth of Pennsylvania Department of Environmental Protection.

The AGs have already successfully taken on the Trump administration's environmental agenda, resulting in the administration reversing course on energy efficiency standards last month.

House Vote Leaves Debit Swipe Fee Reform Intact

The U.S. House of Representatives voted in favor of legislation to revamp financial reform.

The Financial CHOICE Act aims to replace the Dodd-Frank Wall Street Reform and Consumer Protection Act. However, it leaves in place swipe fee reform which was included in Dodd-Frank's Durbin Amendment — a move that retail groups had been lobbying for over the past several months.

"Every promise of Dodd-Frank has been broken," said Financial Services Committee Chairman Jeb Hensarling (R-Texas). "Fortunately there is a better, smarter way. It's called the Financial CHOICE Act. It stands for economic growth

for all, but bank bailouts for none. We will end bank bailouts once and for all. We will replace bailouts with bankruptcy. We will replace economic stagnation with a growing, healthy economy."

Hensarling was the driving force behind the new legislation.

"We will make sure there is needed regulatory relief for our small banks and credit unions, because it's our small banks and credit unions that lend to our small businesses that are the jobs engine of our economy and make sure the American dream is not a pipe dream," he added.

With swipe fee reform protected, retail groups threw their support behind the legislation.

"In the wake of the financial crisis it was vital for Congress to act to assure the American people that our financial markets were stable and that a new regulatory apparatus would prevent another systemic problem," said Austen Jensen, vice president for government affairs at the Retail Industry Leaders Association.

"Preserving swipe fee reform was a big win for retailers and consumers across the country. No retailer — big or small — received a bailout during the Great Recession, and we support provisions of the CHOICE Act that seek to ensure that Americans are never again forced to bail out failing financial institutions," Jensen added.

Dirt Can Hurt More Than Just The Appearance Of The Vehicles In Your Fleet

When was the last time you noticed how the vehicles in your fleet looked? Are they sparkling clean or are they dusty and dirty? If they haven't been cleaned in a while, it may be time to schedule a wash, not just because they 'look dirty' but also because a filthy fleet can hurt more than you may realize.

"It's not just about aesthetics," said Christopher Miller, vice president of E-ZOIL, manufacturer of performance-enhancing fuel additives and cleaning solutions. "The dust and dirt that vehicles accumulate on exterior surfaces while driving around can pave the way for many problems, including paint peel-off and rust buildup."

According to Miller, everything from the scorching sun, driving rain, blowing dust and dirt, tree sap, not to mention bird droppings, have a negative impact on a vehicle's paint and clear coat. In areas that experience snow in the winter, road salt is the worst enemy, while in places closer to the ocean, fleets can show the abrasive effects of salt in the air. The paint and the clear coat not only make vehicles look clean and attractive, they also serve to protect the metal and the components underneath. If grit collects on a vehicle, a single scratch can gradually wear off the paint over time, and eventually, expose the metal underneath.

If contaminants find their way into the nooks and crevices of a vehicle's body panels they can cause rust to start and once rust starts, it only grows. Rust is most harmful when it starts in the undercarriage, which houses many moving mechanical parts, where it is not visible.

Furthermore, when dirt settles on the windshield, the rear window or the side view mirrors, it can increase blind spots and compromise safety.

Finally, a dirty fleet can communicate the wrong message about a company. Some truck fleets, for example, are well-known for going the extra mile when it comes to keeping their vehicles clean. When their trucks or buses are seen around town it communicates a positive message to existing and potential customers.

"A regular washing schedule with high performance cleaners is critical to the maintenance and longevity of your fleet," Miller advised. "High performance cleaners containing high concentrations of specially formulated detergents can remove road film and diesel smoke, cause no water spotting and are safe to use on all surfaces. They are also biodegradable."

Estimating Tips

Audatex Custom, User-Defined Labor Rates - In the most recent Audatex software release, the program now allows users to create a User-Defined Labor Rate. This is especially helpful when working on complex vehicle designs with advanced vehicle construction. A user can now charge a separate rate for Aluminum, Carbon Fiber or any other type of specialty material they are working on. A user-defined rate can be accessed thru the "rate section". The user can manually change the charge category on a specific labor or part line and charge the custom labor rate for that specific line.

CCC Parts Search Function - Having trouble locating a part in the CCC One database? CCC has a search bar feature where you can search by a valid part number or part description. This is especially useful for damaged parts you are unsure about, but are able to access the part number from the part itself.

When using the part number search function, always exclude spaces, hyphens, dashes from the number when searching. Example: Instead of 72380-SDA-A01, use 72380SDAA01.

You can view these tips and others on the DEG website by visiting: www.degweb.org

The estimating databases are all intended to be used as a GUIDE ONLY - it is important to remember that the auto body professional performing the repair is in a position to thoroughly inspect, diagnose and identify the methodology and their unique cost of the vehicle damage repair.

Texas Safety Inspection Bill Defeated

Texas Senate Bill 1588 (SB 1588), which would have eliminated mandatory safety inspections formotor vehicles registered in the state, did not make it out of the Texas House of Representatives this legislative session. Legislators had until midnight last night to approve any legislation for further consideration and SB 1588 did not make the cut. Working with both state and national partners, Auto Care put pressure on legislators to defeat both this legislation, as

well as efforts to amend other legislation to which similar anti-inspection language would be added.

In addition, the Texas House passed an amendment to SB 2076 that requires Texas' Department of Public Safety and Department of Motor Vehicles to conduct a study on the efficiency and necessity of actions related to titling, including vehicle registration and safety inspections. Auto Care will continue to work with its coalition of partners to ensure the study appropriately considers the impacts on the auto care industry.

Faulty Oxygen Sensors Caused Most 'Check Engine' Repairs In 2016

Faulty oxygen sensors were the most common reason drivers experience a "check engine" light (CEL) in 2016, according to the latest CarMD Vehicle Health Index. The survey — which measures CEL-related car repairs, costs and trends — also found that model-year 2005 vehicles were most likely to have a CEL illuminate.

The average cost to repair a CEL problem in 2016 was $398, including parts and labor — up 2.7 percent year-over-year. According to CarMD, the five most common CEL-related car repairs and associated average repair costs, including parts and labor, were …

- Replace oxygen sensor ($258);
- Replace catalytic converter ($1,190);
- Replace ignition coils and spark plugs ($401);
- Tighten or replace fuel cap ($17); and
- Replace mass air flow sensor ($378).

This year's index found the only region to experience a decrease in repair costs was the West, where vehicle owners experienced a 1.1-percent drop in car repair costs. Drivers in the Northeast paid the most for CEL repairs at $401, while drivers in the Midwest paid the least on average for parts and labor at $385.

The type of car repairs and associated costs varied by region. According to CarMD, the most common repair on vehicles in all four regions was "replace oxygen sensors," but the parts and labor cost for this varied from $253 in the Midwest to $266 in the Northeast. And, vehicle owners in the Midwest experienced the largest increase in average repair costs, which were up 5.7 percent from $364 in 2015 to $385 in 2016.

Additionally, vehicle age affected the likelihood and type of CEL repair incidents. A model-year 2005 vehicle was most likely to report having a CEL illuminated, accounting for 10.8 percent of such problems reported to CarMD in 2016. Model-year 2006 vehicles comprised 10 percent of reported CEL, followed by model-year 2004 vehicles (9.5 percent) and 2007 vehicles (9 percent). Model-year 2015 vehicles were least likely to experience a CEL issue, accounting for just 0.40 percent of reported problems.

The most common causes of a CEL problem on a 2005 vehicle were faulty ignition coils and spark plugs, accounting for 7 percent of repairs and costing, on average, $410 to fix. A loose gas cap was the top reason drivers of 2015 vehicles sought help for a CEL, accounting for 13 percent of recommended fixes and almost always covered as a warranty repair.

The 2017 Vehicle Health Index analyzed nearly 5.35 million repairs reported to and validated by CarMD's network between Jan. 1, 2016 and Dec. 31, 2016.

"While check engine issues can occur on any age vehicle at any time for many different reasons, this report reminds owners of 10- to 12-year-old vehicles to be vigilant with their maintenance routines and to be prepared for the possibility of a 'check engine' light repair," said David Rich, CarMD's technical director.

General Motors Sees A Future In Autonomous

A year ago, Mary T. Barra, CEO of General Motors, saw the future of autonomous technology on the streets of San Francisco while riding in a prototype self-driving electric car, The New York Times writes. Soon after that drive, she determined that GM would be an auto industry leader in bringing autonomous vehicles mainstream.

"The question now is whether a company (GM) identified with the industry's bygone glory days can be a trendsetter in 21st-century transportation," writes the Times, where competition for autonomous technology is coming from Google, Tesla and Uber—as in companies "with no legacy business to encumber them."

Autonomous technology and consumer adoption insights were brought to the stage at the recent Fuels Institute Annual Meeting. Ryan Robinson, associate director of research at Deloitte Canada, shared the firm's insights on autonomous vehicles, which found that consumers would be more accepting of self-driving vehicles if they were brought to market by a brand they trust, such as a traditional auto manufacturer. In the United States, for example, 47% of consumers say they'd most trust a self-driving car from a traditional auto manufacturer, while about 50% of the market would support a new autonomous company to emerge or a technology company like Google.

The Times writes that GM is streamlining its U.S. operations and redirecting energy and capital to its self-driving initiative. "I do believe General Motors is a tech company," Barra told the news source. "We put these products on the road that integrate 30,000 parts and have hundreds of millions of lines of code in them already. And we have to make them durable and work in all environments."

At its Orion Township, Michigan plant, GM builds conventional subcompact cars as well as its electric vehicle, the Chevy Bolt. The Times writes that one area of the factory is dedicated to a small-scale assembly line where employees customize Bolts with self-driving equipment, including a large computer in the trunk and modules packed with sensors on the roof and fenders.

"We're on the cutting edge here," Bill Rock, a 22-year GM veteran who works on the autonomous vehicle line, told the news source. "It's a very complicated process, but it's the direction the company needs to go."

The Times continues that GM has built about 140 autonomous Bolts that are used for testing in Arizona, California and Michigan by Cruise Automation, now a subsidiary of GM. Kyle Vogt, a founder of Cruise, said GM gave its engineers a distinct advantage by building an autonomous vehicle, rather than retrofitting a conventional car.

"These vehicles coming off the assembly line have been built from the ground up," Vogt told the news source. "That's a real car, and not a mash-up of off-the-shelf parts that need to be integrated into the system."

Barra believes that GM can "lead the self-driving revolution" without additional acquisitions or partners, notes the Times. "We have everything we need," she said.

Driverless Vehicles Could Put The Brakes On Accident-Related Lawsuits

For companies with drivers on the payroll, the shift to fully autonomous vehicles could usher in massive reductions in potential liability, said LeClairRyan attorney Peter Hart in a May 19 column for legal news website Law360.com.

"After all, driver error is the leading cause of accidents on U.S. roadways," wrote Hart, senior counsel in the national law firm's San Francisco office and co-leader of its transportation industry team. "When perfected forms of autonomous driving technology replace error-prone human drivers, many are betting that businesses such as trucking firms, delivery services and shuttle operators will face dramatically fewer legal settlements and court battles triggered by vehicular accidents."

In the column, Hart noted that technological progress is already headed in this direction. He cited the increasing sophistication of the specialized Electronic Control Modules (ECMs) used in commercial trucking. "These devices are the trucking industry's version of the 'black box' data-collectors that play such key roles in the reconstruction of aviation accidents," Hart wrote. "Thanks to the wealth of post-event information that is now available from ECMs, it is easier to scientifically reconstruct traffic accidents. The devices are getting more sophisticated all the time."

In the column, Hart pointed to the remarkable safety records of autonomous vehicles road-tested by the likes of Waymo and Uber. Most of the accidents thus far have been the result of humans crashing into driverless cars or otherwise causing accidents with them, not the other way around.

This is not to suggest, however, that all liability risk will vanish. Today, many lawsuits (including class actions) target manufacturers of conventional cars and trucks for mechanical failures such as faulty steering wheels, braking systems or accelerators. It is possible that autonomous vehicles, once introduced onto American roads in sufficient numbers, could cause accidents as manufacturers strive to discover and eliminate the remaining bugs in these systems.

Thus, insurance and liability burdens could tilt away from companies that once employed human drivers and toward manufacturers of autonomous vehicles. "It would be prudent for risk-managers, attorneys, C-suite executives and other professionals to start educating themselves on the various ways in which autonomous vehicles could affect what they do."

Permanent WOTC Support

The Military Coalition, an organization of 32 major veterans organizations that cooperates with WOTC Coalition, has sent the attached letter to Congress supporting permanent WOTC.

SSDA-AT is grateful to Michael Saunders of The Retired Enlisted Association and Forrest Allen of the Military Officers Association of America for preparing and coordinating this letter with members of The Military Coalition.

SSDA-AT also wants to thank Col. Frank G. Wickersham III (USMC, Retired) for his help launching this project.

SSDA-AT had successfully lobbied in 2011 for the passage of the Vow to Hire Heroes Act. Between 2013 - 2015, some 278,611 veterans were certified for WTOC, showing its importance for addressing the veteran unemployment crisis.

Marketplace Fairness Act For Online Sales Introduced In Congress

The House and Senate have reintroduced separate legislation - the Remote Transactions Parity Act (H.R. 2193) and the Marketplace Fairness Act (S. 976) - that closes the loophole permitting online merchants to avoid charging sales tax for internet purchases if they do not have a nexus in the state.

SSDA-AT supports the Remote Transactions Parity Act (H.R. 2193) and the Marketplace Fairness Act (S. 976) so that local family owned businesses in our industry can compete fairly with large online corporations. These bills address very important issues for our members and we will expand our legislative efforts with its introduction to gain support in Congress.

Both bills take different approaches to ending unfair competition caused by this loophole, which puts brick-and-mortar retailers at a price disadvantage to remote sellers.

All brick-and-mortar retailers are encouraged to contact their federal legislators to urge passage of both S. 976 and H.R. 2193.

Working Families Flexibility Act of 2017 Passes House

H.R. 1180 sponsored by Rep. Martha Roby, R-Alabama, and co-sponsored by 17 others, would help American workers balance the competing demands of family and work by giving them flexibility to earn paid time off-time they can later use for any reason, including family commitments like attending school appointments and caring for a sick child.

In addition, H.R. 1180 contains critical protections to ensure employees can continue to choose overtime pay and to prohibit employers from coercing their employees to accept compensatory time instead of overtime pay. The bill would give employees who work more than 40 hours a week a choice between taking time off or being paid time-and-a-half for the overtime hours.

The House version, HR 1180, recently passed the House 229 to 197. Sen. Mike Lee, R-Utah, has introduced a companion bill (S. 801) in the Senate.

SSDA-AT supports the Working Families Flexibility Act of 2017 because it would alter the Fair Labor Standards Act (FLSA) in a much-needed way to allow certain employees to choose to take paid time off rather than overtime pay when working more than 40 hours in a week.

The Administration supports H.R. 1180 and if it were presented to the President in its current form, his advisors would recommend that he sign the bill into law.

RPM Act Update

Great news! Support for the RPM Act continues to build, as we have significant progress in adding cosponsors in both houses.

U.S. Senator Tammy Baldwin (D-WI) signed on as a RPM Act cosponsor. The Senate bill (S. 203) has 29 cosponsors (7 Democrats) and we are now just one Democrat short of a filibuster-proof majority. On the House side, H.R. 350 has 118 cosponsors (12 Democrats).

SSDA-AT is urging the House Energy and Commerce Committee (E&C) and Senate Environment and Public Works Committee (EPW) to schedule action on the bill. We have had good staff meetings with the bill sponsors and E&C and EPW staff, with indications that the legislation is well-positioned for consideration once it can be scheduled.

We look forward to building on the RPM Act's progress and ask for your assistance in pursuing the following Senate Democrat primary targets:

* Sen. Heidi Heitkamp (ND)
* Sen. John Warner (VA)
* Sen. Tim Kaine (VA)
* Sen. Debbie Stabenow (MI)
* Sen. Bob Casey (PA)
* Sen. Sherrod Brown (OH)

SSDA-AT continues to work closely with SEMA and TIA on this legislation.

OMB Proposes Retailer SNAP Fee

Office of Management and Budget (OMB) Director Mick Mulvaney has proposed a SNAP retailer application fee to pay for his proposed cuts to the SNAP program. The applications would be for each location, rather than per company. Based on initial analysis, the fee could range anywhere from $250 to $20,000 per location and would be levied only during the authorization or reauthorization process. Once authorized or reauthorized, store authorization lasts for several years.

Small-format retailers play a vital role in SNAP because they provide critical access to food for SNAP beneficiaries. Any policy that would make it more costly or difficult for small format retailers to participate in SNAP raises concerns because of the access implications for beneficiaries.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of $12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 518-452-4367.

Attention Inspection Stations

The Association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning." that is when a vehicle other that the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation.

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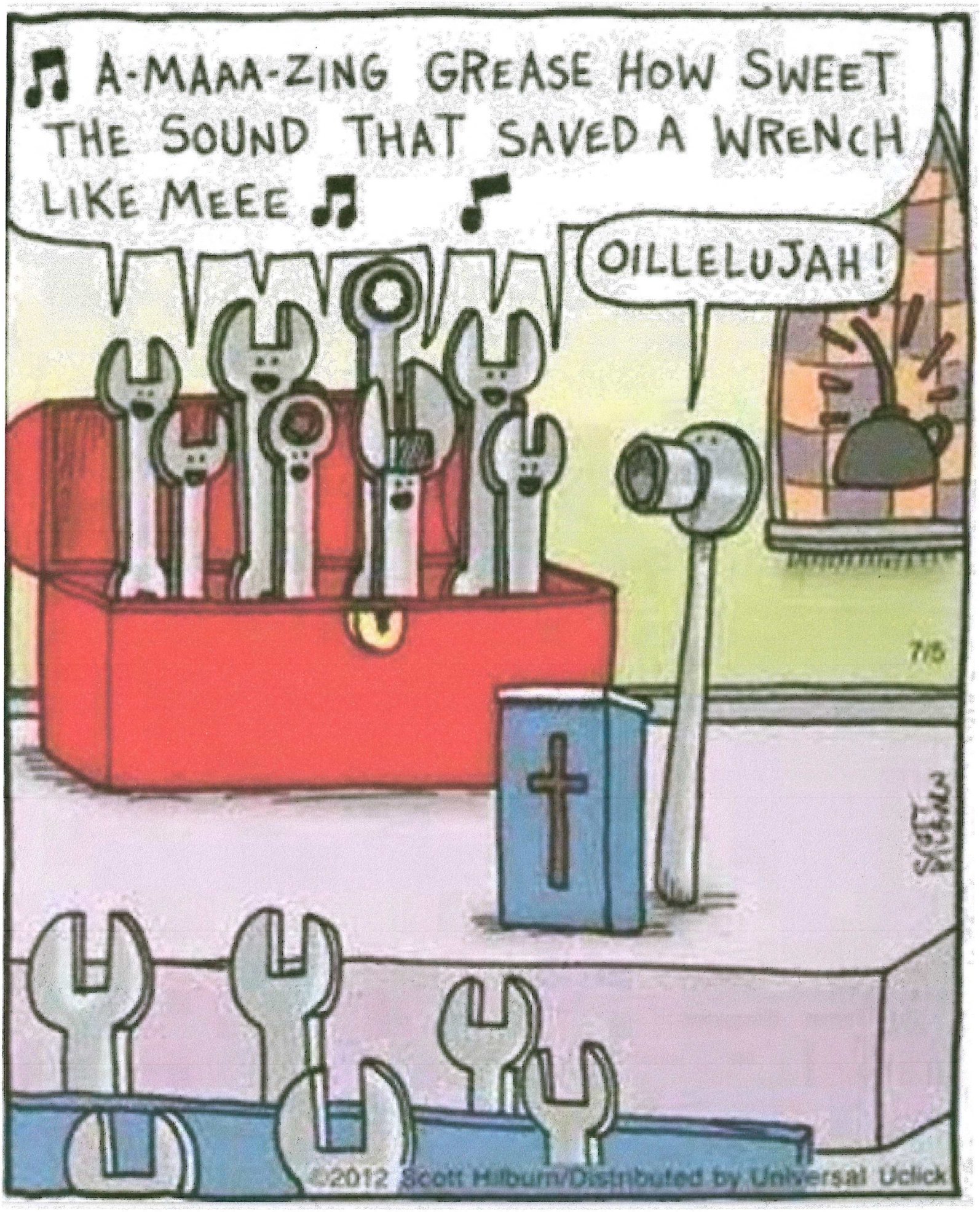
If you have not reported this information to NYS DEC as of yet do so immediately Communicate this information to DEC at operatortraining@dec.ny.gov

Or call the association office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- Last years dividend was 30% ($3,045,773)
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- Easy quoting process
- Program available to all members

*Based on 25% up-front discount + declared dividends

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Name of NAPA Dealer:		
NAPA Street Address:		
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Street Address:			
City:	State:	Zip:	
Phone #	Fax #	E-Mail:	
Contact Person:		Phone # (if different from above)	
Are you happy with the cost and service provided by your carrier/agent?		Yes	No
If yes STOP here… If NO or NOT SURE you may want to look at the following			
Is your coverage insufficient?		Yes	No
Is the service poor to non-existent?		Yes	No
Is the cost too high?		Yes	No
Are you satisfied with your current coverage?		Yes	No
Are you interested in a quote from another insurer?		Yes	No

Is so please check each that apply:

		Property & Casualty
		Workers Comp
		Disability
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If you checked one or more of the above please provide the following information:
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