

Federal Law Update: Compliance Issues OEMs and Vendors Need to Know



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CFPB/FTC Update



Andrew Ferguson
FTC Chairman



Mark Meador
FTC Commissioner

POLITICO

Finance & Tax | Morning Money newsletter | Friday edition: Capital Risk

Trump administration declares CFPB funding illegal

The decision, disclosed in a court filing, puts the Consumer Financial Protection Bureau on track to shut down in 'early 2026' when its remaining cash runs out.



Acting CFPB Director Russ Vought announced in a court filing that the agency would run out of cash to operate early next year, paving the way for a full shutdown of the agency. | Francis Chung/POLITICO

By MICHAEL STRATFORD
11/11/2025 12:04 PM EST

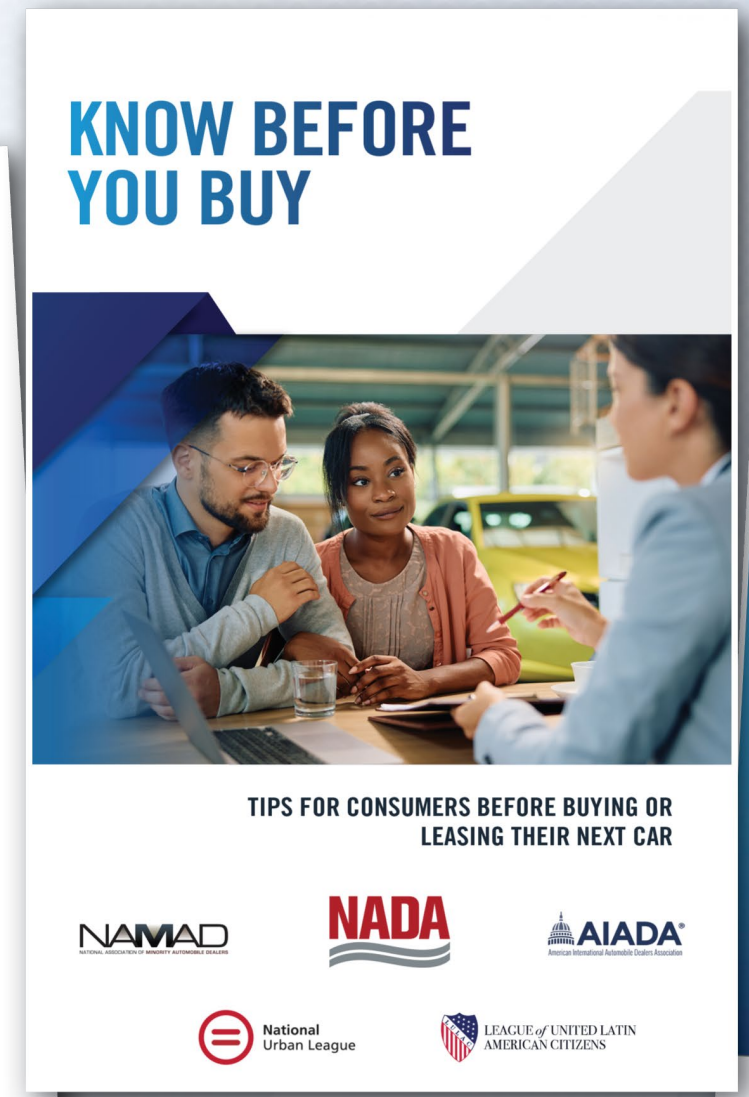
The Trump administration has formally determined the Consumer Financial Protection Bureau's current funding mechanism is unlawful, a move that puts the agency on track to close in the coming months when its existing cash runs out.

The decision, disclosed in a court filing late Monday, marks the administration's most direct effort yet to dismantle the consumer watchdog and sets up a new front in the ongoing legal battle over its future. The administration said it now considers the CFPB legally barred from seeking additional money from the Federal



Recent Endorsements







Data Privacy and Security



Automobile Dealers and the FTC's Safeguards Rule Frequently Asked Questions

Tags: Automobiles | Finance | Privacy and Security | Data Security | Gramm-Leach-Bliley Act

The Federal Trade Commission (FTC) has developed these FAQs to help automobile dealers comply with the Gramm-Leach-Bliley Act and the FTC's Safeguards Rule. The following questions and answers discuss the requirements of the Safeguards Rule and apply it to specific situations that automobile dealers may face. These FAQs are meant to supplement the compliance materials available on the FTC website, including the FTC's business explainer: FTC Safeguards Rule: What Your Business Needs to Know | Federal Trade Commission. You might also want to familiarize yourself with the FTC's Privacy Rule FAQs for automobile dealers: The FTC's Privacy Rule and Auto Dealers: Frequently Asked Questions ("Privacy Rule FAQs"). Please note that this document represents the views of FTC staff and is not binding on the Commission.

A. Safeguards Rule 101

1. What is the FTC's Safeguards Rule?

The FTC's Safeguards Rule, which dates back to 2003, requires financial institutions to maintain safeguards to protect customer information. The FTC issued the Rule to implement the requirements of the Gramm-Leach-Bliley Act, and it applies to financial institutions subject to the FTC's authority. That includes most automobile dealers who finance or lease automobiles.

In 2021, the FTC amended the Safeguards Rule to provide more specific guidelines for financial institutions and to ensure that the Rule keeps pace with current technology. The amended Safeguards Rule requires financial institutions to have written information security programs to protect the customer information they have and certain safeguards, which are listed below.

A further amendment in 2023 requires financial institutions to report to the FTC certain data breaches and security incidents involving their customer information. That

Best Practices for Tracking Consumer Website Activity

Website tracking is used to enhance the customer's experience by optimizing websites to user preferences and supporting third party tools like chat platforms or targeted ads.

Cookies, pixels and other tracking technologies are common across virtually all industries and sectors to track customer behavior. But it is important that dealers fully understand these technologies and utilize them in a way that protects consumer privacy. The failure to do so can put you at risk of violating the law.

What Dealers Should Know About Website Tracking

Dealers should know what tracking is occurring on their websites so customers are informed and the privacy notice is accurate, including:

- Who collects the data.
- What data is collected.
- How the collected data is being used.
- What third parties are receiving the data.

WEBSITE BANNERS OBTAINING CONSENT

The most common way websites obtain consent for collecting consumer information and informing consumers about what information will be shared with third parties is a pop-up banner where consumers can indicate what information can be collected and shared.

Banners SHOULD:

- Allow consumers to make a clear, conspicuous, and affirmative choice to opt-in to information collection and/or sharing.
- Allow the choice to opt-in to happen before the collection and/or sharing occurs.
- Provide as much information as you can with consumers about who, what and where their information is going to be shared, and for what purpose or purposes the information is going to be shared.
- Have the privacy policy displayed prominently.
- Allow consumers to manage information collection and disclosure preferences. For example, what information is collected and who it can be shared with.
- Honor consumer requests to not have information shared or tracked. For example, if a consumer opts out of tracking, the website should not continue tracking.

Banners SHOULD NOT:

- Misrepresent what data will be collected and shared.
- Infer consent from hovering over, muting, pausing, or closing a window.
- Continue tracking consumers who disable tracking technologies.
- Require more information or steps to opt in to tracking than to opting out of tracking.

RESOURCES

- New York Attorney General: *Website Privacy Controls, A Guide for Businesses*
- IAPP: *A Comprehensive Guide to Creating a Sustainable Cookie Program*
- Connecticut Attorney General: *Updated Enforcement Report Pursuant to Connecticut Data Privacy Act*

ENFORCEMENT ACTIONS

Federal Trade Commission: Good Rx
Complaint
Consumer Alert

Federal Trade Commission: BetterHelp
Complaint
Press Release

Federal Trade Commission: Premom
Complaint
Consumer Alert

CCPA: American Honda Motor Company
CCPA: Healthline

This document is offered for informational purposes only and is not intended as legal advice. Consult an attorney who is familiar with federal and state law addressing these topics.

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NADA | COMPLIANCE ALERT

700Credit to File a Consolidated Breach Notice with the FTC on Behalf of its Dealer Clients

Published December 2, 2025

The Federal Trade Commission (FTC) Safeguards Rule requires financial institutions (including dealers) to provide an electronic notice to the FTC as soon as possible and no later than 30 days after discovering a notification event involving the information of at least 500 consumers. A notification event is the unauthorized acquisition of unencrypted customer information.

Questions have arisen concerning whether the security incident recently reported by 700Credit triggers this requirement. If it does, each dealer client of 700Credit would be required to file a breach notification with the FTC and complete its data fields, including (among other entries) the types of information involved in and a summary of the notification event.

700Credit has filed a breach notice with the FTC on its own behalf, and 700Credit would like to file a consolidated breach notice with the FTC on behalf of its dealer clients.

Accordingly, NADA, in coordination with 700Credit counsel, proposed to the FTC that the FTC permit 700Credit to file a single electronic notice in this matter on behalf of all of its affected dealer clients.

In such notice, 700Credit would complete all of the required data fields based on available information, including the identity of its affected dealer clients. This would satisfy any reporting obligation the dealer

Contact



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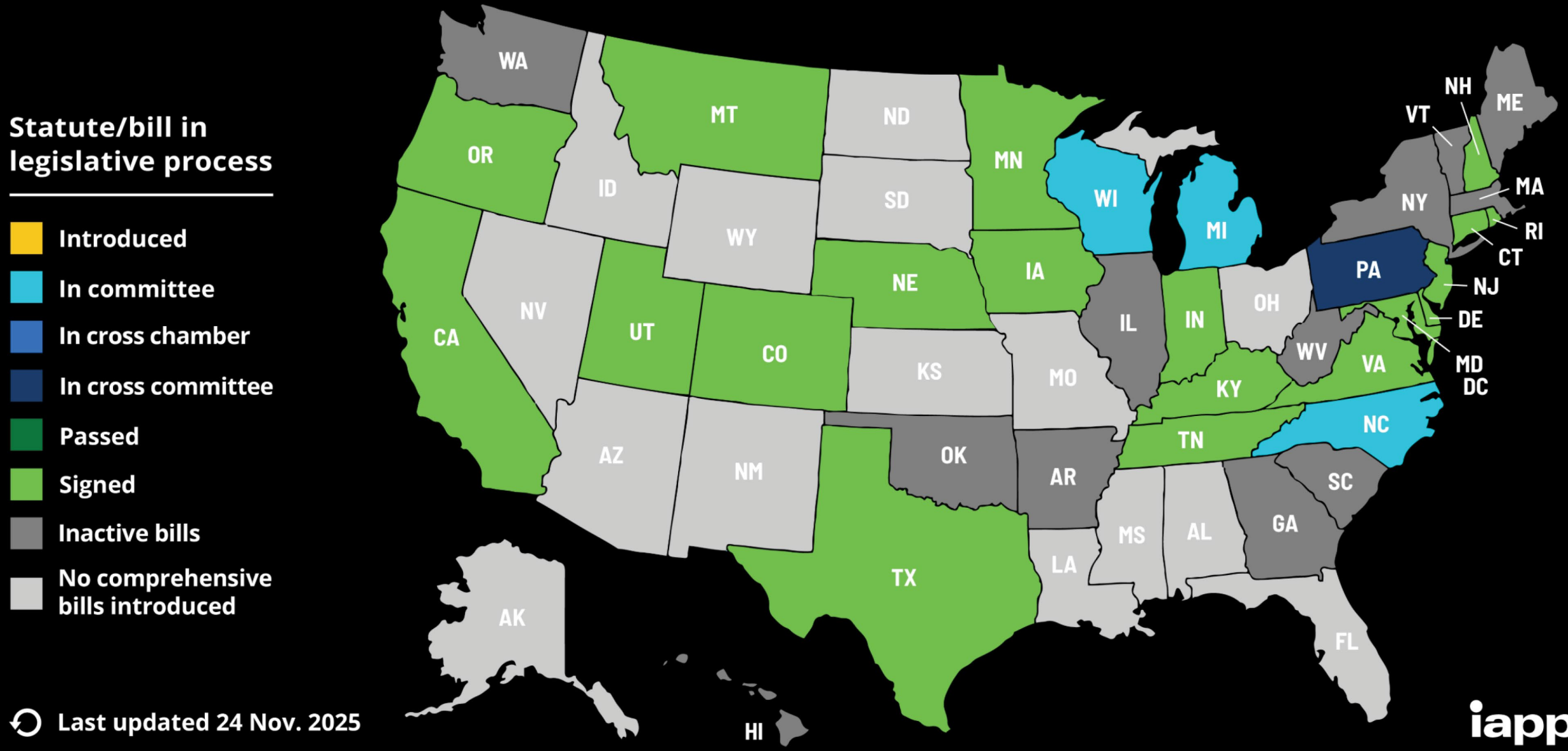






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US State Privacy Legislation Tracker 2025



Last updated 24 Nov. 2025

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OEM Data Sharing Agreements

Types of Agreements



Data Sharing



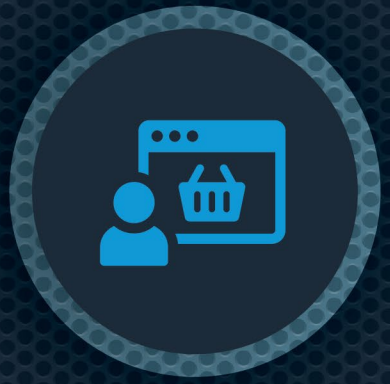
Sales and Service



Websites



Sales Reporting



eCommerce

NADA Data Sharing Agreement Guidelines

Automotive retail requires sharing data among dealer systems, OEMs, and third parties. The continuous flow of data ensures an integrated customer experience and promotes the safe and efficient operation, repair, and maintenance of vehicles. The guidelines below and related data sharing principles have been developed to promote legal and regulatory compliance, protect consumers, and build trust among all parties sharing data.

When receiving an agreement that involves data sharing, the following are six minimum key considerations.

What Data is Being Shared?

- Does the agreement require you to share customer data?
- Does the agreement specify what data will be shared? For example, name, phone number, email address, financing details, etc.
- Is the data being shared personal information or Non-Public Information (NPI)? The FTC has released guidance for businesses to determine if information is NPI here.
- If the agreement includes sharing NPI, does the contract comply with the FTC Privacy and Safeguards Rules and applicable state law? Information related to the FTC Privacy and Safeguards Rule that should be included is here.

Who Has Access to the Data?

- Does the agreement state that only the parties to the agreement will receive the data?
- Does the agreement specify with whom the data can be shared now or in the future (i.e. specific third party vendors)?
- Is there specific language in the agreement that the data can or cannot be shared?
- If the data can be shared, is that subject to approval by the dealer?

What Purposes Will the Data be Used For?

- The agreement should avoid violating Section 5 of the FTC Act for Unfair and Deceptive Practices, which can extend to sensitive personal information that is not considered NPI.
- Does the agreement specifically state what purposes the data will be used for?
- Are those purposes in compliance with the law?
- Can the sharing party use the data without informing the dealer?

How is the Data Being Protected?

- Are all parties held to the same standard to protect data—legally and technically?
- Is data being shared equipped with the same technical safeguards (i.e. encrypted) for all parties?
- Are all parties required to hold the same certifications or requiremer (STAR, ISO, NIST, etc.)?

Who Has Responsibilities Under the Agreement?

- What are the rights and responsibilities of each party if a data breach occurs?
- If privacy notices and/or consent are required to obtain informa from customers, does the agreement state who is responsible f providing the notice and receiving consent?
- What laws need to be followed and by whom?
- Does an updated agreement need to be executed if there are in the law?

What Rights Do Parties Have to Terminate the Ag

- What are the conditions for terminating the agreement?
- How much notice does the terminating party need to pro
- If a party terminates an agreement, is the other party o provide operational support to transfer data back to th

legal advice. Consult an attorney who is familiar with federal and state law addr

Automotive Ecosystem Data Sharing Principles

Data sharing agreements (written agreements that include sharing information including but not limited to personally identifiable information, nonpublic business information, or any other nonpublic information) between dealers, OEMs, and third parties should follow five principles:

1) **Data is Shared Pursuant to Written Agreements**
2) **Data is Shared in a Compliant and Secure Manner**
3) **Data is Shared with Clear Accountability and Protection**
4) **Data is Shared in a Transparent Manner**
5) **Work Together on Data Sharing Practices**

Data is Shared Pursuant to Written Agreements

- Data should be shared only pursuant to a written agreement that specifically details the nature, use, and protection of the data.
- Any data shared should be clearly described and specified in the agreement.
- Data should only be used for the purposes outlined in the agreement and for no other purpose.
- Data should be shared utilizing currently accepted data sharing protocols (open API or similar technology) that provide control and audit rights to the sharing party.
- The sharing party should have the ability to verify and audit the scope, use, sharing, processing and security of the data shared upon request.

Data is Shared in a Compliant and Secure Manner

- Data should be shared, processed and secured in a manner that complies with the parties' legal obligations.
- Data should be secured in accordance with the generally accepted security frameworks (STAR, ISO, NIST, etc.).

Data is Shared with Clear Accountability and Protection

- The sharing party should not be responsible if the other party misuses or fails to adequately protect the shared data.
- If a party states that only certain third-party vendors can be used, the vendors should be able to safely and securely process information and be committed to providing information via relevant data security protocols.
- Risk allocation (indemnification, limitations of liability, insurance, etc.) and compensation (royalties and licensing) provisions should be equitable, appropriate, and proportionate for all parties.
- There should be a clear point of contact to answer questions and honor consumer data requests.

Data is Shared in a Transparent Manner

- Data should not be shared without written consent from the sharing party that details the specific data shared and the specific purpose for which the data was shared.
- The sharing party should be provided with documentation of all the data shared upon written request.
- Data should only be shared if the parties have the same restrictions and limitations on use.
- Data used to train artificial intelligence models should be protected and used only for the purposes specified in the agreement.
- The sharing party should be provided with a copy of all relevant provisions of the third-party agreements governing shared data.

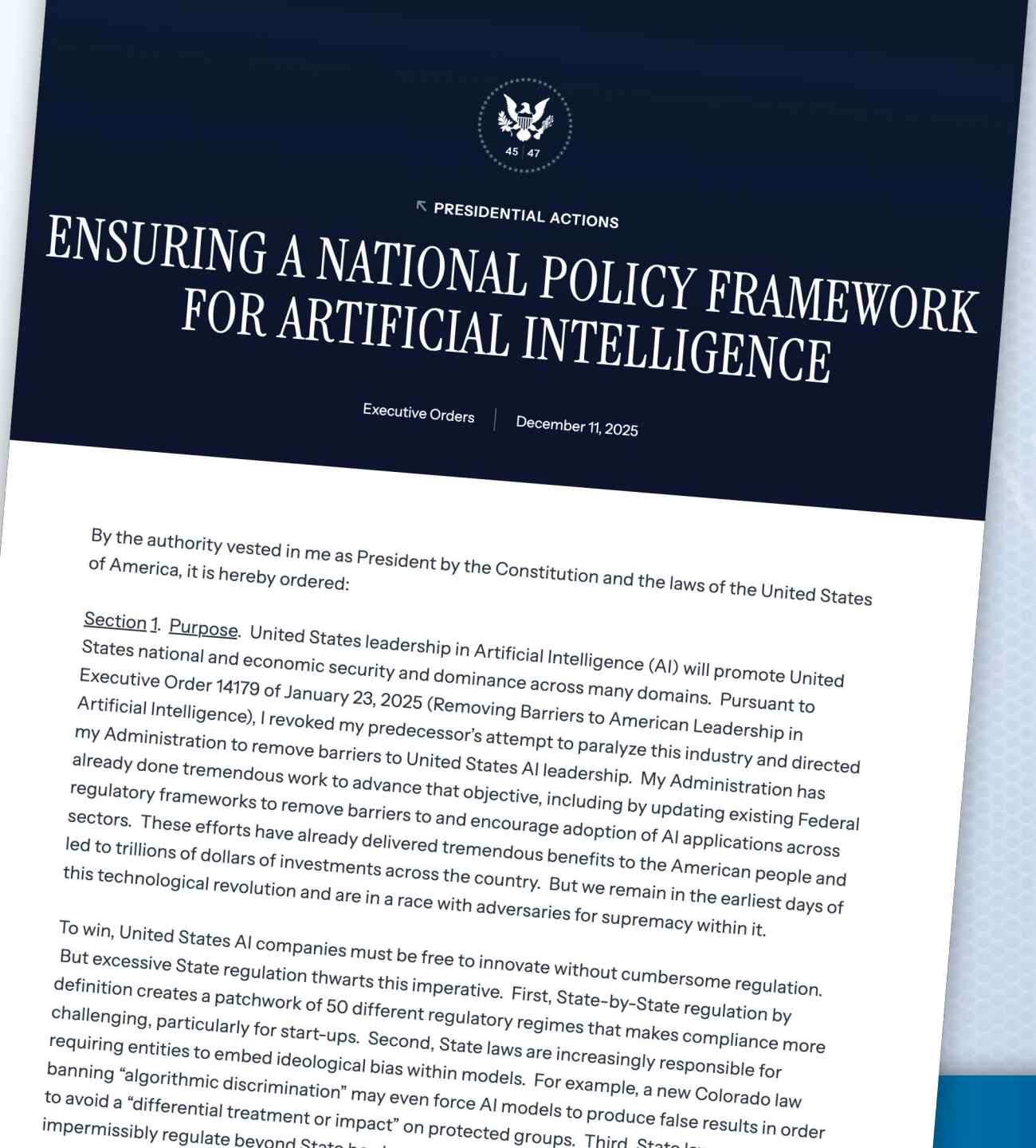
Work Together on Data Sharing Practices

- The parties should provide a modern, secure, and integrated customer experience through data sharing.
- Ensure regulatory compliance and consumer data protection throughout the automotive ecosystem.
- Provide consumer disclosure, choice, and transparency with respect to automotive data and data sharing.
- Ensure there are sufficient contractual and monitoring provisions as required by law.
- Ensure all relevant stakeholders (sales, marketing, and legal) are involved in writing and implementing agreements.

This document is offered for informational purposes only and is not intended as legal advice. Consult an attorney who is familiar with federal and state law addressing these topics

NATIONAL AUTOMOBILE DEALERS ASSOCIATION
8484 WESTPARK DRIVE, SUITE 500, TYSONS, VA

Artificial Intelligence



PRESIDENTIAL ACTIONS

ENSURING A NATIONAL POLICY FRAMEWORK FOR ARTIFICIAL INTELLIGENCE

Executive Orders | December 11, 2025

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. United States leadership in Artificial Intelligence (AI) will promote United States national and economic security and dominance across many domains. Pursuant to Executive Order 14179 of January 23, 2025 (Removing Barriers to American Leadership in Artificial Intelligence), I revoked my predecessor's attempt to paralyze this industry and directed my Administration to remove barriers to United States AI leadership. My Administration has already done tremendous work to advance that objective, including by updating existing Federal regulatory frameworks to remove barriers to and encourage adoption of AI applications across sectors. These efforts have already delivered tremendous benefits to the American people and led to trillions of dollars of investments across the country. But we remain in the earliest days of this technological revolution and are in a race with adversaries for supremacy within it.

To win, United States AI companies must be free to innovate without cumbersome regulation. But excessive State regulation thwarts this imperative. First, State-by-State regulation by definition creates a patchwork of 50 different regulatory regimes that makes compliance more challenging, particularly for start-ups. Second, State laws are increasingly responsible for requiring entities to embed ideological bias within models. For example, a new Colorado law banning "algorithmic discrimination" may even force AI models to produce false results in order to avoid a "differential treatment or impact" on protected groups. Third, State



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PROTECTING AMERICA'S CONSUMERS

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For Release

FTC Announces Crackdown on Deceptive AI Claims and Schemes

With Operation AI Comply, agency announces five law enforcement actions against operations that use AI hype or sell AI technology that can be used in deceptive and unfair ways

September 25, 2024

Tags: Consumer Protection | Bureau of Consumer Protection | Work-at-Home | Going into Business | deceptive/misleading conduct | Technology | Franchises, Business Opportunities, and Investments | Advertising and Marketing | Endorsements, Influencers, and Reviews | Online Advertising and Marketing | Advertising and Marketing Basics | Artificial Intelligence

The Federal Trade Commission is taking action against multiple companies that have relied on artificial intelligence as a way to supercharge deceptive or unfair conduct that harms consumers, as part of its new law enforcement sweep called Operation AI Comply.



The cases being announced today include actions against a company promoting an AI tool that enabled its customers to create fake reviews, a company claiming to sell "AI Lawyer" services, and multiple companies claiming that they could use AI to help consumers make money through online storefronts.

"Using AI tools to trick, mislead, or defraud people is illegal," said FTC Chair Lina M. Khan. "The FTC's enforcement actions make clear that there is no AI exemption from the laws on the books. By cracking down on unfair or deceptive practices in these markets, FTC is ensuring that honest businesses and innovators can get a fair shot and consumers are being protected."

Claims around artificial intelligence have become more prevalent

Related Cases

DoNotPay

Ascend Ecom

Empire Holdings Group LLC, et al. FTC v.

Rytr LLC, In the Matter of

FBA Machine/Passive Scaling, FTC v.

Related actions

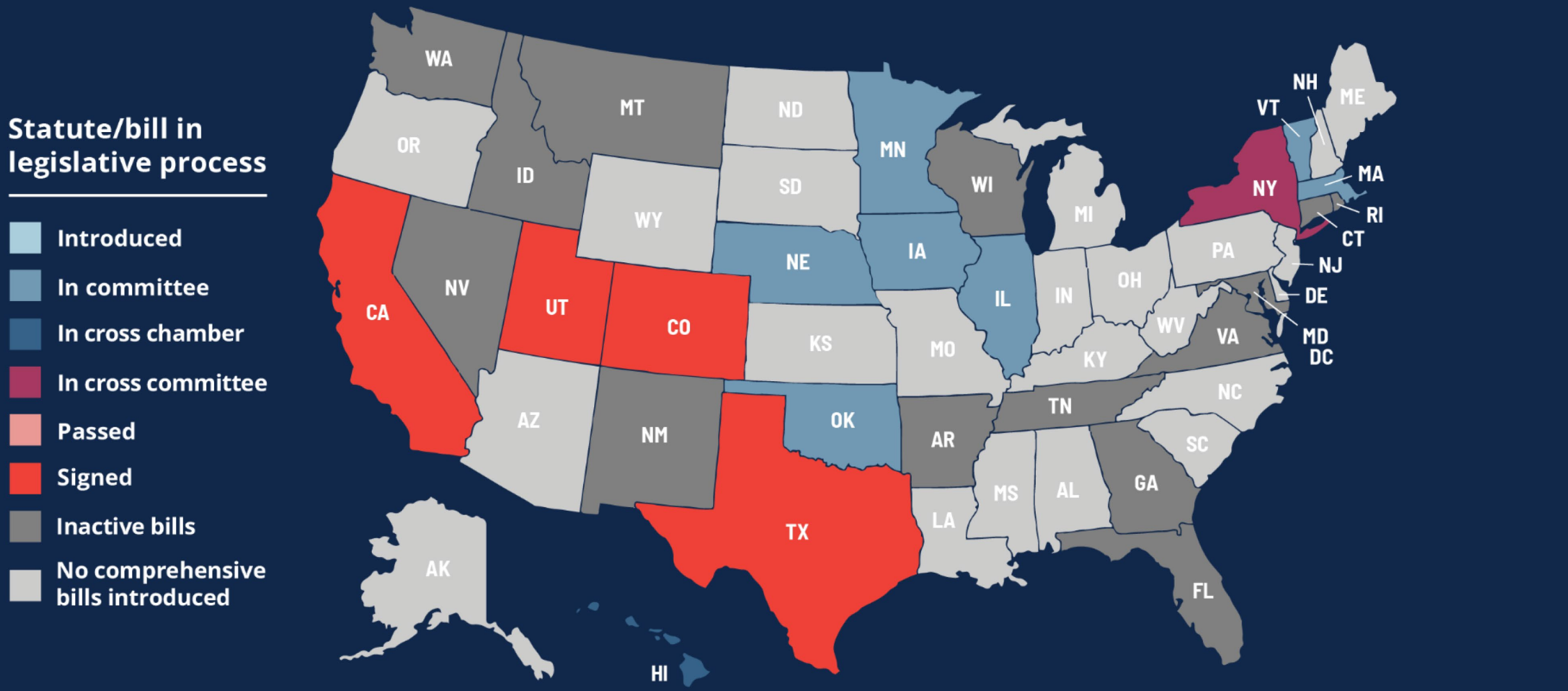
Concurring Statement of Commissioner Melissa Holyoak, Joined by Chair Lina M. Khan In the Matter of DoNotPay, Inc.

Dissenting Statement of Commissioner Melissa Holyoak Joined by Commissioner Andrew N. Ferguson In the Matter of Rytr, LLC

Concurring Statement of Commissioner Andrew N. Ferguson In the Matter

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US State AI Governance Legislation Tracker 2025



Last updated 1 July. 2025

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THE HILL

AI showdown splits Republicans in high-stakes NDAA talks

BY JULIA SHAPERO AND SUDIKSHA KOCHI - 12/02/25 6:00 AM ET

A battle among Republican lawmakers over the future of U.S. AI policy is threatening to hold up a must-pass annual Defense bill.

Lawmakers are wrestling over whether to halt state AI regulations and other thorny AI provisions in final negotiations over the National Defense Authorization Act (NDAA), one of the heaviest legislative lifts in any congressional year.

President Trump and the White House are pushing Republicans to include a provision banning state AI laws in the NDAA, provoking a fight with tech-skeptical GOP lawmakers.

"We MUST have one Federal Standard instead of a patchwork of 50 State Regulatory Regimes," Trump wrote in a Truth Social post last month.

Republicans were already split over a state AI regulation ban in May when such a provision was included in the reconciliation bill. The Senate ended up removing the provision, after backlash from progressive Democrats and hard-line conservatives in both chambers.

The issue reared its head again in late November, as House GOP leadership considered adding a last-minute preemption provision to the NDAA. This sparked outcry from key Republicans, including Rep. Marjorie Taylor Greene (Ga.), Arkansas Gov. Sarah Huckabee Sanders and Florida Gov. Ron DeSantis.

"There should not be a moratorium on states rights for AI. States must retain the right to regulate and make laws on AI and anything else for the benefit of their state. Federalism must be preserved," Greene wrote on the social platform X.

After publicly voicing support for the effort, Trump appeared to be considering an executive order that would have unilaterally sought to limit state AI regulations, creating a task force dedicated to challenging state AI laws and restricting broadband funding to states with AI measures deemed too restrictive by the administration, according to a draft seen by The Hill.

The Trump administration, which has developed close relationships with Silicon Valley in the president's second term, has pushed for a light-touch regulatory regime. It has bristled at wide-ranging state efforts, particularly in California, to rein in the technology with laws that the administration contends will stifle innovation at a key moment in the AI race with China.

However, House GOP leaders reportedly urged the White House to delay the executive order as they seek to include the measure in the Defense bill.

More than 200 state lawmakers sent a letter to Congress in late N
counterparts to reject th

Consumer Financing and Credit

PRESIDENTIAL ACTIONS

RESTORING EQUALITY OF OPPORTUNITY AND MERITOCRACY

Executive Orders | April 23, 2025

PRESIDENT DONALD J. TRUMP

The WHITE HOUSE

On a practical level, disparate-impact liability has hindered businesses from making hiring and other employment decisions based on merit and skill, their needs, or the needs of their customers because of the specter that such a process might lead to disparate outcomes, and thus disparate-impact lawsuits. This has made it difficult, and in some cases impossible, for employers to use bona fide job-oriented evaluations when recruiting, which prevents job seekers from being paired with jobs to which their skills are most suited — in other words, it deprives them of opportunities for success. Because of disparate-impact liability, employers cannot act in the best interests of the job applicant, the employer, and the American public. Disparate-impact liability imperils the effectiveness of civil rights laws by mandating, rather than proscribing, discrimination. As the Supreme Court put it, "[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race."

Sec. 2. Policy. It is the policy of the United States to eliminate the use of disparate-impact liability in all contexts to the maximum degree possible to avoid violating the Constitution, Federal civil rights laws, and basic American ideals.

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presumption of unlaw discrimination
certain circumstances among different races, sexes, or similar groups, even if there is no fa
discriminatory policy or practice or discriminatory intent involved, and even if everyone ha
equal opportunity to succeed. Disparate-impact liability all but requires individuals and
businesses to consider race and engage in racial balancing to avoid potentially crippling le
liability. It not only undermines our national values, but also runs contrary to equal protec
under the law and, therefore, violates our Constitution.

Doc.
C.F.R. 42.104(b)(3), and as applied to 28 C.F.R. 42.104(b)(6)(ii) and 28 C.F.R. 42.104(c)
(2) in full.

Sec. 4. Enforcement Discretion to Ensure Lawful Governance. Given the limited enforcement resources of executive departments and agencies (agencies), the unlawfulness of disparate-impact liability, and the policy of this order, all agencies shall deprioritize enforcement of all statutes and regulations to the extent they include disparate-impact liability, including but not limited to 42 U.S.C. 2000e-2, 28 C.F.R. 42.104(b)(2)–(3), 28 C.F.R. 42.104(b)(6)(ii), and 28 C.F.R. 42.104(c)(2).

Sec. 5. Existing Regulations. (a) As delegated by Executive Order 12250 of November 2, 1980 (Leadership and Coordination of Nondiscrimination Laws), the Attorney General shall initiate appropriate action to repeal or amend the implementing regulations for
Rights Act of 1964 for all agencies to the

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FAIR CREDIT COMPLIANCE POLICY & PROGRAM
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AIADA
American International Automobile Dealers

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1002

[Docket No. CFPB–2025–0040]

RIN 3170–AB40

Small Business Lending Under the Equal Credit Opportunity Act (Regulation B)

AGENCY: Consumer Financial Protection Bureau.

ACTION: Proposed rule; request for public comment.

SUMMARY: The Consumer Financial Protection Bureau (CFPB or Bureau) proposes revisions to certain provisions of Regulation B, subpart B, implementing changes to the Equal Credit Opportunity Act made by section 1071 of the Dodd-Frank Wall Street Reform and Consumer Protection Act. The Bureau is reconsidering coverage of certain credit transactions and financial institutions; the small business definition; inclusion of certain data points and how others are collected; and the compliance date. The CFPB believes these proposed changes would streamline the rule, reduce complexity for lenders, and improve data quality, advancing the purposes of section 1071 and complying with recent executive directives.

DATES: Comments must be received on or before December 15, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2025–0040 or RIN 3170–AB40, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. A brief summary of this document will be available at *https://www.regulations.gov/docket/CFPB-2025-0040.*
- *Email: 2025-NPRM-1071Reconsideration@cfpb.gov.* Include Docket No. CFPB–2025–0040 or RIN 3170–AB40 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake—1071 Reconsideration NPRM, c/o Legal Division Docket Manager, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The CFPB encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *https://www.regulations.gov.*

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In 2010, Congress passed the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act). Section 1071 of that Act [1] amended the Equal Credit Opportunity Act (ECOA) [2] to require that financial institutions collect and report to the CFPB certain data regarding applications for credit for women-owned, minority-owned, and small businesses. Section 1071's statutory purposes are to (1) facilitate enforcement of fair lending laws, and (2) enable communities, governmental entities, and creditors to identify business and community development needs and opportunities of women-owned, minority-owned, and small businesses. Section 1071 directs the CFPB to prescribe such rules and issue such guidance as may be necessary to carry out, enforce, and compile data pursuant to section 1071.

The CFPB worked toward a section 1071 rulemaking for a number of years and has sought public comment from stakeholders numerous times. The CFPB held a field hearing on May 10, 2017, and published a request for information regarding the small business lending market.[3] On July 22, 2020, the CFPB issued a survey to collect information about potential one-time costs to financial institutions to prepare to collect and report data on small business lending.

On September 15, 2020, the CFPB released an Outline of Proposals Under Consideration and Alternatives Considered pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). On October 15, 2020, the CFPB convened a Small Business Review Panel for the section 1071 rulemaking, and the Panel met with small entity representatives (SERs). The Panel Report, publicly released on December 15, 2020, was the culmination of the SBREFA process for the section 1071 rulemaking and included feedback from SERs and written feedback from other stakeholders as well.

On October 8, 2021, the CFPB published in the **Federal Register** a proposed rule (2021 proposed rule) amending Regulation B to implement changes to ECOA made by section 1071 of the Dodd-Frank Act.[4] The comment period for the proposed rule closed on January 6, 2022.

The CFPB received approximately 2,100 comments on the proposal during the comment period. Approximately 650 of these comments were unique, detailed comment letters representing diverse interests. These commenters included lenders such as banks and credit unions, community development financial institutions (CDFIs), community development companies, Farm Credit System (FCS) lenders, online lenders, and others; national and regional industry trade associations; software vendors; business advocacy groups; community groups; research, academic, and other advocacy organizations; Members of Congress; Federal and State government offices/agencies; small businesses; and individuals.

On May 31, 2023, the CFPB published a final rule in the **Federal Register** to implement section 1071 by adding subpart B to Regulation B (2023 final rule).[5] Further details about section 1071, small business lending market dynamics, and the CFPB's rulemaking process leading up to the 2023 final rule can be found in the preamble to the 2023 final rule.

On July 3, 2024, the CFPB published in the **Federal Register** an interim final rule (2024 interim final rule)[6] to extend

[1] Public Law 111–203, tit. X, section 1071, 124 Stat. 1376, 2056 (2010), codified at ECOA section 704B, 15 U.S.C. 1691c–2.

[2] 15 U.S.C. 1691 *et seq.*

[3] The CFPB received 17 comments in response to the request for information. *See* CFPB, *Requests for Information: Small Business Lending Market,* Docket ID CFPB 2017–0011, *https://www.regulations.gov/document/CFPB-2017-0011-0001/comment.*

[4] 86 FR 56356 (Oct. 8, 2021).

[5] 88 FR 35150 (May 31, 2023).

[6] 89 FR 55024 (July 3, 2024). *See also* Order Granting-in-Part & Denying-in-Part Pls.' Mot. for Prelim. Inj., *Texas Bankers Ass'n* v. *CFPB,* No. 7:23–CV–00144 (S.D. Tex. July 31, 2023), *https://files.consumerfinance.gov/f/documents/cfpb_pi_order_texas_bankers.pdf;* Order Granting Intervenors' Mots. For Prelim. Inj., *Texas Bankers*



#NADASHOW



Federal Register
Vol. 90, No. 217
Thursday, November 13, 2025

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

CONSUMER FINANCIAL PROTECTION BUREAU

12 CFR Part 1002

[Docket No. CFPB–2025–0039]

RIN 3170–AB54

Equal Credit Opportunity Act (Regulation B)

AGENCY: Consumer Financial Protection Bureau.

ACTION: Proposed rule; request for public comment.

SUMMARY: The Consumer Financial Protection Bureau (Bureau or CFPB) is issuing a proposed rule for public comment that amends provisions related to disparate impact, discouragement of applicants or prospective applicants, and special purpose credit programs under Regulation B, the regulation implementing the Equal Credit Opportunity Act (ECOA or Act). The amendments would facilitate compliance with ECOA by clarifying the obligations imposed by the statute.

DATES: Comments must be received on or before December 15, 2025.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2025–0039 or RIN 3170–AB54, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. A brief summary of this document will be available at *https://www.regulations.gov/docket/CFPB-2025-0039.*
- *Email: 2025-NPRM-ECOA@cfpb.gov.* Include Docket No. CFPB–2025–0039 or RIN 3170–AB54 in the subject line of the message.
- *Mail/Hand Delivery/Courier:* Comment Intake—2025 NPRM ECOA, c/o Legal Division Docket Manager, Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.

Instructions: The CFPB encourages the early submission of comments. All submissions should include the agency name and docket number or Regulatory Information Number (RIN) for this rulemaking. Because paper mail is subject to delay, commenters are encouraged to submit comments electronically. In general, all comments received will be posted without change to *https://www.regulations.gov.*

All submissions, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Proprietary information or sensitive personal information, such as account numbers or Social Security numbers, or names of other individuals, should not be included. Submissions will not be edited to remove any identifying or contact information.

FOR FURTHER INFORMATION CONTACT: Dave Gettler, Paralegal Specialist, Office of Regulations, at 202–435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

SUPPLEMENTARY INFORMATION:

I. Summary

Pursuant to its authority under ECOA, 15 U.S.C. 1691b(a), and the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), 12 U.S.C. 5512(b), the Bureau is proposing to amend provisions in Regulation B, 12 CFR part 1002, pertaining to: whether disparate impact is cognizable under the Act; under what circumstances a creditor may be deemed to be discouraging an applicant or prospective applicant; and under what conditions may a creditor offer special purpose credit programs.

In 2020, the Bureau issued a Request for Information on ECOA and Regulation B (RFI).[1] The RFI solicited information about disparate impact, prospective applicants, and special purpose credit programs, among other topics. The Bureau reviewed the comments submitted in response to the RFI and obtained other information in the course of carrying out its statutory responsibilities.

In order to carry out the purposes of ECOA, the Bureau proposes changes to Regulation B to provide that ECOA does not authorize disparate-impact liability (effects test), further define discouragement, and add prohibitions and restrictions for special purpose credit programs.

II. Background

A. Introduction

Congress enacted ECOA in 1974 (1974 Act) ''to insure that various financial institutions and other firms engaged in the extensions of credit exercise their responsibility to make credit available with fairness, impartiality, and without discrimination on the basis of sex or marital status.'' To that end, section 701(a) of ECOA made it ''unlawful for any creditor to discriminate against any applicant on the basis of sex or marital status with respect to any aspect of a credit transaction.'' The Board of Governors of the Federal Reserve System (Board) promulgated regulations implementing ECOA. In 1976, Congress reenacted ECOA in its entirety, amending ECOA to add additional categories of prohibited discrimination (1976 Act). Since 1976, ECOA makes it unlawful for ''any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction (1) on the basis of race, color, religion, national origin, sex or marital status, or age (provided the applicant has the capacity to contract); (2) because all or part of the applicant's income derives from any public assistance program; or (3) because the applicant has in good faith exercised any right under [the Consumer Credit Protection Act]'' (prohibited basis).[2] The Board, which at the time had exclusive rulemaking authority under ECOA, promulgated regulations, after notice-and-comment, to implement the 1976 Act.

In 2011, the Dodd-Frank Act transferred responsibility for ECOA from the Board to the Bureau.[3] It granted primary authority to the Bureau to supervise and enforce compliance with ECOA and Regulation B for entities within the Bureau's jurisdiction and to issue regulations and guidance to implement and interpret ECOA.[4] The

[1] 85 FR 46600 (Aug. 3, 2020).

[2] 15 U.S.C. 1691(a).

[3] Public Law 111–203, 124 Stat. 1376 (2010).

[4] Dodd-Frank Act section 1029 generally excludes from this transfer of authority, subject to certain exceptions, any rulemaking authority over a motor vehicle dealer that is predominantly engaged in the

Continued

#NADASHOW

NADA | COMPLIANCE ALERT

Court Overturns FTC Negative Option Rule

Published July 10, 2025

What's New: On July 8, the U.S. Court of Appeals for the Eighth Circuit overturned the Federal Trade Commission ("FTC") Negative Option Rule. The rule would have required contracts with certain auto-renewal and similar features to have specific disclosure and cancellation requirements. The opinion vacates the rule in its entirety and nationwide.

The Court held that the FTC missed a significant procedural step by not proposing regulatory alternatives in the Notice of Proposed Rulemaking that would have allowed interested parties to comment.

The Court cited NADA's recent Fifth Circuit decision challenging the Vehicle Shopping Rule as precedent to overturn the rule. The Court emphasized that the opportunity to be heard earlier in the rulemaking process was not harmless error and could have impacted the FTC's decision on issuing the final rule.

Why it Matters: The rule was set to go into effect on July 14. The rule was originally set to take effect on May 14, but the FTC delayed implementation by 60 days.

Dealerships offering contracts with automatic renewals, free to pay, or fee to pay conversion (a consumer receives goods or services for free or a nominal fee for a trial period and is charged a fee after a trial period unless they affirmatively cancel) would have had to comply with the rule.

Contact



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Telemarketing

NADA

MENU

Court Overturns FCC One-to-One Consent Marketing Consent Rule.

Published January 29, 2025

What's new: On January 24, the U.S. Court of Appeals for the Eleventh Circuit Court overturned the Federal Communications Commission ("FCC") Rule regarding one-to-one-consent (otherwise known as "closing the lead generator loophole") that was set to go into effect on Monday, January 27. The opinion vacates the rule in its entirety and nationwide.

The rule would have required dealers to obtain individual consent for every consumer contacted. The court ruled that the rule exceeded the FCC's statutory authority because the new consent requirements "impermissibly conflict" with the Telephone Consumer Protection Act's ("TCPA") meaning of "prior express consent."

Why it matters: The rule would have required dealers to ensure that any contact information used to text or call customers received from third parties (including leads from OEM management systems) meet the new requirements. The FCC made clear that liability for the rule is on the caller or texter and cannot rely on the lead generator to retain proof of consent.

Go deeper: When the rule was finalized, NADA issued a Compliance Alert and memo to assist dealers with compliance. NADA also included the rule in the recently updated *Dealer Guide to Federal Email and Telemarketing Restrictions*. Dealers should consult this guide for all other issues regarding compliance with the Telephone Consumer Protection Act and other regulations related to calling and texting.



Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991	)	CG Docket No. 02-278
	)	

ORDER

Released: April 7, 2025

Adopted: April 7, 2025

By the Acting Chief, Consumer and Governmental Affairs Bureau:

I. INTRODUCTION

1. In this Order, we grant a limited waiver delaying the effective date of section 64.1200(a)(10) of the Commission's rules to the extent the rule requires callers to treat a request to revoke consent made by a called party in response to one type of message as applicable to all future robocalls and robotexts from that caller on unrelated matters.[1] Specifically, we find that good cause exists to delay the effective date for this requirement until April 11, 2026 to allow affected parties a reasonable opportunity to implement modifications to communications systems in a cost-effective manner to ensure that they can process revocation requests in accordance with this rule.

II. BACKGROUND

2. *TCPA Consent Order*. On February 16, 2024, the Commission released the *TCPA Consent Order* adopting various rules governing, and issuing clarifications relating to, the ability of consumers to revoke consent to receive unwanted robocalls and robotexts.[2] In so doing, the Commission adopted section 64.1200(a)(10) of the rules, which requires in relevant part that "[i]f a called party uses any [reasonable] method to revoke consent, that consent is considered definitively revoked and the caller may not send additional robocalls and robotexts."[3]

3. The Commission also clarified that "[o]nce that consent is revoked, the caller may no longer make robocalls or send robotexts to a called party absent an exemption to the consent obligation."[4] The Commission noted that it has granted exemptions from the consent requirement for certain categories

[1] *See* 47 CFR § 64.1200(a)(10). As of the date of this Order, section 64.1200(a)(10) has not been published in the CFR. The current effective date for compliance with this requirement is April 11, 2025. For purposes of this Order, the terms "robocall" and "robotext" mean any call or text made using an autodialer or any call that contains an artificial or prerecorded voice message.

[2] *See Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, Report and Order and Further Notice of Proposed Rulemaking, FCC 24-24 (rel. Feb. 16, 2024) (*TCPA Consent* The Telephone Consumer Protection Act (TCPA) generally requires any person making robocalls or express consent absent an emergency purpose or an applicable



Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of		
Advanced Methods to Target and Eliminate Unlawful Robocalls	)	CG Docket No. 17-59
Call Authentication Trust Anchor	)	WC Docket No. 17-97
Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991	)	CG Docket No. 02-278
Dismissal of Outdated or Otherwise Moot Robocalls Petitions	)	CG Docket No. 25-307

NINTH FURTHER NOTICE OF PROPOSED RULEMAKING IN CG DOCKET NO. 17-59; SEVENTH FURTHER NOTICE OF PROPOSED RULEMAKING IN WC DOCKET NO. 17-97; FURTHER NOTICE OF PROPOSED RULEMAKING IN CG DOCKET NO. 02-278; PUBLIC NOTICE IN CG DOCKET NO. 25-307

Adopted: October 28, 2025 **Released: October 29, 2025**

Comment Date: (30 days after date of publication in the Federal Register)
Reply Comment Date: (60 days after date of publication in the Federal Register)

Deadline for Responses to Public Notice: (45 days after publication in the Federal Register)

By the Commission: Chairman Carr and Commissioners Gomez and Trusty issuing separate statements.

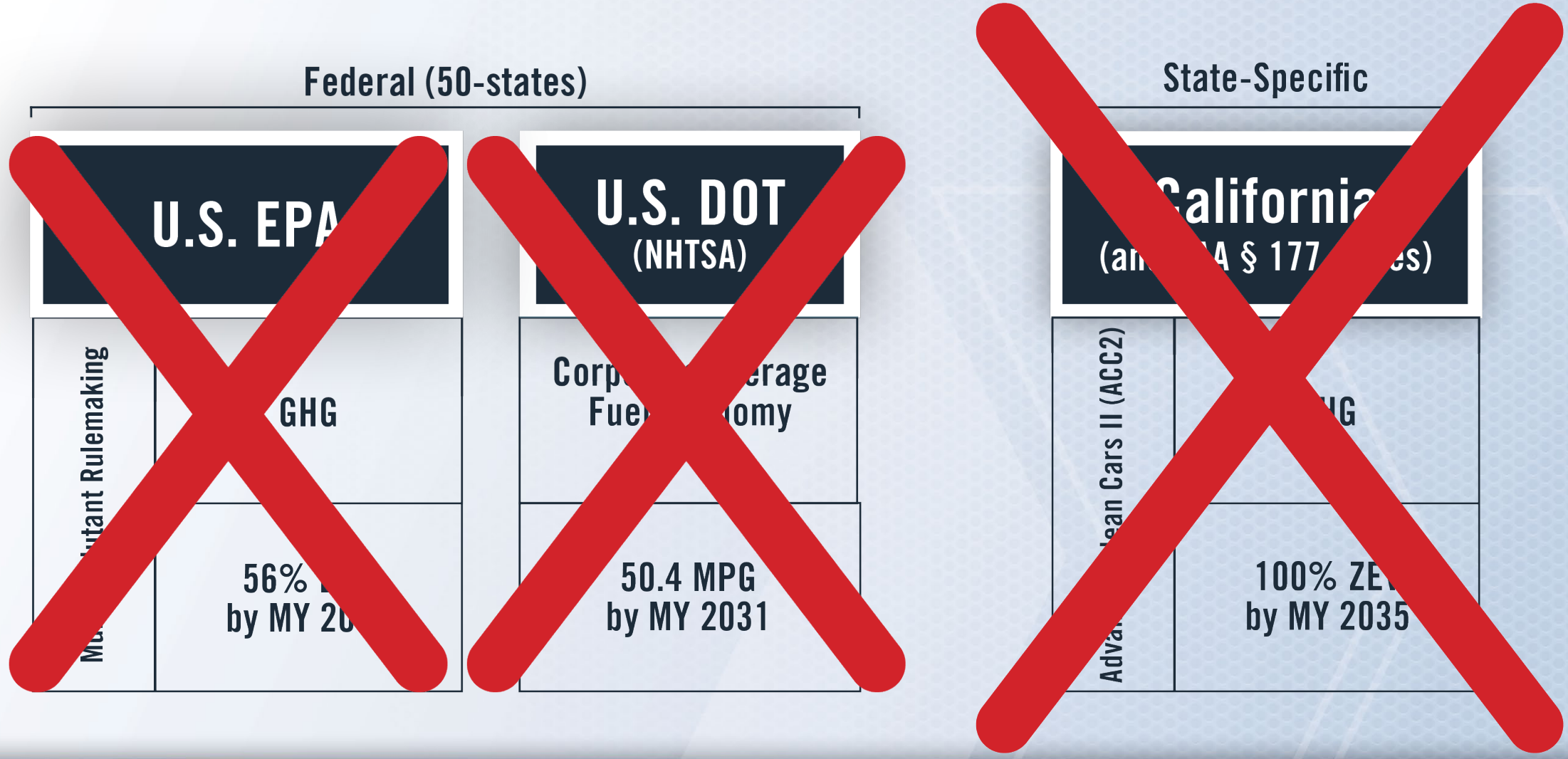
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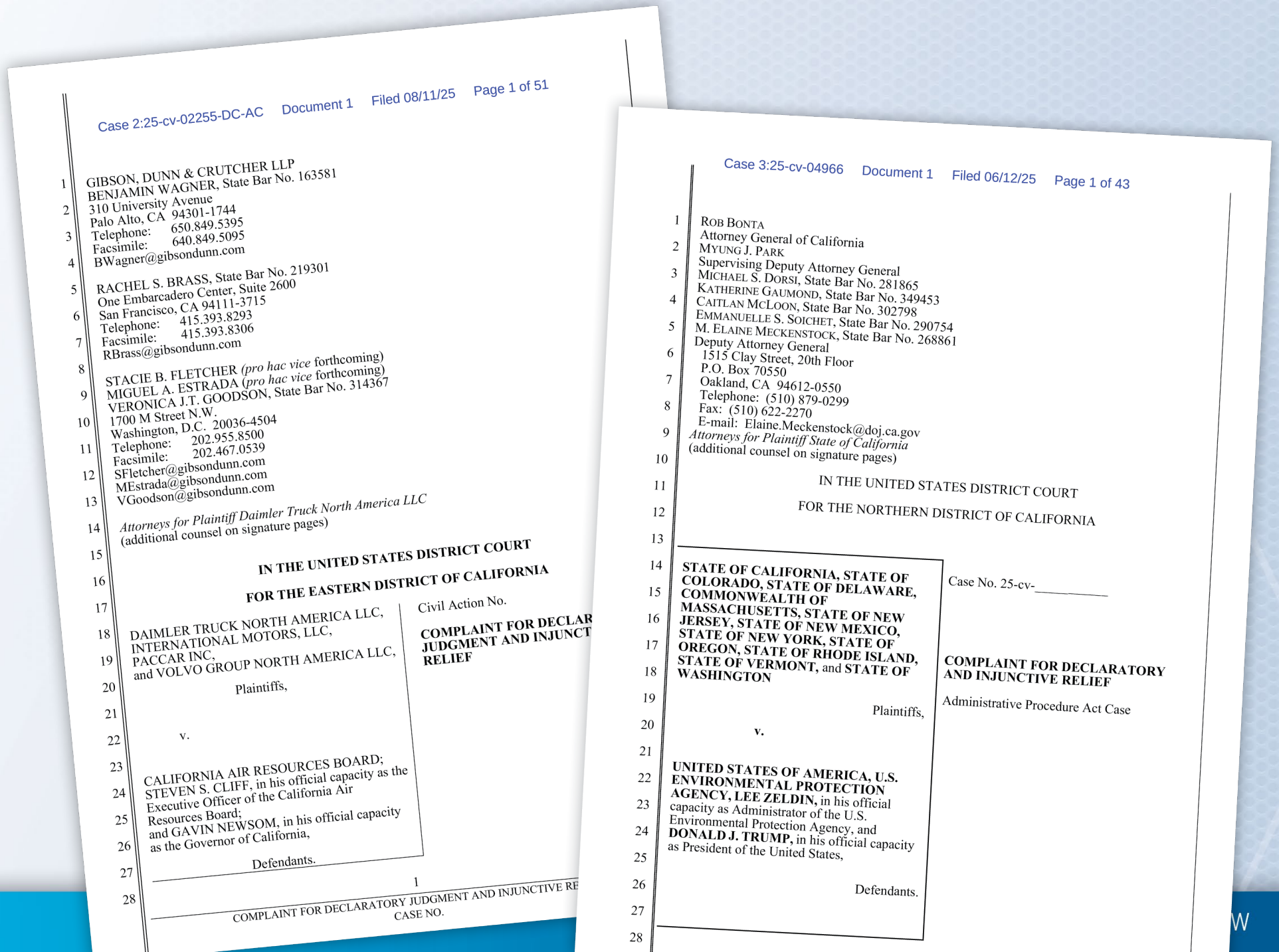
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EV Regulation and Litigation

Emissions Regulations



CRA Litigation



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IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DAIMLER TRUCK NORTH AMERICA LLC, INTERNATIONAL MOTORS, LLC, PACCAR INC, and VOLVO GROUP NORTH AMERICA LLC,

Plaintiffs,

v.

CALIFORNIA AIR RESOURCES BOARD; STEVEN S. CLIFF, in his official capacity as the Executive Officer of the California Air Resources Board; and GAVIN NEWSOM, in his official capacity as the Governor of California,

Defendants.

Civil Action No.

COMPLAINT FOR DECLAR JUDGMENT AND INJUNCT RELIEF

1

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RE
CASE NO.

Case 3:25-cv-04966 Document 1 Filed 06/12/25 Page 1 of 43

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

STATE OF CALIFORNIA, STATE OF COLORADO, STATE OF DELAWARE, COMMONWEALTH OF MASSACHUSETTS, STATE OF NEW JERSEY, STATE OF NEW MEXICO, STATE OF NEW YORK, STATE OF OREGON, STATE OF RHODE ISLAND, STATE OF VERMONT, and **STATE OF WASHINGTON**

Plaintiffs,

v.

UNITED STATES OF AMERICA, U.S. ENVIRONMENTAL PROTECTION AGENCY, LEE ZELDIN, in his official capacity as Administrator of the U.S. Environmental Protection Agency, and **DONALD J. TRUMP,** in his official capacity as President of the United States,

Defendants.

Case No. 25-cv-_____

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Administrative Procedure Act Case

EV Tax Credits



Trade/Tariffs

NADA Responds to Tariffs on Canada, Mexico, China

Published February 5, 2025

TYSONS, Va. National Auto Dealers Association (NADA) President and CEO Mike Stanton on Tuesday issued the following statement in response to proposed and implemented tariffs on Canada, Mexico and China:

"New-car affordability is a persistent challenge for consumers and dealers alike. Tariffs on U.S. trading partners, who are vital to our automotive supply chains, would make it harder for average Americans to afford the new vehicles of their choice. It is our hope that we can address many of our nation's challenges without the use of tariffs that would so significantly impact the U.S. auto industry, jobs and consumers."

NADA Statement on March 4 Tariffs on Canada and Mexico

Published March 6, 2025

TYSONS, Va. The National Automobile Dealers Association (NADA) on Tuesday released the following statement in response to the implementation of 25% tariffs on Canada and Mexico:

"America's franchised new-car and truck dealers are in the business of matching customers with vehicles that meet their needs and budgets. Affordability and availability are already persistent challenges that dealers must overcome every day to get customers into the right vehicles.

NADA Statement on March 26 Announcement of 25% Tariffs

Published March 28, 2025

TYSONS, Va. The National Automobile Dealers Association (NADA) released the following statement on Thursday regarding President Donald J. Trump's announcement that his administration will impose 25 percent tariffs on imported automobiles and certain automobile parts:

"Matching customers with vehicles they can afford has been a continuing challenge for America's new car and truck dealers. The tariffs announced Wednesday could put the purchase of a new car out of reach for an increasing number of American consumers.

NADA | ISSUE ALERT

NADA, industry coalition warns Trump administration of "domino effect" on parts tariffs

What's new: On Tuesday, April 21, NADA joined the Alliance for Automotive Innovation and five other trade associations representing a large cross section of the auto industry in sending a letter to Trump Administration officials warning of the potential destabilizing effects of the 25 percent tariffs on automotive parts, and saying the president's potential openness to reconsidering such tariffs would be "welcome relief."

Why it matters: The letter is part of NADA's continued communications with the White House, the Office of the U.S. Trade Representative, Department of Treasury, Department o
government agencies and Congress regarding the impact of ongoing tariffs.

Tell me more: The letter sent to Treasury Secretary Scott Bessent, Commerce S
Lutnick and U.S. Trade Representative Jamieson Greer was signed by NADA, Al
Innovation, American Automotive Policy Council, Autos Drive America, AIADA,
Vehicle Suppliers Association. It points out that President Trump has indicated
reconsidering the parts tariffs that are scheduled to go into effect no later thar
details how these tariffs would impact existing automotive supply chains, costs
dealerships' ability to service and repair cars.

Go deeper:

NADA | DIRECTORS ALER

Chairman Tom Castriota and CEO Mike Stanton: Update on Tariffs to Board and ATAEs

We want to briefly update you on the fluid situation regarding tariffs, including the Presic
cement late Wednesday that the administration will impose 25 percent tariffs on
biles (beginning April 3) and certain automobile parts (no later than May 3.)

as had ongoing meetings on tariffs with White House staff, the Office of the U.S. T
ntative (USTR), the U.S. Treasury, the Small Business Administration (SBA), Congre
hip and members of Congress, senior legislative staff, and President Trump's trans

inistration and federal agencies have been respectful and willing to understand c
s on many issues that affect our dealers and industry. Our efforts will continue to
g the Administration and Capitol Hill about the anticipated impact of trade policy
ensure those decisions are well-informed.

ion, we continue to engage with the OEMs, the Alliance, and other industry trade
ions. NADA has been and will continue to be the dealers' voice, and we are worki
to better understand the president's tariff announcement and its overall impact or
hip operations.

owing is our public statement:

ing customers with vehicles they can afford has been a continuing challenge for An
and truck dealers. The tariffs announced Wednesday could put the purchase of a
each for an increasing number of American consumers. It is essential that the pote
of tariffs on consumers and main street businesses be fully considered."

continue to provide updates on these developments.

**e information, please click on the following links from The White House and John
h analyst, Bank of America Securities:**

act Sheet: President Donald J. Trump Adjusts Imports of Automobiles and Automol
nto the United States
hicken tax 2.0 goes whole hog - 25% tariff reality sets in

NADA | ISSUE ALERT

Update on Newly Imposed Tariffs

What's new: On March 26, President Trump announced the imposition of a 25% tariff on imports of automobiles and certain automobile parts:

- The 25% tariff will be applied to imported fully-assembled passenger vehicles including sedans, SUVs, crossovers, minivans, and cargo vans as well as light trucks. The U.S. will start collecting the new tariff on automobiles on April 3.
- The 25% tariff will also be applied to certain imported automobile parts, specifically engines, engine parts, transmissions, powertrain parts, and electrical components. The tariff on these automobile parts will take effect no later than May 3, 2025. Additional auto parts may be added to the list of those subject to the tariff after 90 days.
- Entities that import completed automobiles duty-free under the United States-Mexico-Canada Agreement (USMCA) will have the opportunity to certify their U.S. content so that the 25% tariff will only apply to the value of their non-U.S. content.
- Similarly, automobile parts that are compliant with the USMCA will not be subject to the tariff until the Secretary of Commerce creates a process to apply the tariff to parts' non-U.S. content.

In addition to the auto-specific tariffs announced on March 26, a number of other existing tariffs apply to autos or auto parts, including the 25% tariff on imported steel and aluminum and, for non-USMCA compliant vehicles, the 25% tariff on imported light-duty trucks and the 2.5% tariff on passenger cars.

On Wednesday, April 2, the administration also announced 10% "reciprocal" tariffs on all imported goods as well as higher tariffs tailored for each of about 60 countries that have the largest barriers to

QUESTIONS?



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