



NATIONAL  
AUTOMOBILE  
DEALERS  
ASSOCIATION

# 2016 Federal Regulatory Update for Car Dealers

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## Learning Objectives

Upon completion of this workshop, you will have learned about:

- 1) Recent FTC advertising and “add on” enforcement actions;
- 2) The FTC’s planned consumer surveys on the car buying experience;
- 3) New employment law issues and mandates governing overtime, the Family and Medical Leave Act, OSHA’s bathroom rules, and joint employer and worker classification standards;
- 4) New emissions compliance and underground storage tank concerns; and
- 5) The current status of the Consumer Financial Protection Bureau’s (CFPB) disparate impact initiative.

## FTC Advertising/“Add On” Enforcement

- March 2015 – January 2016 Actions
- Advertising Compliance Resource
- Marketing Compliance Resource

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# FTC Advertising/“Add-On” Enforcement (Resources)

## March 2015 Actions

<https://www.ftc.gov/news-events/press-releases/2015/03/ftc-multiple-law-enforcement-partners-announce-crackdown>

## June 2015 Actions

<https://www.ftc.gov/news-events/press-releases/2015/06/two-las-vegas-auto-dealers-settle-ftc-charges-they-deceptively>

## September 2015 Actions

<https://www.ftc.gov/news-events/press-releases/2015/09/ftc-action-auto-dealership-will-pay-80000-penalty-violating-2012>

## November 2015 Actions

<https://www.ftc.gov/news-events/press-releases/2015/11/ohio-auto-dealers-settle-ftc-charges-they-deceived-consumers>

## January 2016 Actions

<https://www.ftc.gov/news-events/press-releases/2016/01/gm-jim-koons-management-lithia-motors-inc-settle-ftc-actions>

## NADA's *A Dealer Guide to Federal Advertising Requirements*

[www.nada.org](http://www.nada.org)

## FTC Consumer “Surveys”

- Interviewees
- Survey Topics

NOTES:

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## FTC Notice

<https://www.ftc.gov/news-events/press-releases/2015/12/ftc-seeks-public-comment-proposed-survey-consumers-regarding>

# Federal Wage and Hour Law

- Federal service writers exemption from overtime
- Proposed changes to “white collar” exemptions from overtime

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NADA Wage and Hour Page:

[www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837808](http://www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837808)

DOL Auto Dealer Fact Sheet:

[www.dol.gov/whd/regs/compliance/whdfs11.htm](http://www.dol.gov/whd/regs/compliance/whdfs11.htm)

DOL “White Collar” Proposal: [www.dol.gov/whd/overtime/NPRM2015/](http://www.dol.gov/whd/overtime/NPRM2015/)

# Family Medical Leave Act (FMLA)

- New Definition of “Spouse”
- Overview of the Act

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NADA FMLA Page:

[www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837835](http://www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837835)

DOL FMLA Page: [www.dol.gov/whd/fmla/](http://www.dol.gov/whd/fmla/)

DOL FMLA “Spouse Definition”: [www.dol.gov/whd/fmla/spouse/index.htm](http://www.dol.gov/whd/fmla/spouse/index.htm)



# OSHA Restroom Rule

- Application to Transgender Workers

NOTES:

[illegible]

OSHA Guide to Restroom Access for Transgender Workers:  
[www.osha.gov/Publications/OSHA3795.pdf](https://www.osha.gov/Publications/OSHA3795.pdf)

## Joint-Employer and Worker Classification

- NLRB, Wage/Hour, and OSHA Rules on Joint-Employer
- DOL and IRS on Worker Classification

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NADA NLRB Joint-Employer Page:

[www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474842332](http://www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474842332)

DOL Wage/Hour Joint Employer Fact Sheet:

[www.dol.gov/whd/regs/compliance/whdfs35.pdf](http://www.dol.gov/whd/regs/compliance/whdfs35.pdf)

OSHA Joint Employer Page: [www.osha.gov/temp\\_workers/](http://www.osha.gov/temp_workers/)

DOL Worker Classification Page:

[www.dol.gov/whd/workers/misclassification/](http://www.dol.gov/whd/workers/misclassification/)

# Emissions Compliance

- Clean Air Act Prohibitions
- Volkswagen Issue

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EPA Mobile Sources Page: [www.epa.gov/otaq/ld-hwy.htm](http://www.epa.gov/otaq/ld-hwy.htm)

EPA VW Page: [www.epa.gov/vw](http://www.epa.gov/vw)

NADA Emissions Tampering Page:  
[www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837253](http://www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837253)

# Underground Storage Tanks

- Background on Regulations
- 2015 Rule

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NADA UST Page:

[www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837154](http://www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837154)

EPA UST Page: [www.epa.gov/ust](http://www.epa.gov/ust)

## The CFPB's Disparate Impact Initiative

- Recent Consent Orders
- Congressional Oversight
- Compliance Resources

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# The CFPB's Disparate Impact Initiative (Resources)

## CFPB-AHFC Consent Order

<http://www.consumerfinance.gov/newsroom/cfpb-and-doj-reach-resolution-with-honda-to-address-discriminatory-auto-loan-pricing/>

## CFPB-Fifth Third Bank Consent Order

<http://www.consumerfinance.gov/newsroom/cfpb-takes-action-against-fifth-third-bank-for-auto-lending-discrimination-and-illegal-credit-card-practices/>

## CFPB-TMCC Consent Order

<http://www.consumerfinance.gov/newsroom/cfpb-and-doj-reach-resolution-with-toyota-motor-credit-to-address-loan-pricing-policies-with-discriminatory-effects/>

## HFSC Majority Staff Report (November 2015)

[http://financialservices.house.gov/uploadedfiles/11-24-15\\_cfpb\\_indirect\\_auto\\_staff\\_report.pdf](http://financialservices.house.gov/uploadedfiles/11-24-15_cfpb_indirect_auto_staff_report.pdf)

## HFSC Majority Staff Report (January 2016)

[http://financialservices.house.gov/uploadedfiles/cfpb\\_indirect\\_auto\\_part\\_ii.pdf](http://financialservices.house.gov/uploadedfiles/cfpb_indirect_auto_part_ii.pdf)

## *NADA-NAMAD-AIADA Fair Credit Compliance Policy & Program*

[www.nada.org/faircredit](http://www.nada.org/faircredit)