



NATIONAL
AUTOMOBILE
DEALERS
ASSOCIATION

2016 Federal Regulatory Update for Truck Dealers

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Regulatory Affairs

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Learning Objectives

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

- 1) New electronic logging device mandate and SBA size standard.
- 2) 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.
- 3) Proposed truck fuel economy standards, emissions compliance issues, and new underground storage tank mandates.
- 4) FET treatment of glider kits.
- 5) Consent requirements for sending text messages.

FMCSA Electronic Logging Device (ELD) Mandate

- New Rule Governing ELDs

NOTES:

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FMCSA ELD Page:

www.fmcsa.dot.gov/hours-service/elds/electronic-logging-devices

SBA Truck Dealership Size Standard

- Final Rule Updating Truck Dealerhip Size Standard

NOTES:

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SBA Size Standard Page: www.sba.gov/content/sba-revises-size-standards-wholesale-trade-and-retail-trade-industries-1

Federal Wage and Hour Law

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

NOTES:

NADA Wage and Hour Page:

www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837808

DOL Auto Dealer Fact Sheet:

www.dol.gov/whd/regs/compliance/whdfs11.htm

DOL “White Collar” Proposal: www.dol.gov/whd/overtime/NPRM2015/

Family Medical Leave Act (FMLA)

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

NOTES:

NADA FMLA Page:

www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837835

DOL FMLA Page: www.dol.gov/whd/fmla/

DOL FMLA “Spouse Definition”: www.dol.gov/whd/fmla/spouse/index.htm

OSHA Restroom Rule

- Application to Transgender Workers

NOTES:

OSHA Guide to Restroom Access for Transgender Workers:
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

NOTES:

NADA NLRB Joint-Employer Page:

www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474842332

DOL Wage/Hour Joint Employer Fact Sheet:

www.dol.gov/whd/regs/compliance/whdfs35.pdf

OSHA Joint Employer Page: www.osha.gov/temp_workers/

DOL Worker Classification Page:

www.dol.gov/whd/workers/misclassification/

Truck Fuel Efficiency/GHG Standards

- 2015 Proposal
- ATD Issues and Concerns

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EPA Truck GHG Page: www.epa.gov/otaq/climate/regs-heavy-duty.htm

NHTSA Truck CAFE Page: <http://www.nhtsa.gov/fuel-economy>

Emissions Compliance

- Clean Air Act Prohibitions
- Truck Engine and Volkswagen Issues

NOTES:

EPA Mobile Sources Page: www.epa.gov/otaq/ld-hwy.htm

EPA VW Page: www.epa.gov/vw

NADA Emissions Tampering Page:
www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837253

Underground Storage Tanks

- Background on Regulations
- 2015 Rule

NOTES:

NADA UST Page:

www.nada.org/CustomTemplates/GeneralPage.aspx?id=21474837154

EPA UST Page: www.epa.gov/ust

Federal Excise Tax

- Overview of FET
- ATD Dealer Guide to Federal Excise Tax

NOTES:

IRS FET Publication 510: <https://www.irs.gov/pub/irs-pdf/p510.pdf>

FET – Overallallowance

NOTES:

Lease Accounting

- FASB/IASB Change

NOTES:

FASB Page:

http://www.fasb.org/jsp/FASB/FASBContent_C/NewsPage&cid=1176167901466

IASB Page: <http://www.ifrs.org/Alerts/PressRelease/Pages/IASB-shines-light-on-leases-by-bringing-them-onto-the-balance-sheet.aspx>

Telemarketing – Text Messaging

- Telephone Consumer Protection Act
- Express Written Consent Requirement

NOTES:

FCC July 2015 “Omnibus” Order: <https://www.fcc.gov/document/tcpa-omnibus-declaratory-ruling-and-order>

FCC Consumer TCPA Page: <https://www.fcc.gov/consumers/guides/stop-unwanted-calls-texts-and-faxes>