

NEWS BULLETIN

Maine Automobile Dealers Association

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2021 FUEL ECONOMY GUIDE OBLIGATION

The U.S. Department of Energy and the Environmental Protection Agency have released the 2021 Fuel Economy Guide. The guide offers detailed fuel economy estimates for 2021 model-year vehicles, including plug-in hybrids, light-duty trucks, SUVs, crossovers and electric vehicles. By law, dealers must display the guide and give copies to customers when requested. You can print copies or display the website/QR code on your showroom floor. These regulations ensure your customers have ready access to fuel economy information for current model year vehicles.

The online 2021 Fuel Economy Guide is updated every week. Visit fueleconomy.gov to review the 2021 guide, then click on the link "Info for Auto Dealers", where you can:

- Download a PDF of the 2021 Fuel Economy Guide and you'll also see a list of previous model-year guides, looking back to 2009.
- Download the letter sent to dealerships in December.
- Automatically get the guide each year by entering your e-mail address.
- Download the printable posters for display at your dealership.

NADA OFFERS DEALERSHIP WORKFORCE STUDY

NADA is once again offering its members (all Maine franchised dealerships are members) the opportunity to participate in the Dealership Workforce Study – a comprehensive summary report and some analysis of dealership personnel compensation levels, benefits, length of service and workweek. All information provided by dealerships is confidential and not individually identifiable.

There is no cost to participate. With your participation you will receive:

- Complimentary custom report comparing your dealership against aggregated data from your peers across the nation and region, right down to dealerships selling your brand in your state (if there is a sufficient number of respondents to ensure confidentiality).
- Complimentary Payroll and Retention Report with analysis of workforce data across the nation and by region.
- Exclusive one year access to the DWS Database Search Tool: An online-based customizable search tool with archived tenure and compensation data from all NADA Dealership Workforce Studies for over 60 positions.

You will need your NADA Member ID for your single store or Dealer Group to enroll. If you do not have this NADA ID number please contact NADA Customer Service at 800.557.6252. Enrollment for the 2021 Study closes promptly on **April 15, 2021**. Go to www.nada.org/workforcestudy to enroll.

NHTSA ODOMETER DISCLOSURE RULE REVISIONS

The National Highway Traffic Administration (NHTSA) has amended the “older vehicle” odometer disclosure exemption. Through 2020, used motor vehicles 10 model years (MYs) and older were exempt from the federal odometer disclosure mandates. Starting January 1, 2021, an additional MY becomes subject to the disclosure mandates each year until a full 20 MYs are covered. In other words, starting on January 1, 2021, MY 2011 motor vehicles are no longer exempt and, in 2031, only motor vehicles 20 years old or older will be exempt.

Detailed information regarding the federal odometer law is found in a newly issued revision to NADA's *Dealer Guide to the Federal Odometer Law*. Questions on the federal odometer law and NHTSA's rules can be directed to regulatoryaffairs@nada.org.

FAMILIES FIRST MEDICAL and FAMILY LEAVE – ENDS 3/31/21

At the end of 2020, Congress enacted legislation which extended, **at the employer's discretion**, the FFCRA sick leave and expanded family and medical leave reimbursable payment program until March 31, 2021 (was previously December 31, 2020). An employer is not required to provide such leave after 12/31/20, but may voluntarily decide to do so. Employers had the obligation to provide the FFCRA paid leave from April 1, 2020 through December 31, 2020. The same employer tax credits for paid sick leave and expanded family and medical leave which were available in 2020 are now available until 3/31/21 to employers which voluntarily choose to do so. Specific information on this program is available at <https://www.nada.org/coronavirus/faqpdf> and at <http://www.irs.gov/coronavirus/new-employer-tax-credits>.

CFPB and FAIR CREDIT COMPLIANCE

The federal Consumer Financial Protection Bureau (CFPB) is changing administration again, so Fair Credit compliance efforts will likely become an enforcement focus. The good news, however, is that the previous CFPB leadership had developed a comprehensive report on consumer credit, including multiple recommendations to improve consumer protection in the marketplace. Among these recommendations are two that could directly affect dealerships. The first recognizes NADA's Fair Credit Compliance Program, an option for dealers, as one method of preventing price discrimination at dealerships. The NADA program has also been recognized by the American Bar Association as a safe harbor against price discrimination if implemented in a good faith manner. The second recommendation recognizes the Federal Trade Commission (FTC) as the oversight agency for dealerships (as opposed to the CFPB enforcing against dealerships through financial institution practices). MADA will email each dealer the NADA Fair Credit Compliance program booklet.

COVID-19 VACCINATIONS

MADA has received some inquiries from dealers asking about the ability to incentivize or encourage or mandate employees to take the COVID-19 vaccine. A related question, can “essential employees” (all dealership employees are considered “essential” under both federal and state interpretation) get vaccinated early, has been answered in Governor Mills Executive Order setting age (and now educators) as the sole criteria for when a person can get the vaccine.

The legal community has indicated that encouragement and “de minimus” incentives may be the better option, at least until more definitive guidance is issued by federal regulators of Equal Employment, Disabilities, Discrimination, Health and Privacy rules. Two issues are more clear: 1) employers should refrain from endorsing a particular vaccine, and 2) any encouragement program should be clearly labeled as voluntary.

One other note about this vaccination: medical insurance plans such as that available in your MADA Insurance Trust pay 100% of any charge for administering the COVID-19 vaccine – there is no co-pay, nor any balance bill, payable by the person enrolled.