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# RSGDA

REPAIR SHOP & GASOLINE DEALERS ASSOCIATION  
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### CTA Delay Gets Renewed Focus in Senate

SSDA-AT and others have come out in force calling on Congress to adopt a one-year delay of the Corporate Transparency Act as part of this year's National Defense Authorization Act.

The effort, led by the Main Street Employer's coalition and backed by SSDA-AT and more than 135 of its trade association allies, is in support of a pair of NDAA amendments. As our letter explained:

Amendments sponsored by Senators Tim Scott (#2169) and James Lankford (#2831) would provide the business community and federal regulators additional time to educate millions of small business owners regarding the CTA's new reporting requirements and the onerous penalties resulting if they fail to comply. They would also allow time for the ongoing legal challenge to work its way through the courts while restoring Congress's original intent to give covered entities a full two years to comply with the statute's reporting requirements.

And here's a bit more on each of those important points:

Although filing under the CTA began at the start of this year, only a few million businesses have registered while an estimated 28 million covered small businesses have yet to file. This compliance rate of less than 10 percent is a direct result of the general lack of awareness among business owners regarding the new rules.

Recent court decisions have added to the confusion. In March, the United States District Court for the Northern District of Alabama found the CTA exceeded the Constitution's enumerated powers and is therefore unconstitutional. That case was appealed and will be heard by an appellate court later this year. In the meantime, however, FinCEN continues to enforce the CTA against all small businesses and other entities not named in the lawsuit.

Finally, in enacting the CTA lawmakers explicitly called for a reporting deadline of "not later than 2 years after the effective date of the regulations" for existing entities. This timeframe was designed to give affected entities sufficient time to learn of, understand and comply with the new reporting regime, while minimizing the burdens on reporting companies. In its rulemaking, however, FinCEN shortened this deadline and gave existing entities just one year to comply.

The CTA originally was enacted as part of the FY2021 NDAA, so it makes sense to initiate a delay via this year's defense spending bill.

It's also worth noting that while the CTA was quietly snuck into the NDAA – after having received no public debate or hearings.

The one-year delay called for by Senators Scott and Lankford is what the business community needs right now. It would give them time to learn about the CTA, time for the courts to issue a ruling, and time for FinCEN to finish the job of educating the public about the new law.

### **Auto Care Association Launches Right to Repair Social Media Campaign**

The Auto Care Association is calling on its members to participate in a social media campaign with the goal of encouraging Congress to take action on right to repair, according to a new press release.

Intended for both industry professionals and consumers alike to participate in, the “#RighttoRepair, RIGHT NOW” challenge asks shop owners, their employees and their customers to visit [www.repairact.com](http://www.repairact.com) and send their legislator newly-drafted letters calling for action on the REPAIR Act.

Please educate your customers on the necessity of supporting the REPAIR act, by making copies of and handing out the letter found at the end of this bulletin.

After sending a letter, participants in the challenge are then asked to share a selfie with a message sharing what they did, and tagging three others—whether it be coworkers, colleagues, or friends—to do the same.

As ACA President and CEO Bill Hanvey stated, the need for such pressure on Congress is especially high right now. As lawmakers return from their August recess, REPAIR Act advocates want the legislation to be one of their top priorities to address.

“We want to make sure Congress knows how important right to repair is to the American people, and one of the best ways to capture their attention is through grassroots efforts like the ‘#RighttoRepair, RIGHT NOW’ challenge,” Hanvey said. “In the shadow of an election that is less than 100 days away, I ask that all members of our industry partake in this social media campaign with us to keep this fight for the right to repair alive on Capitol Hill.”

“We’re now at an important crossroads to get HR 906, the REPAIR Act, across the finish line. Did you know that there’s over 2,000 bills in front of the House Energy and Commerce Committee right now? So we are effectively competing for headspace,” Hanvey said. “And this will help those representatives understand how important this issue is to our \$500 billion industry that employs 4.9 million employees.”

### **Labor Day Travel Is Shaping Up to Be Cheaper Than 2023**

Though many Americans plan to travel further abroad this Labor Day weekend, road trippers may have the advantage of lower fuel prices giving a boost to their vacation plans.

According to AAA, drivers should expect to pay less for gas compared to last year, when the national average was \$3.81. Despite the popularity of summer road trips, gas

prices have remained steady in recent weeks, hovering around \$3.50, and overall gas demand has stayed down due to post-pandemic changes in daily driving habits preventing price spikes.

Meanwhile, for those traveling in electric vehicles, the national and state averages for L2 commercial electricity remained the same as the previous two weeks as of Aug.15.

Overall, AAA found domestic travel over Labor Day weekend will be up about 9% compared to last year, while the cost to travel domestically is down 2%. Seattle tops the list of destinations for the three-day weekend, with other popular spots including Orlando, Fla.; New York; Boston; Las Vegas; Denver; Chicago and San Francisco.

INRIX, a provider of transportation data and insights, adds car travelers should avoid leaving during the afternoon and early evening hours of Thursday, Aug. 29, and Friday, Aug. 30, as those times will be the most congested. Drivers should hit the road in the morning unless they’re leaving on Saturday, Sept. 1, when the best time to travel by car is in the afternoon. Travelers returning on Sunday and on Labor Day, Sept. 2, should leave as early as possible to avoid heavy traffic in the afternoon.

Looking ahead, drivers should be prepared for the possibility of hurricanes hitting the Gulf region and affecting regional refineries, which could cause gas prices to go up as the peak of the storm season approaches in September.

### **EIA Reports Highest Monthly Gasoline Demand Measurement in Five Years**

The Energy Information Administration Wednesday released its final assessment for May gasoline demand, and the number represents the highest monthly demand reckoning since August 2019.

The May number of 9.396 million b/d was 352,000 b/d above what weekly estimates said during that month. The figure was 291,000 b/d above May 2023. One has to go back to the August 2019 measurement of 9.834 million b/d to find a higher gasoline demand number.

The revision is not without controversy. Some refiners believe that EIA has fallen into a pattern where it typically underestimates weekly demand. Most of 2024 has brought revisions once the monthly numbers get published in Petroleum Supply Monthly.

Domestic distillate demand also saw an upward revision. Weekly reports for May had suggested an average of 3.697 million b/d, but Wednesday’s published monthly number was 3.779 million b/d. That was still below May levels for each of the previous four years.

Analysts who follow distillate demand note that the monthly assessment does not include renewable diesel or biodiesel. May represented the sixth consecutive month where domestic demand did not top 4 million b/d.

--Reporting by Tom Kloza

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## **U.S. Vehicle Miles Traveled in June Fell Sharply from May: DOT Data**

The number of miles traveled by U.S. motorists fell in June, falling short of totals seen in both May and during the same month last year, according to Tuesday's data from the Department of Transportation's Federal Highway Administration agency.

Travel on roads and streets totaled 284.5 billion in June, a sharp drop from the 293.4 billion miles seen in May. They were also 1.1 billion, or 0.4%, fewer than during June 2023, DOT data showed.

The decrease snapped a four-month streak of year-over-year gains and came as an early heat wave brought record-breaking temperatures to some parts of the country.

Traffic saw year-over-year declines of 1.4% in the Mid Continent region of the country, as well as 0.3% in the South Atlantic region and 0.5% in the West. However, traffic during the month rose 0.7% year over year in the Northeast and remained flat in the Gulf Coast region, the data showed.

The pullback in travel comes after the total vehicle miles traveled in May rose 11.2% from the month before and marked the highest monthly total since DOT began compiling such data in 2012.

Travel over a rolling 12-month period totaled 3.277 trillion miles, about 45 million more than during the same period a year earlier. Year to date, motorists traveled 1.604 trillion miles during the first six months of 2024, about 13 billion more than during the same six-month period in 2023.

Despite the relatively small year-over-year decline in traffic during June, OPIS DemandPro data showed national average same-store gasoline sales during the month were 4% lower than in June 2023.

For the first six months of the year, same-store sales were running 5.1% lower than during the same period last year, according to OPIS DemandPro data, which is based on weekly surveys of more than 30,000 retailers nationwide.

--Reporting by Steve Cronin

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## **Gasoline Prices Held Steady in July While Overall Inflation Slowed, BLS Says**

The U.S. Gasoline Price Index remained unchanged in July, putting an end to a two-month streak of declines, the Bureau of Labor Statistics reported Wednesday.

The overall July energy index was also unchanged from June but showed a 1.1% increase from a year earlier. That is slightly higher than the 1% year-to-year increase reported last month. That July increase came despite the gasoline index in July falling 2.2% from a year earlier.

OPIS data show the national average retail price of gasoline in the U.S. started the month at a July low of \$3.4911/gal and stood at \$3.4920/gal on July 31. Prices spent a majority of the month moving in the \$3.50-\$3.52/gal range and averaged \$3.516/gal. That compares to an average \$3.604/gal in July 2023, OPIS data show.

The stable retail prices helped deliver a month of strong margins for retailers, with gross rack-to-retail margins for the month averaging 41.1cts/gal, according to OPIS MarginPro data.

The price of fuel oil rose 0.9% in July after seeing declines in May and June. The fuel oil index fell by 0.3% year-to-year.

Electricity costs rose 0.1% in July but were up 4.9% year to year. Natural gas prices were 0.7% lower in July but were up 1.5% from 12 months earlier.

The overall U.S. inflation rate rose by 0.2% in July, after falling in June. The rate was 2.9% higher year to year. It was the lowest year-to-year increase since March 2021 and was slightly below analysts' expectations of a 3% increase.

Equity markets were little changed on the news, with the Dow Jones Industrial Average rising by 0.15% at about 11 a.m. ET while the Nasdaq Composite was down by a similar amount.

--Reporting by Steve Cronin

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## **Retail Sales Hold Steady Year Over Year**

The steadying of unit sales, flattening average selling price comparisons, increased value options and promotional engagement are signals of continued movement toward consumer spending stabilization, according to recent research from Circana.

U.S. retail sales delivered a repeat performance of May results in June. During the four weeks ending June 29, revenue across the combined view of discretionary general merchandise and consumer packaged goods (CPG) once again grew 1%, and unit demand remained level with the same time last year.

Amid the stabilization occurring across discretionary and nondiscretionary retail spending, there are stories of growth. Circana found the desire for little luxuries and social media influence have continued to break through budgetary boundaries, with hot sellers in the first half of 2024 ranging from categories like lip makeup and hair styling to portable beverage ware and specialty kitchen appliances.

Simultaneously, Circana found consumers will often cut back in another area of spending to help fuel needs-based spending such as auto maintenance even as they continue to indulge in splurge purchases.

The appeal of innovative products also remains paramount. Circana's New Product Pacesetters 2024 report found consumers are still eager to try new food and beverage products like carbonated sports and energy drinks and meal solutions.

An advisor on the complexity of consumer behavior, Chicago-based Circana uses technology, advanced analytics, cross-industry data and deep expertise to provide clarity that helps almost 7,000 of the world's leading brands and retailers take action and unlock business growth.

## **US Gasoline Station Hourly Wage Rises to Record High in June: BLS**

The average hourly wage for nonmanagerial workers at U.S. retail gasoline stations and retail gasoline stations with convenience stores rose to a record high in June, the Bureau of Labor Statistics said on Friday.

June's increase marked the third straight month the average wage rose. The average hourly wage for gasoline stations increased to \$17.36, up 6cts from May, and 3.4% above June 2023.

The average hourly wage for gasoline stations with convenience stores increased to \$17.17, up 7cts month to month and 3.3% year to year, when the average wage was \$16.62. The previous record high was set in January when the average hourly wage was \$17.15.

Rival channels like supermarkets and liquor stores still pay more competitive wages than the convenience-fuel business, although supermarket wages were down month-to-month, BLS data showed.

U.S. supermarkets in June paid an average wage of \$17.59/hour, down from \$17.75 in May but 2.7% above the \$17.12/hour average in May 2023. Pay at liquor stores averaged \$18.21, up 2.3%, or 41cts, month to month and 3.5% above the year-ago average of \$17.59/hour.

The average hourly wage for nonmanagerial workers across all retail businesses declined in July for the first time in six months, the bureau's data showed. In July, the average retail worker made \$20.83/hour, down from \$21.02 in June, which was revised downward by 3cts. A year earlier, the average retail wage was 2.3% lower at \$20.57.

The latest monthly figures are not seasonally adjusted.

--Reporting by Donna Harris

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## **Fuel Retailers Stand Against Bill to Open Up Rest Areas to EV Charging**

Industry groups representing fuel retailers across the country pushed back against a bill that could halt private investment in electric vehicle (EV) charging.

NACS, trade association representing the convenience and fuel retailing industry; NATSO, the trade association for the American travel plaza and truck stop industry; and SIGMA, the national trade association representing fuel marketers, announced their opposition to the Recharge Your Electric Car on the Highway to Alleviate Range Gaps Effectively (RECHARGE) Act. (S.4989). Introduced Aug. 1 by Sens. Jeff Merkley (D-Ore.), Ron Wyden (D-Ore.) and Chris Van Hollen (D-Md.), the bill seeks to amend federal law constraining commercial activity at federal highway rest areas by explicitly enabling EV charging at these rest areas and has been endorsed by EVgo and the Sierra Club.

According to RECHARGE sponsors, this would facilitate the expansion of EV charging infrastructure on federal highways and lower range anxiety as the public transitions to more electric vehicles. However, according to NACS, NATSO and SIGMA, the bill threatens to undermine

policy set through the \$5 billion National Electric Vehicle Infrastructure (NEVI) Grant Program under the Infrastructure Investment and Jobs Act (IIJA) that was designed to leverage private investment in EV charging.

The IIJA included provisions ensuring that locations for alternative fueling must consider the availability of amenities such as food and restrooms, and refrained from incorporating provisions that would allow states to unfairly compete with the private sector by installing EV charging stations at rest areas, the associations noted.

Introduction of the RECHARGE Act comes at a time when many state departments of transportation are awarding grant dollars to private fuel retailers to build out their charging networks, altering the competitive landscape could upend installation plans already in progress. More than half of all NEVI grants have been awarded to fuel retailing locations, underscoring both the pivotal role that fuel retailers play in building out a safe and reliable nationwide network of DC fast-charging stations and the desire by private industry to do so, the associations added.

NACS, NATSO and SIGMA also stated that allowing EV charging stations at rest areas would discourage private investment through the creation of "an unlevel playing field in which state governments do not have to compete for customers from an advantaged location on the Interstate right-of-way." Federal law has prohibited the sale of automotive services and food at state-operated rest areas to encourage competition between private businesses located at the Interstate exit interchanges.

The full text of the RECHARGE Act is available [here](#)

## **Study Finds Charging Reliability Issues Are Slowing EV Adoption in the US**

Problems electric vehicle drivers are encountering when charging their vehicles at public chargers are undermining EV adoption in the U.S., according to a study released on Monday.

The "ChargerHelp Annual Reliability Report" looked at the state of EV charging and the driver experience. ChargerHelp is a Los Angeles-based EV charger repair and maintenance firm.

The report said the true uptime - EV drivers' actual experience trying to charge their vehicle - is often lower than the uptime reported on EV charging network apps and software. "Software consistently overestimates station uptime, point-in-time status, and the ability to successfully charge a vehicle," the study said.

Apps indicated that EV chargers were working when the equipment was in fact offline at about one in four stations reviewed.

Charging reliability varies "dramatically" depending on the charging network, the study said. Some have a "near flawless" record but other networks "consistently" have 10%-20% of stations down. For DC fast chargers, only four networks account for just over 25% of the ports in the U.S. and more than 75% of all the down ports, the study said.

The older electric vehicle charging equipment also tends to experience more downtime, meaning states with a longer history of EV infrastructure buildout were more likely to have higher percentages of down stations.

There are many factors that affect charging station reliability, ranging from cable and connector issues to cabinet and screen damage. But component failure or damage was the most common, followed by communications or software failures. Together, the study said those two most common malfunctions account for two-thirds of the issues.

The study said a small number of problem stations require four or more work orders to diagnose and resolve problems. The researchers concluded that addressing the worst stations would reduce the maintenance burden on charging networks.

"During the second half of 2023, nearly half of DC fast charger stations experienced at least one significant outage, defined as a full, continuous week of downtime," the study said. "However, 2% of stations experienced four or more outages - a cumulative month of downtime in the span of a six-month period. Worse, 10% of stations experienced extended outage durations lasting six to nine-plus weeks."

--Reporting by Donna Harris

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### **Toyota Potentially Transitioning Most of its Vehicle Lineups to All-Hybrid**

Toyota is planning to transition most—and potentially all—of its vehicle lineups to hybrid-only, two executives reportedly shared with Reuters.

The info from the two anonymous sources was further affirmed by David Christ, head of sales and marketing for Toyota in North America, who told Reuters the company would be evaluating each of its lineups to determine the viability of each one going all-hybrid.

One such vehicle being considered is the 2026 model year RAV4—of which half of its sales are already hybrids.

Toyota would likely invest in producing plug-in hybrid vehicles with bigger batteries, and plans to add tiny engines to its platform for EVs to develop more efficient hybrids, as opposed to adding a battery to an internal combustion engine.

The first vehicle to feature this new method of building hybrids is likely to be the Corolla plug-in hybrid, one source shared. It would likely enter the Chinese market in 2026 before coming to the U.S. in 2027.

### **Automotive Service Association Releases Stance on U.S. Electric Vehicle Transition**

The Automotive Service Association (ASA) has released its official stance on federal goals for transitioning to electric vehicles in a recent press release.

In its statement, ASA claimed that the pace of EV transition outlined in regulations from the Environmental

Protection Agency (EPA) is something independent repair shops will struggle to keep up with.

While many shops have already invested into EV services, ASA predicted that by 2032, independent shops will need to put in bigger investments than they were initially planning on to meet EPA's current goals. This may include EV training, equipment, and space to accommodate EV work.

ASA added that as the federal government pursues its goals for EVs, it must make an effort to ensure independent businesses have the resources they need to accommodate this market.

"The automotive repair industry isn't pro- or anti- EV," said Aaron Clements, mechanical director on the ASA Board of Directors and chairman of the Southern Automotive Service Association. "We just want to make sure that we can repair the vehicles that our customers bring to us. This statement accurately reflects where our industry stands and allows us to educate lawmakers on our industry's needs."

### **CarShield to Pay \$10M over Misleading Auto Repair Warranty Advertisements**

CarShield, a company providing contracts to drivers that claim to cover the cost of certain repairs, has reached a \$10 million settlement with the Federal Trade Commission over allegations of misleading advertising, reports NBC News.

A television ad from the company, which had been broadcast 18,000 times, claimed the contracts would protect drivers from unforeseen vehicle repair expenses. It recruited celebrity spokespersons, such as rapper and actor Ice-T and sports commentator Chris Berman, to also market this message to consumers.

However, many drivers who enlisted coverage from CarShield ended up not seeing the return, having repairs go uncovered even though they were making payments of up to \$120 a month.

CarShield has stated it does not share FTC's views on its marketing practices, though it has implemented some improvements. The company said it provides more information on what repairs are typically covered now and has made full plans easier to view prior to making a purchase.

"Instead of delivering the 'peace of mind' promised by its advertisements, CarShield left many consumers with a financial headache," said Samuel Levine, director of FTC's Bureau of Consumer Protection. "Worse still, CarShield used trusted personalities to deliver its empty promises. The FTC will hold advertisers accountable for using false or deceptive claims to exploit consumers' financial anxieties."

### **Calls for Improved Safety Recall System in U.S. Face Roadblocks**

Though there have been pushes to improve the process for getting safety recall repairs completed in the U.S., very little change has been made—and some have credited that to

the interests of the most powerful figures in the automotive industry, according to Jalopnik.

A monthlong investigation from the Detroit Free Press revealed that automakers overseen by federal regulators are largely unsuccessful with addressing potentially fatal defects in some of their oldest vehicles.

For years, U.S. Sen. Richard Blumenthal has been pushing for a bill that would ban dealers selling used vehicles with open recalls. Since 2015, Blumenthal has introduced or reintroduced his bill, but it has made no progress.

Blumenthal is joined in his stance by experts such as safety researcher Sean Kane of Safety Research & Strategies and auto safety advocate Michael Brooks—the latter of whom credits lobbyists in the automotive industry as a roadblock to passing legislation like Blumenthal’s.

“Because it seems like you would want to get them off the road as soon as possible,” added Brooks.

The National Automobile Dealers Association, which represents around 16,000 dealers, is an opponent of Blumenthal’s legislation. The group has argued that enacting a complete ban on selling a vehicle with any recall could result in additional costs for consumers, and that it likely wouldn’t help more recalled vehicles get repaired.

Honda Motor has previously supported legislation that would require outstanding safety recalls to be completed on a vehicle before it can be registered with the state—but consumer advocate groups have criticized this solution as potentially shifting the burden onto low-income families, who are often dependent on their vehicles.

### **Recall Notices and Repairs Failing to Reach Impacted Drivers**

A recent report from WCPO 9 reveals that the number of people driving recalled vehicles that have gone unrepaired has only continued to grow.

Although vehicle recall fixes cost consumers nothing and keep them driving safely, many neglect to stay informed on what may be affecting them. According to Patrick Olsen of CARFAX, last year saw over 50 million vehicles that were unrepaired or with open recalls.

As of July 1, 2024, that number has only continued to increase, sitting at 57.7 million vehicles.

WCPO 9 spoke with a couple of drivers on whether they’re aware of any recalls on their vehicles. One SUV driver said she didn’t know—another man replied he’s never even checked.

Drivers who are unaware of recalls may often be risking their safety, especially with a 40% increase in “park outside” recalls between May 2023 and March 2024. The problem predominantly affects older vehicles, too. While 83% of newer vehicles have recall repairs completed, it’s only 29% of vehicles that are 10 years or older.

But with new recalls coming out each week, it can be hard for the average consumer to stay informed, and notices often don’t reach the intended person, as Matt Overbeck of Overbeck Auto Services in Cincinnati, Ohio, noted. Those

who do receive the notices sometimes throw them out, thinking it’s junk mail.

“You move, the car gets sold, you purchase a car, we don’t know where the car went,” explained Overbeck. “So sometimes those notices just go unnoticed.”

### **NHTSA Moves Forward with Potentially Second-Largest Auto Recall in U.S. History**

Despite automakers’ objections, the National Highway Traffic Safety Administration (NHTSA) is maintaining its condemnation of airbag inflators produced by ARC Automotive and Delphi Automotive and may soon seek to enforce the second-largest recall in U.S. history, reports Reuters.

NHTSA first shared its concerns at an October hearing, where it was argued all 51 million airbag inflators—used in 49 million U.S. vehicles by 13 different automakers—should be recalled. Though NHTSA called for a voluntary recall of the inflators in May 2023, ARC didn’t issue any.

The agency has cited the inflators as being prone to rupturing and shooting metal fragments. An eight-year investigation the agency conducted found one fatality and seven injuries having occurred as a result of the airbag inflators.

NHTSA has had yet to finalize its decision on recalling the airbag inflators, following protest from automakers back in December—but that may soon change, as the agency yesterday told automakers they have 30 days to respond before it will pursue a formal demand for recalls.

The inflators have been used in vehicles manufactured from 2000 through early 2018, and a recall of them is opposed by General Motors, Toyota Motor, Volkswagen, Ford, Mercedes-Benz, BMW, Hyundai, Kia, and Porsche. They, along with the airbag inflator manufacturers, have asserted that the risk is too minimal to warrant such a large recall.

### **Ford and Mazda Again Warn Drivers of Vehicles With Takata Airbags**

Ford and Mazda have both warned owners of certain vehicles to avoid driving them over risks posed by Takata airbags, reports Reuters.

Owners of vehicles including Ranger trucks, Mustang and GT sports cars, Fusion sedans, and certain SUVs such as the Edge, are being advised by Ford to reach out to a dealership immediately for repairs.

In spite of previous recalls and over 121 million outreach attempts, Ford has shared that around 374,300 of its vehicles in the U.S. still contain Takata airbags, which have been known to explode and release dangerous metal fragments.

Mazda, too, said that 83,000 of its U.S. vehicles also still pose a threat. Models including the CX-7 crossover and RX8 sports car are said to be affected.

## **General Motors Recalls Nearly All of its Cadillac Electric SUVs**

After finally getting its electric SUV, the Cadillac Lyriq, out to customers and dealerships, General Motors is now issuing a recall for nearly all of them due to a software issue that can prevent braking, reports the Detroit Free Press.

When GM first launched the Lyriq in 2022, it was able to deliver just 122 vehicles. By last year, thousands had placed orders that they were waiting on—but GM cited issues with software, supply chains, and battery module production for its slow rollout.

Then, GM suddenly was able to deliver. Its second-quarter Lyriq sales this year were 7,294—a 441% increase. The first half of this year has seen 13,094 Lyriqs delivered.

On May 31, 2024, GM opened an investigation into reports of loss of braking power in Lyriq vehicles. The company had received at least two reports of minor accidents resulting from the issue.

Following its investigation, GM determined that a software issue in the vehicle's anti-lock braking system was to blame.

The automaker added that the problem would occur only in rare, specific circumstances: when a false anti-lock braking system event occurs on a dry road surface, at no speed greater than 25 mph.

The vehicle would also have to experience a series of specific wheel movements that would lead to the ABS system to continue initiating the release of pressure in the service brake system, GM added.

On Aug. 1, the company's safety field action decision authority then moved forward with a safety recall. According to GM spokesman Bill Grotz, less than 500 of the 21,469 that are recalled are 2023 models. He added that a fix will be implemented through a wireless over-the-air software update.

## **Over 105k BMW Vehicles Recalled for Overheating Motor, Potential Fire Risk**

Kelley Blue Book reports that 105,588 vehicles have been recalled by BMW due to an issue causing the motor to overheat.

Vehicles impacted by the issue includes certain instances of the 2019-2020 BMW X5; 2019-2020 BMW X7; 2020 BMW 3 Series; 2020 BMW 8 Series; 2020 BMW X6; and 2020-2021 BMW 7 Series.

BMW told the National Highway Traffic Safety Administration (NHTSA) that the problem may stem from a starter of a different design being used on the vehicles when first manufactured.

If the engine starter has mechanical damage, it may prevent the engine from starting; and repeated and prolonged attempts to start the vehicle can lead to an electrical overload of the starter, according to BMW.

The automaker added there is also a potential fire risk due to the position of the starter and the acoustic protection material, but no fires have been linked to the issue.

To remedy the problem, dealers will be instructed to implement a software update that will prevent overheating from the starter.

## **Seatbelts in Over 300K Hyundai SUVs Under Investigation**

The National Highway Safety Administration has launched an investigation into seatbelts in Hyundai SUVs that may become unlatched without warning, Reuters reports.

The investigation covers around 332,288 model year 2020-2023 Hyundai Palisade SUVs.

According to NHTSA, the seatbelts in these vehicles may be prone to unlatching without warning, putting occupants at risk.

Depending on the results of NHTSA's preliminary evaluation, the agency may decide to move forward with an engineering analysis: the next step before a recall can be enforced.

## **Short Circuiting in Over 700k Older BMWs Leads to Recall**

A potential short circuit in over 700,000 BMW vehicles has led to a recall of several models spanning back to model year 2012, reports CBS News.

720,796 BMW vehicles have been recalled due to what the company called an improperly installed electric water pump.

Specifically, an electrical connector on the seal that wasn't installed properly may short circuit from water exposure. This can happen as a result of blowby liquid from the positive crankcase ventilation system collecting on an intake air hose and dripping onto the plug connector.

Several different BMW models are the subject of this recall, including the X1, X3, X4, X5, 2228I, and the 328XI, among others.

BMW has received around 18 customer complaints related to the issue this month, though no reports of accidents or injury.

Letters will be mailed to owners beginning Oct. 4, while dealers will be instructed to replace the water pump and plug connector, and to install a protective shield.

## **Over 700 Ford Mavericks Recalled, Again, Over Dealers Not Completing Repairs**

Though Ford issued a recall of its Mavericks earlier this year, Kelley Blue Book reports it's having to issue another recall for the same issue due to dealers not completing the prescribed repairs—unbeknownst to drivers.

Back in April, the automaker recalled over 400,000 Bronco Sport and Maverick vehicles due to the vehicle failing to detect a failing battery, leading to loss of power.

In response, dealers were told to recalibrate the body and power train control modules on recalled vehicles; the

problem is, this simply wasn't done on some of the vehicles brought in.

According to documents filed with NHTSA from Ford, dealers recorded some Mavericks as being repaired, despite not implementing the software update. As a result, many vehicle owners left the dealership, mistakenly thinking their trucks were safe to operate again.

757 of model year 2022 Ford Mavericks are now recalled. Dealers are, once again, instructed to install the software update to repair these vehicles.

In a time when many recall notices are failing to even reach consumers in the first place, it's crucial to get the fix right when vehicle owners are alerted.

This isn't the first time such an incident has happened with Ford, either; back in February, a federal whistleblower revealed that Ford had loosened its requirements for recall repairs, allowing lower-level service technicians to carry out the jobs.

### **Owners of Recalled Fords Struggle to Obtain Engine Repairs**

Drivers of recalled 2016-2022 Ford EcoSport and Focus 1.0L vehicles have been met with problems while attempting to have their vehicles repaired, reports Atlanta News First.

An oil-drive belt tensioner arm prone to breaking was the cause of the recall, which could potentially lead to loss of motive power and power braking assist.

One owner of a 2019 Ford EcoSport in the Atlanta area experienced this with her vehicle as warning lights came on, and it slowed to a stop. She took it to a nearby dealership, but was told that replacement parts would not be available for at least six months.

They declined to give her a loaner car, so the EcoSport owner had to rely on friends, coworkers, and ride-share services for three months, which has cost her \$2,000 on top of the monthly car payments she's still making.

Only when Atlanta News First reached out to Ford Motor Company did the vehicle owner finally see action: they approved a replacement engine for the EcoSport, provided her a loaner car, and got her vehicle back to her within three weeks.

Ford has since updated the recall notice on its website, saying that dealers may replace an engine in recalled vehicles as an interim repair in the absence of necessary parts.

The Atlanta driver is far from the only one who's been through such an incident—a highly similar scenario happened with a North Carolina woman earlier this year, in addition to a class action lawsuit filed last year accusing Ford of waiting until consumers fall outside warranty to put the burden of the cost on them.

### **NHTSA Escalates Investigation into Faulty Door Locks, Windows in Dodge Journey SUVs**

The National Highway Traffic Safety Administration (NHTSA) is expanding a probe into Stellantis Dodge SUVs

over reports of faulty door locks and windows that have been linked to one death, reports Reuters.

A preliminary evaluation into 82,000 2009 model year Dodge Journey SUVs first began in May 2023, after NHTSA received reports of a passenger becoming locked inside during a vehicle fire and dying in Dec. 2022.

As of this past Friday, the evaluation has been escalated to an engineering analysis of 992,000 Journey SUVs from model years 2009 through 2020. This is a necessary step before a recall can be pursued.

According to NHTSA, there have been a total of 19 incidents potentially related to the issue. One driver of a 2010 Dodge Journey in Oklahoma had experienced random electrical problems, including the doors unlocking, with the driver even being locked inside the vehicle at one point.

Another driver in Nashville reported being locked inside her 2018 Dodge Journey when neither her key fob nor window panel would work. She was forced to crawl out through the window to exit the vehicle.

### **U.S. Congress Again Urges for Action on Vehicle Data Usage from FTC**

U.S. Senators Ed Markey of Massachusetts and Ron Wyden of Oregon have sent a letter urging the Federal Trade Commission to investigate how automakers are collecting and using vehicle data, reports The New York Times.

The letter referenced a previous report from the Times which showed automakers were collecting data on how vehicle owners drove, such as sudden braking or acceleration or driving over the speed limit. That information was then shared with insurance companies.

This is the most recent of other letters that have been sent from Congress to FTC calling for action on vehicle data usage.

General Motors, Hyundai, and Honda are the predominant focus of Markey and Wyden's letter, which had been selling information to an analytics company called Verisk, which in turn handed the data over to insurance providers.

The senators' letter added that the fact the companies were making only a few extra cents per vehicle in exchange for the data, with Honda receiving 26 cents per vehicle over four years, and 61 cents per vehicle for Hyundai over six years. GM would not disclose how much it had been paid by Verisk for the data.

"It is particularly insulting for automakers that are selling cars for tens of thousands of dollars to then squeeze out a few additional pennies of profit with consumers' private data," the letter stated.

Though the automakers' arrangement with Verisk ended after news of it broke in March, GM told Senator Wyden that it is still sharing anonymous information on vehicles' locations with a company it declined to identify, adding that the only way to not participate was to completely disable a vehicle's internet connection.

In addition, though GM said its relationship ended with Verisk earlier this year, a Times reporter who previously

broke news on GM's usage of driver data soon discovered her own data being collected by the company.

### **80 Retailers Warned Over Sale of Unauthorized E-Cigarette Products**

The U.S. Food and Drug Administration (FDA) issued warning letters to 80 brick-and-mortar retailers in 15 different states for selling unauthorized e-cigarette products popular with youth, including Elf Bar and Lost Mary.

The agency also filed complaints for civil money penalties (CMPs) against eight other retailers who failed to take action after being previously warned about selling unauthorized e-cigarettes.

For the retailers receiving the CMPs, the FDA previously issued warning letters for their sale of unauthorized tobacco products. Follow-up inspections revealed that the retailers had failed to correct the violations, and the agency is now seeking \$20,678 from each retailer, which is commensurate with other penalties the agency has sought this year.

These warning letters and CMPs are a result of the FDA's ongoing monitoring of multiple surveillance systems to identify products that are popular among underage smokers or have youth appeal. The 2023 National Youth Tobacco Survey found that more than 50% of youth who use e-cigarettes reported using the brand Elf Bar. Additionally, the brand Lost Mary was identified as another popular youth brand following agency review of retail sales data and emerging internal data.

These actions are the latest in the FDA's ongoing efforts to address the marketing and sale of unauthorized e-cigarettes that appeal to youth. Throughout the last year, the agency has conducted inspections of retailers to identify those selling unauthorized e-cigarettes, including in February, March and May. Subsequently, the FDA has issued more than 690 warning letters and more than 140 civil money penalty actions to retailers for the sale of unauthorized e-cigarettes.

The FDA generally sends warning letters the first time an investigation or inspection reveals a violation. Warning letter recipients have 15 working days to respond with the steps they will take to correct current violations and prevent future violations. However, failure to promptly correct the violations may result in additional action, including monetary penalties.

### **Your Inspection License May be Worth Money**

Depending on where you are located, it may be possible to sell your license. Before merely turning it in, contact the association for further information.

### **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, (585) 924-4423, (607) 723-1849 (315) 455-1301 or (716) 656-1035

### **SERVICE STATIONS REPAIR SHOPS USED CAR DEALER ATTENTION**

Do you have problems

1. Getting into business - going out of business?
2. With government, Federal, State and Local?
3. Are you trying to settle a violation?
4. Need an attorney?
5. Have a small claims case?
6. Need a license, renew a license?
7. Learn and understand the laws that regulate your business?

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This will bring you to our training website

Where you will find such topics as:

Alcohol Training Awareness Program (ATAP)

Tobacco Clerk Training Program (TCTP)

Motor Vehicle Air Conditioning (MVAC)

As well as

Inspector Training Material

Class "C" Operator Training Manual

and a

Sexual Harassment Handbook

*This training is brought to you by*

*The New York State Association*

*Of Service Stations and Repair Shops*

**Your Association Is A Member**

# Attention All Members: Filing a FINCEN BOI Report

We have been reporting the necessity for our membership to file a FINCEN BOI report. Although there are several legal challenges to the requirement to file the report and the possibility of legislative action to modify the requirement for filing deadlines, the requirement still stands as of this moment. One legal challenge was successfully upheld, but the Department of the Treasury has claimed that the challenge only applies to the plaintiffs in the case, and not all pertinent members.

There have been several companies that have solicited businesses to file the form for them. While some may be legitimate, there is no reason to pay them for something that takes only a few minutes to do online. **Worse yet, some of these solicitors are scammers, trying to obtain your business and personal information for the purpose of stealing your identity.**

Several videos have been posted which purport to explain step-by-step instructions for filing the BOI report online. Many of these are incomplete, or worse yet contain inaccurate statements. After reviewing several videos and comparing them to the guidelines published by the Department of the Treasury, the best video we have found is

<https://www.youtube.com/watch?v=HxBmPsF5Ufc>

To file a report online go to <https://fincen.gov/boi>

Some things to remember:

1. Even if you are exempt, you are still required to file a BOI report. You simply check the box indicating that you are exempt, and enter the required information.
2. Request a FINCEN ID number. It will make future filings easier.
3. Businesses which were created before January 1, 2024 must file before January 1, 2025.
4. Businesses which were created this year are required to file the report within 90 days of the effective date of their registration.
5. Businesses which are created after January 1, 2025 are required to file this report within 30 days of the effective date of their registration.
6. Should any information for your business change, such as a change of address for the business or any owner or a change in the business ownership, you must update the filing within 30 days.
7. Failure to file or update a report on time may result in a civil penalty of up to \$500 per day.
8. Failure to file or update a report on time may result in a criminal penalty of up to 2 years in prison and a \$10,000 fine.

## SSDA-AT Sends Letter Calling for CTA Delay

Dear Chairman Brown and Ranking Member Scott:

SSDA-AT and the undersigned organizations, representing millions of small businesses, strongly support amending the FY2025 National Defense Authorization Act to delay by one year the Corporate Transparency Act's (CTA) filing deadline.

Amendments sponsored by Senators Tim Scott (#2169) and James Lankford (#2831) would provide the business community and federal regulators additional time to educate millions of small business owners regarding the CTA's new reporting requirements and the onerous penalties resulting if they fail to comply.

They would also allow time for the on-going legal challenge to work its way through the courts while restoring Congress's original intent to give covered entities a full two years to comply with the statute's reporting requirements.

Although filing under the CTA began at the start of this year, only a few million businesses have registered while an estimated 28 million covered small businesses have yet to file. This compliance rate of less than 10 percent is a direct result of the general lack of awareness among business owners regarding the new rules.

While the business community and FinCEN have gone to great lengths to educate small business owners, it is clear additional time is needed. Absent a delay, millions of law-abiding citizens will be at risk of steep fines and criminal penalties come the end of this year.

Recent court decisions have added to the confusion. In March, the United States District Court for the Northern District of Alabama found the CTA exceeded the Constitution's enumerated powers and is therefore unconstitutional. That case was appealed and will be heard by an appellate court later this year.

In the meantime, however, FinCEN continues to enforce the CTA against all small businesses and other entities not named in the lawsuit. This decision effectively creates two classes of small businesses – those NSBA members who are exempt and everybody else who must still comply.

Finally, in enacting the CTA lawmakers explicitly called for a reporting deadline of “not later than 2 years after the effective date of the regulations” for existing entities. This timeframe was designed to give affected entities sufficient time to learn of, understand and comply with the new reporting regime, while minimizing the burdens on reporting companies.

In its rulemaking, however, FinCEN shortened this deadline and gave existing entities just one year to comply. That decision is problematic both in its disregard of congressional intent and its practical implications for compliance rates.

The CTA covers tens of millions of legal entities plus all those millions of individuals considered to be “beneficial owners,” yet the vast majority of the law's targets remain wholly unfamiliar with their new compliance obligations. They simply need time to learn about the new law.

The one-year delay proposed by Senators Scott and Lankford in their respective amendments would address these challenges and they are consistent with legislation (H.R. 5119) which passed the House on a bipartisan 420-1 vote just last year.

The undersigned organizations therefore strongly urge you to support inclusion of these amendments as part of the FY2025 National Defense Authorization Act.

Sincerely,

SSDA-AT and other trade associations

NYVIP MESSAGE No. 304

DATE: 08/20/2024

TO: ALL INSPECTION STATIONS

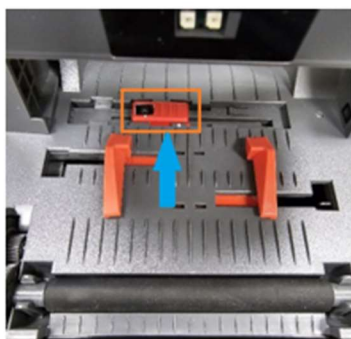
FROM: NYS DEPT. OF MOTOR VEHICLES

SUBJECT: INSPECTION CERTIFICATE PRINTER CLEANING

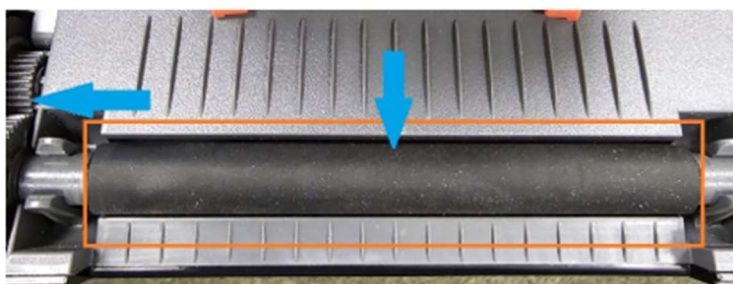
**\*\*\*PLEASE BRING THIS MESSAGE TO THE ATTENTION OF THE STATION OWNER AND/OR MANAGER\*\*\***

The Department of Motor Vehicles has become aware that there may be occasional Inspection Certificate print quality issues due to wax build up on various components within the Honeywell certificate printer. Please follow the cleaning instructions outlined below:

1. Open the black cover of the sticker printer.
2. Then open the print mechanism by pressing the two red tabs.
3. Remove the sticker stock.
4. Using a clean dry cloth with a little rubbing alcohol or glass cleaner, gently wipe off any wax build up on the 3 sensors pictured below.



5. Using a clean dry cloth with a little rubbing alcohol or glass cleaner, gently wipe off any wax build up from the roll bar pictured below. Using the gear to the left to turn the roll bar ensuring wax is removed from all sides.



**WARNING: Using anything other than rubbing alcohol or glass cleaner as instructed above could damage the printer, evidence of incorrect cleaning will not be covered under warranty.**

If after completing this cleaning procedure you are still experiencing print quality issues, please contact the Opus

Help Desk by phone at 866-623-8378 or by visiting [www.NYVIP3.com](http://www.NYVIP3.com) and selecting.



**NYVIP MESSAGE No. 305**

**DATE: 08/27/2024**

**TO: ALL INSPECTION STATIONS**

**FROM: NYS DEPT. OF MOTOR VEHICLES**

**SUBJECT: WINDOW TINT AND TINT EXEMPTIONS**

**\*\*\*PLEASE BRING THIS MESSAGE TO THE ATTENTION OF THE STATION OWNER AND/OR MANAGER\*\*\***

The Department has become aware of an increase in the number of vehicles on the road with tinted windows, some include full windshield tint. Illegal window tint is a public safety hazard.

New York State Vehicle and Traffic Law (VTL) has very strict standards regarding window tint, however there are certain medical exemptions from these requirements.

This message is to remind you of the rules when a vehicle is presented with tinted windows:

1. You must have a window tint meter capable of measuring visible light transmittance through immovable glass. (Group 1a and 2a stations only)
2. If the vehicle is presented with a window tint exemption sticker (form MV-80W.2) you are not required to measure any window of the vehicle for light transmittance.
3. If the vehicle is presented without an exemption sticker, you must measure the level of light transmittance of all required windows as found in the Motor Vehicle Inspection Regulations CR-79. You must fail the vehicle for window tint if any required window is below the minimum level of light transmittance when measured. Please remember that the requirements are different depending on the type of vehicle so it's important to consult the regulations.

Motor Vehicle Inspection Regulations can be found on the Official NYS DMV website [DMV.NY.GOV](http://DMV.NY.GOV) and are present on all NYVIP3 inspection systems.

If you have any questions regarding this or any inspection item, you can contact Technical Services at 518-474-5282 option 4.

## **SUPPORT THE REPAIR ACT AND SAVE MONEY**

The amount of data collected by modern vehicle on-board systems is staggering. But who owns that data; the vehicle owner or the manufacturer? When it comes to vehicle repair the fight to secure data access for vehicle owners and their chosen independent repair facilities continues. Neal Dunn (R-FL-02), Brendan Boyle (D-PA-02), Warren Davidson (R-OH-08), and Marie Gluesenkamp Perez (D-WA-03) introduced the "Right to Equitable and Professional Auto Industry Repair (REPAIR) Act" in the House of Representatives this year. The bill is aimed at giving small independent repair shops the same kind of data access that licensed vehicle dealerships already receive.

"Americans should not be forced to bring their cars to more costly and inconvenient dealerships for repairs when independent auto repair shops are often cheaper and far more accessible," said Rep. Rush. "But as cars become more advanced, manufacturers are getting sole access to important vehicle data while independent repair shops are increasingly locked out. The status quo for auto repair is not tenable, and it is getting worse. If the monopoly on vehicle repair data continues, it would affect nearly 860,000 blue-collar workers and 274,000 service facilities."

"The lack of meaningful consumer choice in the repair market harms low-income Americans and those in underserved communities most," Rush continued. "A single mother who relies on her vehicle to go to work and get her kids to school can't afford to wait days or weeks to have her car repaired at a dealership that is hours away and more expensive than the auto shop around the corner. The REPAIR Act is common sense, necessary legislation that will end manufacturers' monopoly on vehicle repair and maintenance and allow Americans the freedom to choose where to repair their vehicles."

The Federal Trade Commission (FTC) has determined that the monopoly that auto manufacturers and their dealers have leads to increased costs to the motoring public. The United States General Accounting Office (GAO) agrees with this opinion.

### **WHAT YOU CAN DO**

So, what can you do as a vehicle owner to help the "Right to Repair" movement? Demand that the lawmakers that represent you also represent the need for fair and equitable access to all parts of the vehicle care equation. The Auto Care Association makes it easy to contact your Senator and Congressperson via their website:

<https://www.repairact.com>

Let them know your concerns. The form will ask for your address and automatically identify your representatives, while also drafting a letter to them. It's just that easy.

**Please support the Repair Act by using this webpage to send a letter to your federal lawmakers. It will take only 30 seconds.**