

THE REGULATORY MAZE

BY
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Our annual update on major federal regulations; state laws also apply and are sometimes even stricter.

In addition to this guide to laws and regulations, be sure to consult the *NADA & ATD Federal Regulatory Compliance Chart*, available at www.nada.org (requires member access). It lists federal laws and regulations by agency, notes to whom they apply, and offers Web addresses for further information.

All Departments (General Management/Personnel)

- **Age Discrimination in Employment Act:** Protects individuals who are 40 years of age or older from employment discrimination based on age.
- **Americans With Disabilities Act (ADA):** Stores with 15 or more staffers must make reasonable accommodations to allow disabled workers to perform their jobs and job applicants to access facilities.
- **Consolidated Omnibus Budget Reconciliation Act (COBRA):**

- Age Discrimination in Employment Act
- Americans With Disabilities Act
- COBRA
- Electronic deposit of taxes
- Emergency records retention
- Employee drug testing
- Employee Polygraph Protection Act
- ERISA
- Equal Pay Act
- Estate tax repeal
- Family and Medical Leave Act
- Federal child-support enforcement
- Federal Civil Rights Act
- FTC repossession rule
- Federal wage-hour and child labor laws
- Health Insurance Portability and Accountability Act
- Immigration Reform and Control Act
- IRS treatment of car shuttles
- IRS treatment of demo vehicles
- Mandatory workplace posters
- Mental Health Parity Act
- Miscellaneous record-keeping requirements
- Newborns' and Mothers' Health Protection Act
- OSHA blood-borne pathogens rule
- Section 89 of the Tax Reform Act
- Section 179 Expensing
- USERRA

All Departments (Customer)

- Americans With Disabilities Act
- CAN-SPAM Act
- Driver's Privacy Protection Act
- FTC Privacy Rule
- FTC prohibition against deceptive and unfair trade practices
- FTC Safeguards Rule
- FTC Telemarketing Sales Rule
- FTC Written Warranty Rule
- IRS cash-reporting rule
- Magnuson-Moss Act
- OFAC restrictions
- Telephone Consumer Protection Act
- USA PATRIOT Act

Service and Parts Department

- Clean Air Act
- DOT hazardous-materials-handling procedures
- IRS Core Inventory Valuation Accounting Method
- NHTSA tampering regulations
- NHTSA tire rules
- OSHA asbestos standards
- OSHA Hazard Communication Standard
- OSHA lock-out/tag-out procedures
- OSHA workplace health and safety standards
- RCRA
- Safe Drinking Water Act
- Superfund

New- and Used-Vehicle Sales Departments

- American Automobile Labeling Act
- DOE/EPA gas-mileage guide
- EPA emissions certification
- Federal bankruptcy law
- FTC guidelines for fuel-mileage advertising and labeling
- FTC Used-Car Rule
- Gray-market vehicles
- IRS treatment of salesperson incentives
- LIFO inventory
- Accounting Method
- Motor vehicle tax credits
- Mononey sticker
- Fuel economy and safety labels
- NHTSA alteration regulation
- NHTSA odometer rule
- NHTSA recall regulations
- NHTSA regulations on school bus sales
- NHTSA safety belt/airbag regulations
- Truck excise tax

F&I Department

- Equal Credit Opportunity Act
- Fair Credit Reporting Act
- FACT Act
- FTC Credit Practices Rule
- Gramm-Leach-Bliley Act
- Producer-Owned Reinsurance Companies
- Truth in Lending and Consumer Leasing acts

- Body Shop
- Clean Air Act
- EPA hazardous-waste rules
- OSHA Hazard Communication Standard
- OSHA Respiratory Protection Standard
- OSHA workplace health and safety standards
- VIN and parts marking

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Requires employers with 20 or more employees to continue health-care coverage for employees for 18 to 36 months, depending on employee circumstances.

■ **Electronic deposit of taxes:** The IRS requires all employers having more than \$200,000 in aggregate depository taxes to deposit electronically through the Electronic Federal Tax Payment System.

■ **Electronic records retention:** Revenue Procedure 98-25 explains the IRS requirements for retaining computerized accounting records.

■ **Emergency-response planning:** Different federal, state, and local laws require dealers to have emergency-response plans.

■ **Employee drug testing:** Unionized dealerships must bargain with employee unions before implementing a drug policy that affects current employees. Bargaining is not necessary for pre-employment drug testing. The Americans With Disabilities Act prohibits employers from discriminating against employees or applicants who have completed a drug treatment program or are currently undergoing such a program, as long as they aren't currently abusing drugs.

■ **Employee Polygraph Protection Act:** Prohibits employers from using polygraphs in pre-employment screening; allows polygraph use only in limited cases where the employee is reasonably suspected of a workplace incident involving economic loss to the employer.

■ **Employee Retirement Income Security Act (ERISA):** Dealers offering retirement or health plans must provide employees with plan info, keep records, abide by fiduciary responsibilities, and set up a grievance process.

■ **Equal Pay Act:** Amends the Federal Wage-Hour Law, prohibiting wage discrimination on the basis of sex.

■ **Estate tax repeal:** The estate tax exemption incrementally rises from \$2 million to \$3.5 million in 2009, as the top tax rate falls from 46 percent to 45 percent from this year through 2009, with repeal in 2010.

■ **Family and Medical Leave Act:** Businesses covered by this law must post the act's provisions and inform employees of their right to take this limited, unpaid leave for personal and family medical emergencies.

■ **Federal child-support enforcement regs:** Requires states to have procedures under which liens can be put on personal property—including vehicles—for overdue child support.

Dealers should check that child-support liens don't exist on used cars. Employers must place liens on wages of employees who are delinquent on child-support payments.

■ **Federal Civil Rights Act:** Bars employment discrimination on the basis of race, sex, color, religion, or national origin. Prevents employers from asking job applicants certain questions (such as age, marital status, or childbearing plans). Prohibits workplace sexual harassment, including behavior that creates a hostile work environment.

■ **Federal Trade Commission's repossession rule:** Requires a formal accounting of money collected for repossessed vehicles.

■ **Federal wage-hour and child labor laws:** Set minimum wage and overtime pay standards; describe which employees are exempt from minimum wage and overtime requirements (certain employees, such as sales managers, or those with incentive-based pay, such as salespeople, may be exempt if they meet specified conditions); and set standards for employing minors, including teen driving restrictions.

■ **Health Insurance Portability and Accountability Act:** Generally prohibits health insurers from denying coverage to workers who lose or change jobs and bars insurers from excluding coverage for preexisting conditions for more than a year. Dealers with partially or fully self-insured health plans that generate \$5 million or less in annual premiums must notify employees, retirees, or beneficiaries about their privacy rights and how their info could be used; to designate someone to oversee the adoption and implementation of procedures to control the use and release of such data; to train staff to understand those procedures; and to secure patient records containing such info so that it's not available to people who don't need it. The rule does not apply to workers' comp and ADA compliance info.

■ **Immigration Reform and Control Act:** Prohibits knowingly hiring illegal aliens and requires that employers complete and retain a form certifying that new employees are authorized to work in the United States.

■ **IRS treatment of car shuttlers:** Although under general IRS rules, shuttlers may be considered employees, versus independent contractors, the IRS may consider prevailing industry practices on a case-by-case basis. The agency may ask, for example, how many days a week an individual

works at a dealership and whether he or she works for any other dealership.

■ **IRS treatment of demo vehicles:** Revenue Procedure 2001-56 offers dealers alternative methods for determining the value of demo use by qualified salespeople and other dealership employees. It defines what constitutes limited personal use and streamlines record-keeping requirements.

■ **Mandatory workplace posters:** Notices, such as "Your Rights Under the FMLA" (where there are 50-plus employees), "Equal Employment Opportunity Is the Law," "Federal Minimum Wage," and "Notice: Employee Polygraph Protection Act," must be conspicuously displayed.

■ **Mental Health Parity Act:** Requires insurers and employers to offer health-care coverage for mental illness comparable to that for physical illness. Group health plans may not set dollar limits on mental health care lower than limits for general medical and surgical services. (Nothing requires employers to provide mental health coverage, and certain exemptions apply.)

■ **Miscellaneous record-keeping requirements:** A multitude of requirements governing the length of time certain records are required to be maintained.

Examples: Personal and corporate income tax records must be kept at least three years; tank notification forms for each underground storage tank must be kept indefinitely; copies of Form 8300 cash reports must be kept for five years.

■ **Newborns and Mothers' Health Protection Act:** Employers and insurers must provide minimum hospital-stay benefits.

■ **OSHA blood-borne pathogens rule:** Dealerships not within four minutes of an emergency health facility must have a program to respond to employees who suffer cuts. All dealerships should have proper first-aid kits.

■ **Section 89 of the Tax Reform Act:** Employers are prohibited from discriminating against lower-paid employees in their employee benefits packages.

■ **Section 179 Expensing:** Permits immediate expensing of up to \$108,000 for certain assets placed in service in 2006 (subject to phaseout rules). Under the Energy Policy Act of 2005, the deduction for the purchase of a hybrid vehicle under IRC Section 179A expired on December 31, 2005, and was replaced by a tax credit. See "Motor vehicle tax credits" under "New- and Used-Vehicle Sales Departments."

■ **Uniformed Services Employment and Reemployment Rights Act (USERRA):** Governs employment and reemployment rights of members of the U.S. uniformed services.

All Departments (Customer)

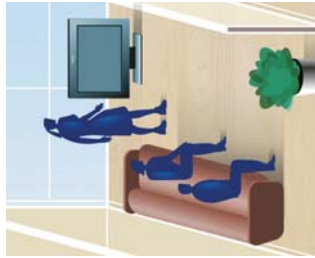
■ **Americans With Disabilities Act (ADA):** Prohibits discrimination against the physically handicapped in areas of employment, transportation, telecommunications, and public accommodations. Dealerships must make reasonable accommodations to make facilities accessible—for example, installing ramps, as well as accessible parking lots, drinking fountains, public toilets, and wide doors.

■ **CAN-SPAM (Controlling the Assault of Non-Solicited Pornography and Marketing) Act:** Commercial e-mailers must identify the message as an advertisement or solicitation, divulge their postal addresses, and provide a mechanism to opt out of future commercial e-mails. If recipients opt out, senders must stop sending them commercial e-mail within 10 business days. The disclosure requirements don't apply to e-mails that relate to transactions or relationships, such as for warranty or recall-repair issues or the completion of transactions requested by the consumer. No one may send commercial e-mails to wireless devices unless recipients provide express prior authorization to receive them. So that senders can recognize wireless addresses, the FCC maintains a list of wireless domain names at www.fcc.gov/egb/policy/DomainNameDownload.html. Commercial e-mailers must check the list monthly. (Additional provisions prohibit deceptive headers, misleading subject lines, and other spam tactics.)

■ **Driver's Privacy Protection Act:** Denies access to personal info in state motor vehicle records except for limited purposes, such as driver safety, theft, and recalls. Also restricts the release of personal info for marketing.

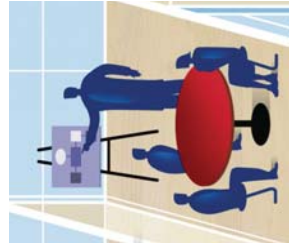
■ **FTC Privacy Rule:** Dealers must issue notices of their privacy policies to their finance and lease customers and, in some circumstances, when the dealer discloses nonpublic information about consumers to third parties. Also restricts disclosures of nonpublic personal information.

■ **FTC prohibition against deceptive and unfair trade practices:** Prohibits deceptive or unfair practices. For example, merchants must disclose to would-be buyers previous material



damage. Over half the states specify a dollar amount or formula for determining how much damage must have occurred to a new vehicle before disclosure is required.

- **FTC Safeguards Rule:** Dealers must develop, implement, and maintain—and regularly audit—a comprehensive, written security program to protect customer information.
- **FTC Telemarketing Sales Rule (TSR):** Imposes many of the TCPA restrictions (below) on dealers who telemarket across state lines. Requires dealers who sell, or obtain payment authorization for, goods or services during interstate phone calls to abide by the prohibition against numerous deceptive and abusive acts and to maintain certain records for 24 months.
- **FTC Written Warranty Rule:** Dealers must display warranties near products or post signs in prominent places telling consumers copies of the warranties are available for review.
- **IRS cash-reporting rule:** Dealers receiving more than \$10,000 in cash in one transaction or in two or more related transactions must report on IRS/FinCEN Form 8300. "Cash" includes certain cashier's checks, traveler's checks, money orders, and bank drafts.
- **Magnuson-Moss Act:** Dealers must give consumers certain required information on warranties and limited warranties.
- **Office of Foreign Assets Control (OFAC)**



restrictions: Prohibit entering into transactions with certain sanctioned countries, governments, and specially designated organizations and individuals, including those appearing on an electronic list maintained by OFAC. (See www.treas.gov/offices/enforcement/ofac/sdn/t11.sdn.pdf)

- **Telephone Consumer Protection Act (TCPA):** Imposes numerous restrictions on telemarketing, including the national and company-specific do-not-call rules, calling-time restrictions, caller ID requirements, fax advertising rules, and restrictions on the use of autodialers and prerecorded messages. FCC rules that took effect August 1, 2006, require senders of fax ads to provide authorized recipients on the first page of the fax ad a phone number, fax number, and toll-free mechanism (each must be available 24/7) for opting out of future fax ads from the sender.
- **USA PATRIOT Act:** Dealers must search their records and provide info about individuals or entities identified by the federal Financial Crimes Enforcement Network with whom they conducted transactions or created accounts.

Dealers are temporarily exempt from the law's anti-money-laundering program requirements.

New- and Used-Vehicle Sales Departments

- **American Automobile Labeling Act:** New cars and light trucks must have a domestic-parts content label showing percentage of U.S. or Canadian parts; countries contributing more than 15 percent of the parts; origin of engine and transmission; and location of vehicle assembly. Dealers must ensure that labels remain on vehicles until they are sold.
- **DOE/EPA gas-mileage guide:** Dealers must make this guide available to prospective new-vehicle buyers. Dealers may download the guide from www.fueleconomy.gov and may download a fact sheet, "8 Simple Steps to Lower Fuel Costs," from www.nada.org.
- **EPA emissions certification:** Dealers must provide a form to new-vehicle customers certifying the vehicle's compliance with emissions standards.
- **Federal bankruptcy law:** A finance company (and the dealership acting on its behalf) should perfect its security interest within 30 days after a customer takes possession of a vehicle, regardless of state law. If the company fails to do so and the customer files for bankruptcy within 90 days of when the loan is signed, the

bankruptcy trustee may avoid the lien. Dealerships that fail to perfect a lien in a timely manner on behalf of a finance company may be liable for any loss.

- **FTC door-to-door sales rule:** Gives consumers a three-day "cooling off" period for sales not consummated at the dealership. (This does not apply to vehicle sales at auctions, tent sales, or other temporary places of business if sold by a seller with a permanent place of business.)
- **FTC guidelines for fuel-mileage advertising and alternative-fueled-vehicle advertising and labeling:** Dealer and manufacturer fuel-economy advertisements must state that the numbers are estimates and come from EPA; alternative-fueled vehicles must be properly labeled.
- **FTC Used-Car Rule:** "Buyer's Guide" stickers are required on any used vehicle's side window, disclosing make, model, year, VIN, whether vehicle is offered "as is" or with a warranty (and, if so, what kind of warranty), and availability of a service contract. Stickers must warn that all promises should be in writing. If you conduct a sale in Spanish, the

"Buyer's Guide" and required cross-reference to it in the sales contract must be in Spanish.

- **Gray-market vehicles:** EPA, Department of Transportation, and Customs restrict the importation/sale of vehicles lacking safety or emissions certification.
- **IRS treatment of salesperson incentives:** Factory incentives paid directly to salespeople are not wages for tax purposes.
- **LIFO (Last-In/First-Out) Inventory Accounting Method:** The use of the LIFO inventory method requires compliance with the conformity requirement.
- **Motor vehicle tax credits:** Under IRC Section 30B, buyers of hybrid and clean-burning diesel vehicles qualify for tax credits of up to \$3,400, depending on the vehicle's fuel efficiency (subject to phaseout rules). For sales of vehicles used by tax-exempt entities, the seller is treated as the taxpayer and is able to claim the credit so long as the amount allowable as a credit is clearly disclosed to the user.
- **Mononey sticker (Price Labeling Law):** Requires dealers to keep stickers on new passenger cars showing the manufacturer's suggested retail price, plus other costs, such as options, federal taxes, and handling and freight charges. Stickers also should show

revised EPA fuel economy and NHTSA crash-test star ratings. For used passenger cars, in some cases (with demos, for instance), both a Mononey sticker and a "Buyer's Guide" sticker must be attached.

- **National Highway Traffic Safety Administration (NHTSA) alteration regulation:** Dealers who significantly alter new vehicles must affix a label identifying the alteration and stating that the vehicle still meets federal safety and theft standards. NHTSA tire-placarding and -relabelling requirements: FMVSS No. 110 requires a new tire-information placard/label whenever parts or equipment are added that arguably reduce a vehicle's cargo-carrying capacity, or when replacement tires that are installed differ in size or inflation pressure from those referred to on the original.

■ **NHTSA collision-loss guide:** Dealers must make this guide available to prospective new-vehicle buyers.

- **NHTSA Odometer Rule:** Prohibits odometer removal or tampering, as well as misrepresenting a vehicle's true odometer reading. It forces record keeping to create a "paper trail." Also, it requires odometer disclosures on state titles. Vehicles with a greater than 16,000-lb. gross vehicle



weight rating (GVWR) are exempt from the disclosure requirements, as are vehicles 10 model years old or older.

- **NHTSA recall regulations:** New vehicles and parts held in dealership inventory that are part of a recall must be brought into compliance before being delivered; dealers may not deliver these products and wait for the new buyers to bring them back to the dealership for repairs.
- **NHTSA regulations on school bus sales:** Dealers may not sell, lease, or give away large, new passenger vans with more than 10 seating positions if they know the vehicle will be used to transport students to or from school or school activities. Schools must purchase or lease a school bus or multifunction school activity bus for such purposes.
- **NHTSA safety belt/airbag regulations:** At-risk individuals can apply to NHTSA to have airbag switches installed. Dealerships may install switches for consumers with NHTSA authorization letters and must inform NHTSA afterward. Dealerships must be responsive to consumer requests for rear-seat lap/shoulder safety belt retrofits in older vehicles. Also, though it's not mandated, dealerships, to protect against potential liability, should replace deployed airbags in vehicles taken in trade before reselling them.
- **Truck excise tax:** In the 2005 highway reauthorization bill, Congress created a safe harbor against applying the federal excise tax (FET) to "highway tractors" with both a GVWR of 19,500 lb. or less (Class 5 and under) and a gross combined weight rating of 33,000 lb. or less. Dealers selling Class 5 vehicles with more than 33,000-lb. gross combined weight rating or Classes 6 or 7 vehicles should still apply the "primary design" test to determine if a vehicle is a taxable tractor or a nontaxable truck.

F&I Department

- **Equal Credit Opportunity Act (ECOA):** Regulation B prohibits discrimination in credit transactions based on race, sex, color, marital status, religion, national origin, age, and public-assistance status. The dealer/creditor is required both to notify applicants in a timely fashion of actions taken on—and reasons for denying—applications and to retain certain records.

■ **Fair Credit Reporting Act (FCRA):** Dealers are restricted in their use of credit reports for consumers, job applicants, and employees. Consumers' reports may be obtained only pursuant to consumers' written instructions or if consumers initiate a business transaction (not if they merely talk with salespeople). Dealers must give job applicants and employees a separate document informing them that a credit report may be obtained and they must obtain prior, written authorization to access the report. If dealers take adverse action based on the report, they must notify consumers and follow additional procedures with job applicants and employees. Dealers with buy-here/pay-here lots have other responsibilities. See the FTC's *Notice to Users of Consumer Reports* at www.ftc.gov/oss/2004/11/041119factaapp.pdf.

■ **The Fair and Accurate Credit Transactions (FACT) Act of 2003** significantly amended FCRA by adding several new anti-identity theft and other duties with differing implementation dates. New duties already in effect involve requests for records from victims of ID theft, fraud and active-duty alerts on credit reports, disposal requirements for credit report info, opt-out disclosure formatting requirements for prescreened credit solicitations, and the Federal Reserve Board's new Regulation FF restrictions on obtaining, using, and sharing "medical information" in credit transactions.

■ **FTC Credit Practices Rule:** Dealers are required to provide a written disclosure statement to a cosigner before the cosigner signs an installment sales contract. Dealers cannot "pyramid" late charges (that is, tack a late charge onto a payment made in full and on time when the only delinquency was a late charge on a previous installment).

■ **Gramm-Leach-Bliley Act:** See "FTC Privacy Rule" and "FTC Safeguards Rule" under "All Departments (Customer)."

■ **Producer-Owned Reinsurance Companies (PORCs):** IRS Notice 2004-65 removed certain reinsurance arrangements as "listed transactions" but states that the IRS will continue to scrutinize transactions that shift income from taxpayers to related companies "purported to be insurance companies that are subject to little or no U.S. federal income tax."

■ **Truth in Lending and Consumer Leasing acts:** Regulations Z and M cover consumer credit and consumer leasing transactions, respectively, specifying information to be disclosed to a consumer before completing the transaction, and information to be disclosed when advertising consumer credit transactions or leases. For example, dealers who advertise a lease down payment or monthly payment amount must disclose in lease ads that the advertised deal is a lease; the total amount due at lease signing; number, amount, and period (for example, monthly) of payments; and whether a security deposit is required.

Service and Parts Department

■ **Clean Air Act:** Dealerships are prohibited from tampering with, replacing, or removing emissions-control equipment such as catalytic converters. CFC recycling regs require dealership air-conditioning techs to obtain certification and to use certified recycling and recovery equipment to capture spent refrigerant, including HFC-134a and other non-ozone-depleting refrigerants. Dealers must pay a 45-cent-per-pound floor-stock tax on CFCs. Dealers with less than 400 lb. in stock are exempt. The act also regulates emissions of fuels dealers store and dispense as well as the alternative fuels dealers use and sell, including ultra-low-sulfur diesel. It restricts emissions from solvents and chemicals used.

■ **Clean Water Act:** Sets standards for federal, state, and local regulation of wastewater and storm water at dealerships and rules governing aboveground oil storage tanks.

■ **Department of Transportation (DOT) hazardous-materials-handling procedures:** Require parts employees who load, unload, and package hazardous products, such as airbags, batteries, and brake fluid, to be trained in safe handling practices.

■ **IRS Core Inventory Valuation:** Revenue Procedure 2003-20 created an optional method for valuing core inventories for taxpayers who use Lower of Cost or Market Valuation Method.

■ **LIFO/FIFO Inventory Accounting Method:** Revenue Procedure 2002-17 provides a safe-harbor method of accounting that authorizes the use of replacement cost to value year-end parts inventory.

■ **NHTSA tampering regulations:** Prohibit dealers from rendering inoperative safety equipment installed on used vehicles in compliance with federal law.

■ **NHTSA tire rules:** Dealers must report sales of defective tires when the tires are sold separately from vehicles, and properly manage recalled tires.

■ **OSHA asbestos standards:** Dealerships must use certain procedures during all brake and clutch inspections and repairs to minimize workplace exposure. Water, aerosol cleaners, or brake washers should be used during brake inspections and repairs to comply with the standard.

■ **OSHA Hazard Communication Standard (Right-to-Know laws):** Employers must inform staffers about chemical hazards they are exposed to in the workplace, keep chemical product info sheets on-site where employees have access to them, and train staffers to properly handle the hazardous materials with which they work. Also, under EPA's Community Right to Know regulations, dealers must list annually with state and local authorities any tank holding more than 1,600 gallons.

■ **OSHA lock-out/tag-out procedures:** Explain what service departments must do to ensure machines, including vehicles, are safely disengaged before being serviced.

■ **OSHA workplace health and safety standards:** Extensive regulations cover a multitude of workplace issues and practices, from hydraulic lift operation to the number of toilets required. One standard requires employers to determine if workplace hazards warrant personal protective equipment, then train employees on its use. Verbal reports must be made within eight hours of any death or incident involving hospitalization of three or more workers.

■ **Resource Conservation and Recovery Act (RCRA):** Comprehensive environmental law regulating many dealership functions, including underground storage tanks and the storage, management, and disposal of used oil, antifreeze, mercury products, and hazardous wastes. Underground tanks must be monitored, tested, and insured against leaks; leaks and spills must be reported to federal and local authorities and cleaned up. Also regulates new-tank installations. Dealers must obtain EPA ID numbers if they generate more than 220 lb. per month (about half of a 55-gallon drum) of certain substances and must use EPA-certified haulers to remove the waste from the site;

dealers must keep records of the shipments. Used oil should be burned in space heaters or hauled off-site for recycling. Used oil filters must be punctured and drained for 24 hours before disposal.

■ **Safe Drinking Water Act:** To protect underground drinking water from contamination, dealerships may be barred from discharging waste liquids, such as used oil, antifreeze, and brake fluid, into septic system drain fields, dry wells, cesspools, or pits.

■ **Superfund Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA):** As waste generators, many dealerships are subject to Superfund liability. Dealers must be careful when selecting companies to haul waste off-site. Dealers can deduct the cost of cleaning up contaminated soil and water in the year it's done. Dealers may qualify for an exemption from liability at sites involving used oil managed after 1993. The Service Station Dealer Exemption Application (SSDE) requires dealers to properly manage their oil and to accept oil from do-it-yourselfers.

Body Shop

■ **Clean Air Act:** National paint and hazardous-air-pollution controls require reformulated, environmentally safer paints and finishes.

■ **EPA hazardous-waste rules:** See "RCRA" under "Service and Parts Department."

■ **OSHA Hazard Communication Standard (Right-to-Know laws):** See "Service and Parts Department."

■ **OSHA Respiratory Protection Standard:** Requires written programs describing how to select, fit, and maintain respirators to protect body shop workers from hazardous chemicals.

■ **OSHA workplace health and safety standards:** These extensive regulations affect body shops in many ways, including mandating the use and care of protective equipment, such as face masks, gloves, and respirators. Hex chrome standard limits air emissions during sanding and painting. (See also "Service and Parts Department.")

■ **VIN and parts marking:** Dealers may not alter, destroy, or tamper with vehicle identification numbers or antitheft part-marking ID numbers and should use properly marked replacement parts. ■



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