



May 2024 Bulletin

ASSOCIATION CONTEST

CONGRATULATIONS TO THE APRIL 2024 CONTEST WINNER, J & S CARWASH, HAWTHORNE, NY. Please read through this bulletin for your chance to win!!! Call the office or email cobalde@ssdgnny.org with the correct answer to the trivia question and you will be entered in the monthly drawing for a chance to receive a free month's dues; a value of \$45.00.

ATTORNEY'S CORNER PART 1

The next 3 Attorney Corner's will be devoted to the changing landscape in our industry. The Executive summary, in short, is that automotive repair shops must stay informed, adapt to new technologies, and prioritize customer experience to thrive in the evolving automotive landscape.

What is the future of automotive repair shops?
The future of automotive repair shops is shaped by several factors, including technological advancements, changing consumer behavior, and industry trends.

SOME KEY ASPECTS:

Electric Vehicles (EVs) and Hybrid Technology:

Impact: As EVs become more prevalent, repair shops will need to adapt. EVs have fewer moving parts, but specialized knowledge is required for battery maintenance, electric drivetrains, and high voltage systems.

Opportunities: Repair shops can invest in training and equipment for EV diagnostics and repairs. Additionally, hybrid vehicles will continue to require maintenance and service.

Advanced Materials and Joining Techniques:

Impact: Lightweight materials (such as aluminum, carbon fiber, and composites) are increasingly used in vehicle construction. Repairing these materials requires specialized tools and skills.

Opportunities: Shops can invest in training and equipment for working with advanced materials. Understanding new joining methods (like adhesive bonding) will be crucial.

Connected Cars and Diagnostics:

Impact: Modern vehicles are equipped with sensors and connected systems. Repair shops must be proficient in diagnosing complex electronic issues.

Opportunities: Shops can invest in diagnostic tools and software. Building partnerships with manufacturers and accessing repair information databases will be essential.

Autonomous Vehicles (AVs):

Impact: While AVs are still in development, they will eventually require maintenance and repairs. However, AVs may have fewer accidents, impacting collision repair businesses.

Opportunities: Shops can diversify by offering AV specific services, such as sensor calibration and software updates.

Online Presence and Customer Experience:

Impact: Consumers research and book services online. Shops need an online presence and positive customer reviews.

Opportunities: Invest in a user-friendly website, online booking systems, and customer communication tools.

Sustainable Practices:

Impact: Environmental concerns drive demand for eco-friendly practices. Repair shops should consider recycling, energy efficient equipment, and responsible disposal of hazardous materials.

Opportunities: Implement sustainable practices and promote them to environmentally conscious customers.

Skilled Workforce and Training:

Impact: The industry faces a shortage of skilled technicians. Shops must attract and retain talent.

Opportunities: Offer apprenticeships, training programs, and competitive compensation to attract skilled workers.

3D Printing and Customization:

Impact: 3D printing can create replacement parts & customized components. Repair shops can offer personalized solutions.

Opportunities: Invest in 3D printing technology and explore customization services.

Mobile Repair Services:

Impact: Mobile repair services are gaining popularity. Technicians visit customers= locations for minor repairs and maintenance.

Opportunities: Consider offering mobile services for convenience and flexibility.

Data Security and Privacy:

Impact: Connected vehicles collect data. Shops must handle customer information securely.

Opportunities: Implement robust data security measures and comply with privacy regulations.

Vincent P. Nesci, Esq.

General Counsel

Cell: 914-645-7530 Email: vnesci@nescipc.com

May 2024 Bulletin

THE INCREASING DISAPPEARANCE OF STATE SAFETY INSPECTIONS

Texas is the latest state to forego required safety inspections. What does that mean for shops and their customers?

Of the millions of drivers in the state of Texas, each one has had to have their vehicles inspected by a certified inspection station. Beginning in 2025, however, Texan drivers will stop paying for inspections and instead be charged that money for registration fees.

The elimination of required safety inspections not only impacts road safety but the operations of repair shops across the state. With Texas being far from the only state to do away with annual safety inspections, Thomas Eanes, general manager of Veteran Auto Repair in Wichita Falls, Texas, discusses what repair shops can do in the face of this change.

The Inspection That Cried Wolf

Eanes credits improper inspection procedures as the main culprit behind the Texas decision. He's seen shops neglect to report when a vehicle has failed the inspection test, opting instead for repairing the issue and then putting it down as if it had initially passed. As a result, the state receives misleading data suggesting a much lower rate of safety issues cropping up than what is being seen.

Lawmakers began to question whether safety inspections were having any real impact on safety. Maintaining the program has been no small cost for Texas, which has had to hire people from across the state to keep these inspection stations in check. This is something that can require a great deal of time and resources, such as when performing 'ghost inspections': a practice in which a state employee sends in a vehicle to an inspection that is set up for failure. If the inspection station failed to detect and note the existing issues, they would be fined.

"So this is a win-win for the state," describes Eanes. "They're also not having to pay out the money for these computers and stuff that they send to all the different inspection facilities—but now they're grabbing that \$7."

The \$7 Eanes refers to is the fee drivers pay for state inspections, which goes to the facility performing the test; but, beginning next year, that money that was being paid to local businesses will now be added to vehicle registration fees collected annually by the government.

"There will be some money that was lost to some of the shops, more specifically, the shops that actually performed it correctly (and) did it right; there was a failure, and then it goes back in and (they) retest it as a pass," Eanes says.

Shops that offer safety inspections will also lose a valuable source of customer outreach. For a town with a lot of people coming and going—like Wichita Falls, which houses a military base—a simple search for places offering safety inspections is what can introduce your business to a new customer. For Veteran Auto Repair, that's how some of their business is gained.

Passing the Buck to ... Who?

Even though required safety inspections are being done away with, vehicle safety laws will still apply: if a police officer catches you with a busted taillight, you can still be pulled over and fined for that. But for many drivers, it's more financially beneficial to ignore the problem and bank on not getting caught when there's a chance they may not.

Of all the state's law enforcement divided by every driver on the road, the chances of them being able to find every safety violation are slim. Worn brakes, inadequate tires, bad oil: these are all relatively simple things, but not something that could be easily noticed while passing by.

If an officer manages to spot a vehicle violating safety standards, it could often be cheaper for the driver to get ticketed than to seek out the repair, with concern for safety falling to the wayside.

"Some of these newer cars, the third brake light is actually an LED assembly that's almost \$1,000. And this is on a GM vehicle," Eanes says. "So, are you going to go out and spend \$1,000 on a five or 10-year-old vehicle that's got that light setup on it, or are you going to keep taking your chances on the \$50 fine?"

With the price of automotive parts and repairs already being a huge burden on individuals and families, the choice to simply delay and ignore the problem until it's unavoidable can be tempting. Without requiring safety inspections, what ways are there to encourage drivers to still practice upkeep on their vehicles?

Having been in the industry since he was 18 years old, Eanes' 36 years in the automotive field have found him everywhere from dealerships to managing various shops. In that time, he's seen a slow decline in automotive education for young people, leading to many growing up and learning to drive while neglecting the essential safety functions of their vehicles. During Eanes' time working at dealerships, he would conduct programs for vehicle owners to help educate them on the vehicles they had just purchased. He would get in touch with everyone who had bought a vehicle from them in the last month—used or new—and would obtain owners' manuals for each vehicle and invite them to come and sit in on an informative session.

May 2024 Bulletin

He would provide attendees with food and drinks and begin by going over simpler functions: how to operate the CD player, how to use cruise control, or how to program a garage door opener. As the class progressed, Eanes would transition into discussing what could impact their safety. They learned how to measure their tires' tread depth, the importance of wearing a seatbelt, and the risk airbags can pose.

The gap in what the drivers knew and didn't know quickly became clear to Eanes, and it's something he's seeing more and more, leading him to hope for a push in educating drivers.

Committed to Safety

Ignorance is bliss—but for a driver, it can become increasingly dangerous the older they get and the more careless they become.

“You get someone who's been driving for 40 years, 50 years: they think they're the Mario Andretti of driving on the road. They know it all, they've done it all, they can handle their car, no matter what,” says Eanes.

With the cost of car ownership already being so high, it isn't surprising that people who aren't as involved with automotive work won't make it a priority to keep everything in check. It can be easy to ignore something until it becomes a problem, but when it does, it can be much worse than simply receiving a ticket: it can mean injury or death.

“They say there's one death every minute of every day in a motor vehicle accident,” Eanes states. “You got cell phones: some of it is careless driving or not paying attention. But there's gonna be a lot out there that's safety stuff; that if you had better tires, maybe you wouldn't have hydroplaned and went off the road. If you had better brakes that work correctly, you may have been able to stop better.”

Statewide required safety inspections are something that helps keep drivers accountable, but in their absence, repair shops have a duty—now more than ever—to ensure their customers aren't driving a vehicle that threatens anyone's safety, including their own.

As seen on ratchetandwrench.com



Check out our
Facebook page
@ SSDGNY

BIDEN-HARRIS ADMINISTRATION FINALIZES RULE TO INCREASE COMPENSATION THRESHOLDS FOR OVERTIME ELIGIBILITY, EXPANDING PROTECTIONS FOR MILLIONS OF WORKERS

Rule ensures salaried workers making less than \$58,656 receive fair pay for long hours.

The Biden-Harris administration announced a final rule that expands overtime protections for millions of the nation's lower-paid salaried workers by increasing the salary thresholds required to exempt a salaried bona fide executive, administrative or professional employee from federal overtime pay requirements.

Effective July 1, 2024, the salary threshold will increase to the equivalent of an annual salary of \$43,888 and increase to \$58,656 on Jan. 1, 2025. The July 1 increase updates the present annual salary threshold of \$35,568 based on the methodology used by the prior administration in the 2019 overtime rule update. On Jan. 1, 2025, the rule's new methodology takes effect, resulting in the additional increase. In addition, the rule will adjust the threshold for highly compensated employees. Starting July 1, 2027, salary thresholds will update every three years, by applying up-to-date wage data to determine new salary levels.

“This rule will restore the promise to workers that if you work more than 40 hours in a week, you should be paid more for that time,” said Acting Secretary Julie Su. “Too often, lower-paid salaried workers are doing the same job as their hourly counterparts but are spending more time away from their families for no additional pay. That is unacceptable. The Biden-Harris administration is following through on our promise to raise the bar for workers who help lay the foundation for our economic prosperity.”

The department conducted extensive engagement with employers, workers, unions and other stakeholders before issuing its proposed rule in September 2023, and considered more than 33,000 comments in developing its final rule. The updated rule defines and delimits who is a bona fide executive, administrative and professional employee exempt from the Fair Labor Standards Act's overtime protections.

“The Department of Labor is ensuring that lower-paid salaried workers receive their hard-earned pay or get much-deserved time back with their families,” said Wage and Hour Administrator Jessica Looman. “This rule establishes clear, predictable guidance for employers on how to pay employees for overtime hours and provides more economic security to the millions of people working long hours without overtime pay.” Key provisions of the final rule include the following:

May 2024 Bulletin

- Expanding overtime protections to lower-paid salaried workers.
- Giving more workers pay or valuable time back with their family: By better identifying which employees are executive, administrative or professional employees who should be overtime exempt, the final rule ensures that those employees who are not exempt receive time-and-a-half pay when working more than 40 hours in a week or gain more time with their families.
- Providing regular updates to ensure predictability. The rule establishes regular updates to the salary thresholds every three years to reflect changes in earnings. This protects future erosion of overtime protections so that they do not become less effective over time.



NYVIP MESSAGE No. 300 **SUBJECT: OBD EMISSIONS WAIVERS**

The Department of Motor Vehicles has become aware of an increase in the number of emissions inspection waivers being issued. We recognize that there are circumstances that allow the legitimate issuance of an emissions waiver; however, we are concerned about the high numbers of waivers issued.

This message is to proactively remind you of the proper procedure for issuing waivers and to facilitate compliance.

When issuing an emissions waiver, you must follow the four simple steps below:

1. **FAIL** – The vehicle must fail the emissions inspection due to DTC's (not just monitor readiness).
2. **FIX** – Make repairs to the cause of initial emission failure within 30 days of failure.
3. **REINSPECT** – Perform the reinspection.
4. **WAIVER** – If the vehicle fails the emissions reinspection and passed, or passes, the safety and tampering part of the inspection, and the emission repairs made are more than the minimum value (currently \$450.00), a waiver can be issued.

The following is a summary of the steps that should be taken for all vehicles that are presented to a facility for a NYS Vehicle Inspection.

1. Prior to any diagnosis or repairs, fully perform the inspection. Enter all information fully and accurately into the NYVIP inspection unit and receive the Vehicle Inspection Report (VIR) from the unit.
2. Provide customer with the VIR and receive authorization to diagnose and/or repair items that failed the inspection.
3. If authorization was provided by customer, perform the diagnose and/or repairs.
4. Once all authorized diagnosis and repairs have been completed, perform reinspection of the vehicle. Once again enter all information fully and accurately.
5. Emission Repair values need to be entered correctly, even if the \$450 dollar threshold is not yet reached, during the reinspection of the vehicle.

Common causes of improper waiver issuance violations:

1. Pre-scanning vehicles before inspection. Repairs performed before the initial emissions inspection failure do not count toward the criteria for issuing an emissions waiver. You should not pre-scan but must inspect first. If the vehicle fails, **only the repairs related to the cause of the emission failure which are performed within 30 days of the initial failure** will count toward the \$450 waiver threshold.
2. An improper entry of emissions repairs. For example, entering repairs that are not emissions-related or entering costs incorrectly. The inspector should enter costs in whole dollars.
3. The waiver form as printed by the NYVIP unit must be properly signed by the motorist and the certified inspector, have the required documentation attached and then maintained by the facility for two years.
4. Initial inspection failures that are for emission monitor readiness only with no DTCs are usually found to be not in compliance for proper waiver issuance.

You should review the proper emissions waiver procedure with your inspectors and verify all waivers issued from your Inspection Station are issued appropriately. **Failure to do so may jeopardize your inspection station license.**

May 2024 Bulletin

NYVIP MESSAGE No. 301

SUBJECT: CAMERA MONITORING SYSTEMS ON COMMERCIAL VEHICLES

The National Highway Traffic Safety Association (NHTSA) issues limited mirror exemptions for Camera Monitoring Systems (CMS) to be used on commercial motor vehicles at the federal level. These systems utilize digital cameras mounted on the sides of the vehicle to project continuous video to screens mounted to the A-pillar mounted inside the vehicle. The cameras are positioned in a way to show a view of the highway along each side of the vehicle with some added benefits.

NYS is amending regulations to allow for the use of CMS on any Commercial Motor Vehicle operated within NYS when the vehicle meets one or more of the following criteria:

- Has a vehicle weight, weight rating, gross combination weight, or gross combination weight rating exceeding 10,000 pounds.
- Is designed and used to transport over eight passengers and is doing so for compensation.
- Is designed and used to transport more than 15 passengers (including the driver) and is not receiving compensation.
- Is used to transport hazardous materials as defined in Title 49 by the Secretary of Transportation.

Therefore, vehicles that meet those specifics and receive a New York State Heavy Inspection should not be rejected for the use of CMS as a replacement for conventional side view mirrors. The following CMS are the only systems approved for use by the federal exemption at this time:

- Stoneridge - MirrorEye™ CM (exemption expires 2/12/2029).
- Rosco Vision Inc. - CV Digital CMS CV (Commercial Vehicle Digital Camera Monitor System) (exemption expires 12/4/2027).
- Vision Systems North America, Inc. - Smart-Vision (expires 9/17/2025).
- Bosch and Mekra Lang - Commercial Vehicle Digital Monitor System (expires 1/15/2025).

If the CMS installed on the vehicle is not one listed above, and the vehicle does not have redundant conventional reflective mirrors, then the vehicle must be rejected for the mirror category.

NEW YORK CONSOLIDATED LAWS,

INSURANCE LAW – ISC § 2610. **COLLISION OR COMPREHENSIVE COVERAGE ON MOTORVEHICLES; CLAIMS; REPAIRS.**

(a) Whenever a motor vehicle collision or comprehensive loss shall have been suffered by an insured, no insurer providing collision or comprehensive coverage therefore shall require that repairs be made to such vehicle in a particular place or shop or by a particular concern.

(b) In processing any such claim (other than a claim solely involving window glass), the insurer shall not, unless expressly requested by the insured, recommend or suggest repairs be made to such vehicle in a particular place or shop or by a particular concern.

(c) The insurer shall provide (other than a claim solely involving window glass) a copy of its repair estimate to the insured that includes the following disclosure, plainly printed in no less than 12 point type: **“PURSUANT TO SECTION 2610 OF THE INSURANCE LAW, AN INSURANCE COMPANY CANNOT REQUIRE THAT REPAIRS BE MADE TO A MOTOR VEHICLE IN A PARTICULAR PLACE OR REPAIR SHOP. YOU HAVE THE RIGHT TO HAVE YOUR VEHICLE REPAIRED IN THE SHOP OF YOUR CHOICE.”**

We have received calls because a lot of consumers are unaware of this law and they are bullied by insurance companies to use the shops they recommend. Therefore, we have signs that can be posted in your shop to make your customers aware of this law as well as inserts that you can put on your estimates as stated above.

REFERRALS

If you know of a station that needs our services and is interested in becoming a member, refer them to us and upon signing you will receive a \$50.00 Amazon gift card. If you know of someone interested, please contact our Sales Representative Bill Griese at 914-227-0144.

May 2024 Bulletin

MAY TRAINING

Elite Fly with the Eagles

The Industry's Most Powerful Course for Automotive Shop Owners and Shop Managers

June 20th-22nd, 8:00am – 5:00pm MST Denver, CO
@ The Embassy Suites by Hilton Denver Downtown Convention Center

After attending this comprehensive course, you will be able to...

- Improve your skills in Leadership, time management, and goal setting.
- Find and hire superstar service advisors and technicians.
- Fully understand your shop's financials and key performance indicators
- Turn your existing employees into self-motivated superstars.
- Fill your bays with the right kind of customers through new marketing strategies.
- Utilize your step-by-step Action Plan to ensure your ongoing success.

For more information and to register scan the QR code below:



AAPEX JOE'S GARAGE ONLINE 2024

This free 12-part webinar series brings you helpful technical training as well as important management content for owners and shop leaders.

For more information, & to register scan the QR code below:



SMP – Standard Motor Products

Engine Operation – Keeping It In Time

Wednesday, June 12 @ 12:15PM Eastern

For more info and to register scan the QR Code below:



WELCOME NEW MEMBERS

Bajaj Gas & Convenience Inc.
White Plains, NY

TRIVIA QUESTION

Who lures consumers to use the shops they recommend?

Call the office or email cobalde@ssdgny.org with an answer for a chance to win a free month's dues.

CLASSIFIEDS

For Sale: You can be your own boss! Est. shop that specializes in trailer repair, snowplow and salter sales, parts and repair. We also offer vehicle up-fitting. We sell and install numerous truck bodies. The shop is geared towards landscapers' and contractors' needs. The service center has an excellent reputation that repairs all makes and models of box trucks, utility trailers landscape and boat trailers. Welding and fabricating repairs/parts as needed. We have the ability to make hydraulic hoses that we make on site. The showroom is fully stocked with inventory. The shop can fit 4 vehicles inside. Shop equip. includes: 2 post lifts, torches, welder, tire changer, balancer, band saw, drill press, work benches & more. There is also a private office. We are an authorized BOSS snowplow, Ramp Rack, Buyers and Woolwax dealer. Motivated to sell IMMEDIATELY due to relocating out of the area. Great opportunity to get in now during the snow season. Please call 845-590-5800 for more information.



I hope you enjoyed reading this month's bulletin. If you have any questions, feel free to call the association. We are here to help you and your industry.

Regards,

Carla Obalde

Operations Manager