



A bimonthly news update from ASA's legislative activities.

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Recent activities of ASA's Washington, D.C., office ...

114th Congress Reviews Connected Cars

The U.S. House Committee on Energy and Commerce's Subcommittee on Communications and Technology – along with the Subcommittee on Commerce, Manufacturing and Trade – held a joint hearing titled, "Understanding the Role of Connected Devices in Recent Cyber Attacks."

The hearing addressed the distributed denial-of-service cyberattack that occurred Oct. 21, 2016, and continued the Committee's series on emerging technologies. Members and witnesses discussed the opportunities and threats posed by connected devices.

Rep. Anna Eshoo, D-Calif., ranking member of the Communications and Technology subcommittee commented, "The Internet of Things offers great potential for innovation, but recent attacks raise troubling questions about the security of internet-enabled devices and their potential to be used as weapons by cyberattackers." Eshoo suggested incorporating cybersecurity guidance into national infrastructure legislation.

Despite differing opinions on the methodology, members from both parties agreed that the security of connected devices must remain a priority.

Federal Overtime Changes Put On Hold

On May 18, 2016, the U.S. Department of Labor (DOL) published the Obama administration's new, final rule on overtime regulations. However, a U.S. District Court Judge in Texas, Amos Mazzant, subsequently issued a nationwide injunction to bar implementation of the regulations.

During a webinar as a member benefit earlier in the year, the Automotive Service Association (ASA) hosted experts explaining that the new regulations would break down compliance into three major provisions:

- Setting the standard salary level at the 40th percentile of earnings of full-time salaried workers in the lowest-wage Census Region, currently the South (\$913 per week; \$47,476 annually for a full-year worker).
- Setting the total annual compensation requirement for highly compensated employees (HCE) subject to a minimal duties test to the annual equivalent of the 90th percentile of full-time salaried workers nationally (\$134,004).
- Establishing a mechanism for automatically updating the salary and compensation levels every three years to maintain the levels at the above percentiles and ensure that they continue to provide useful and effective tests for exemption.

The final rule was to take effect Dec. 1, 2016, but has been delayed due to the judge's injunction.

Commission Releases Cybersecurity Report

In February 2016, President Obama established the Commission On Enhancing National Cybersecurity with Executive Order 13718. The Commission completed its report on Dec. 1, 2016, and provided detailed short-term and long-term recommendations to strengthen cybersecurity in both the public and private sectors, while protecting privacy, fostering innovation and

ensuring economic and national security.

To develop their recommendations, the commissioners consulted technical and policy experts, solicited input from the public through open hearings and a request for information and reviewed existing literature.

The report emphasizes the need for partnerships between the public and private sectors, as well as through international engagement. It also discusses the role consumers must play in enhancing our digital security. The report categorizes its recommendations in six overarching imperatives focused on infrastructure, investment, consumer education, workforce capabilities, government operations and requirements for a fair and open global digital economy.

The Commission praised the National Highway Traffic Safety Administration (NHTSA) for its efforts to work with the industry to develop voluntary and collaborative guidelines to secure information technology devices.

Preparing for Autonomous Vehicle Debate

ASA continues to track potential federal and state legislation that addresses autonomous vehicle policy. We anticipate that autonomous vehicle legislation will be introduced in multiple states during the 2017 legislative season, as well as in the U.S. Congress.

The U.S. House Energy and Commerce Committee's Subcommittee on Commerce, Manufacturing and Trade recently held a hearing titled, "Disrupter Series: Self-Driving Cars." During the hearing, members addressed the NHTSA Federal Automated Vehicles Policy guidelines issued in September.

In his opening statement, Subcommittee Chairman Michael Burgess, R-Texas, praised NHTSA's proactive guidance on self-driving vehicles, but he expressed concerns about its implementation. Burgess stated, "Preemptive action on the part of regulators, before gaining a full understanding or appreciation of self-driving cars, may lead to unintended consequences that limit the capabilities of this emerging technology and its promised life-saving, economic and societal benefits."

Dr. Mark Rosekind, NHTSA administrator testified, "As the federal regulator with the responsibility of ensuring vehicles are as safe as they can possibly be, we play an important role on behalf of the American public to ensure that vehicle technologies do not present safety threats. Our policy is designed to promote the safe and expeditious deployment of new technologies that have the potential to reduce crashes and save lives ... Our approach is not prescriptive. It does not tell developers how they must provide safety, but, instead, it builds a transparent and proactive approach to ensure that they are properly addressing the critical safety areas."

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