

# NADA UPDATE

**Paul Metrey**

Executive Vice President | Public Policy

**Daniel Ingber**

Senior Vice President | Regulatory Affairs

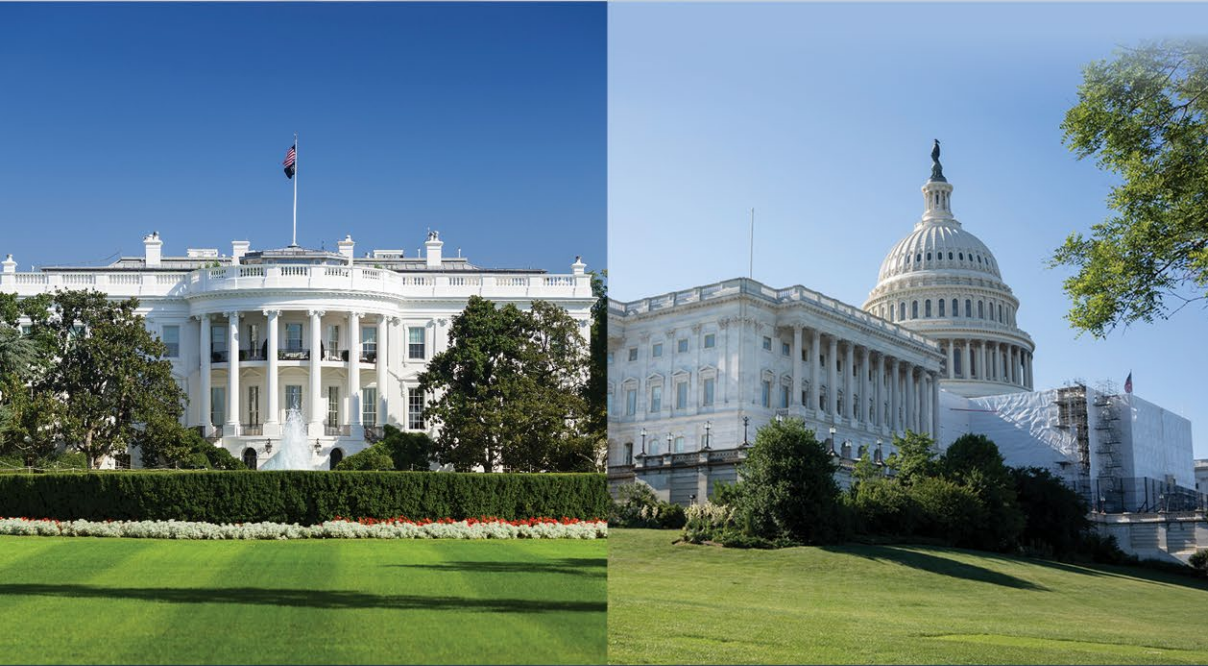
# What We'll Cover

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- **NADA Public Policy Priorities**
- **Government Engagement**
- **FTC Update/CFPB Update**
- **Tariffs**
- **Emissions Regulations and Legislation**
- **Clean Vehicle Tax Credits**
- **OEM Data Agreements**

# Public Policy Priorities

<del>FTC Vehicle Shopping Rule</del>	<ul style="list-style-type: none"><li><del>• Rescind Rule or Eliminate Funding for Enforcement</del></li></ul>
EVs	<ul style="list-style-type: none"><li>• Revoke EPA's CARB Waiver</li><li>• Substantially reduce EPA's Greenhouse Gas Requirements</li><li>• Provide Off-Ramp for any elimination of EV Tax Credits</li></ul>
Auto-related Tariffs	<ul style="list-style-type: none"><li>• Confine heightened tariffs to China</li></ul>
Tax Legislation	<ul style="list-style-type: none"><li>• Preserve 199A deduction/current FEGT thresholds/LIFO</li><li>• Restore 100% bonus depreciation/EBITDA</li></ul>
"Right to Repair"	<ul style="list-style-type: none"><li>• Oppose REPAIR Act or similar legislation</li></ul>
Catalytic Converters	<ul style="list-style-type: none"><li>• Enact PART Act</li></ul>



# Government ENGAGEMENT

# Administration Appointments

 No nominee       Confirmed



**Rollins**  
Agriculture



**Lutnick**  
Commerce



**Hegseth**  
Defense



**McMahon**  
Education



**Wright**  
Energy



**Kennedy**  
HHS



**Noem**  
DHS



**Turner**  
HUD



**Bondi**  
Justice



**Chavez-DeRemer**  
Labor



**Rubio**  
State



U.N.



**Duffy**  
DOT



**Collins**  
VA



**Burgum**  
Interior



**Bessent**  
Treasury



**Ratcliffe**  
CIA



**Zeldin**  
EPA



**Vought**  
OMB



**Greer**  
USTR



**Gabbard**  
DNI



**Loeffler**  
SBA



# Current Status of Appointments

*The Washington Post*  
*Democracy Dies in Darkness*

## Donald Trump has picked 279 nominees to fill key roles in his administration so far

We are tracking **821** government positions among about 1,300 that require Senate confirmation.

345

positions have no  
Trump nominee.

5

picks are awaiting  
formal nomination.

221

nominees are being  
considered by the Senate.

53

have been confirmed  
by the Senate.

Additionally, we have identified **200** appointees so far who are serving in  
termed positions or who were held over from previous administrations.

In collaboration with  **PARTNERSHIP  
FOR PUBLIC SERVICE**

Updated April 11, 2025



# FTC UPDATE

# FTC Commissioners



**Melissa Holyoak**  
Commissioner (R)



**Andrew Ferguson**  
Chair (R)



**Mark Meador**  
Commissioner (R)



**Alvaro Bedoya**  
Commissioner (D)



**Rebecca Slaughter**  
Commissioner (D)





# Vehicle Shopping Rule

## FINAL DECISION

# Vehicle Shopping Rule Final Decision

## United States Court of Appeals for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

January 27, 2025

Lyle W. Cayce  
Clerk

No. 24-60013

“NADA has shown  
to issue an ANPRM  
used or the substan  
harmless error.”

“We GRANT the petition for review and VACATE the  
CARS Rule. We decline to here address NADA’s remaining  
substantive challenges to the Rule.”

PRM

Before HIGGINBOTHAM, SMITH, and HIGGINSON, *Circuit Judges*.

PATRICK E. HIGGINBOTHAM, *Circuit Judge*:

The National Automobile Dealers Association and the Texas Automobile Dealers Association petition this Court for review of the Combating Auto Retail Scams Trade Regulation Rule (“CARS Rule”), a final trade regulation rule promulgated by the Federal Trade Commission (“FTC” or “Commission”). Petitioners ask this Court to vacate the CARS Rule on the grounds that: (1) the FTC violated its own regulations by failing to issue an advance notice of proposed rulemaking; (2) the FTC arbitrarily and capriciously failed to articulate a reasoned basis for the Rule; and (3) the FTC’s



# Junk Fees Rule

## Federal Trade Commission Announces Bipartisan Rule Banning Junk Ticket and Hotel Fees

Rule targets bait-and-switch pricing for live-event tickets and short-term lodging

Tags: [Consumer Protection](#) | [Bureau of Consumer Protection](#) | [Advertising and Marketing](#) | [Advertising and Marketing Basics](#)

The Federal Trade Commission today announced a final [Junk Fees Rule](#) to prohibit bait-and-switch pricing and other tactics used to hide total prices and bury junk fees in the live-event ticketing and short-term lodging industries. These unfair and deceptive pricing practices harm consumers and undercut honest businesses.



"People deserve to not be asked to pay for things they'll later be sad they haven't avoided," said FTC. The FTC's rule will help live event ticket buyers save Americans millions of hours. The rule will help enforcers to correct policy makers to protect the economy."

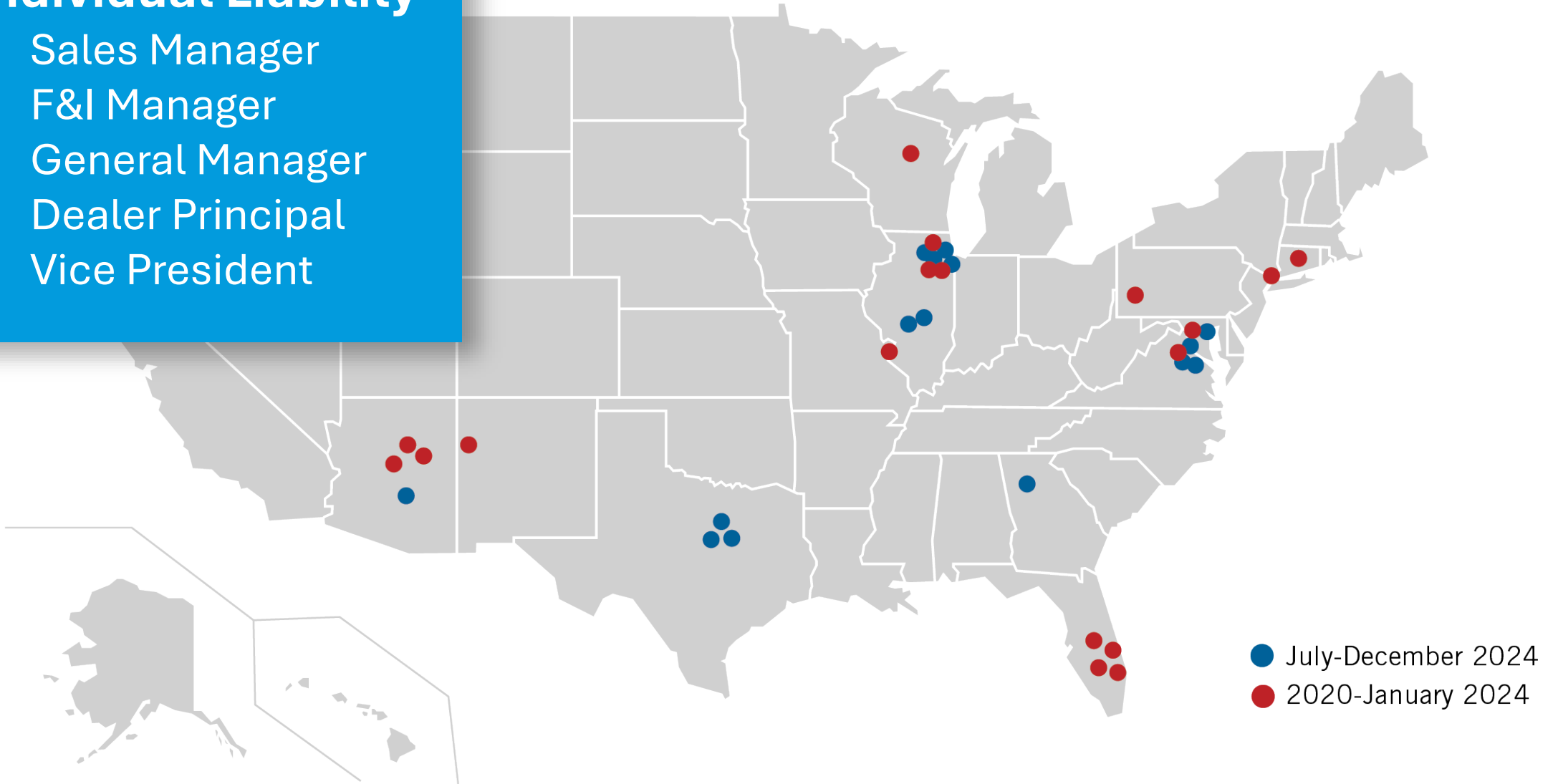
"The Federal Trade Commission today announced a final Junk Fees Rule to prohibit bait-and-switch pricing and other tactics used to hide total prices and bury junk fees in the **live-event ticketing and short-term lodging industries.**"

The Junk Fees Rule will ensure that pricing information is presented in a timely, transparent, and truthful way to consumers of live-event tickets and short-term lodging, two industries whose pricing practices the Commission has studied in particular. Consumers searching for hotels or vacation rentals or seats at a show or sporting event will no longer be surprised by a pile of "resort," "convenience," or "service" fees inflating the advertised price. By requiring up-front disclosure of total price including fees, the rule will make comparison shopping easier, resulting in savings for consumers and leveling the competitive playing field.

# FTC Enforcement

# Individual Liability

- Sales Manager
- F&I Manager
- General Manager
- Dealer Principal
- Vice President







# CFPB UPDATE

# CFPB Priorities



1700 G Street NW, Washington, D.C. 20552

April 16, 2025

**TO** CFPB Staff

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**FROM** Mark R. Paoletta  
Chief Legal Officer *Mark Paoletta*

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**SUBJECT** 2025 SUPERVISION AND ENFORCEMENT PRIORITIES

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This document sets out the Bureau's supervision and enforcement priorities. The Bureau will focus its enforcement and supervision resources on pressing threats to consumers, particularly service members and their families, and veterans. To focus on tangible harms to consumers, the Bureau will shift resources away from enforcement and supervision that can be done by the States. All prior enforcement and supervision priority documents are hereby rescinded.

1. To avoid the ever-increasing number of supervisory exams, which are multiplying the cost of running businesses and raising consumer prices, Supervision shall decrease the overall number of "events" by 50%. The focus should be on conciliation, correction, and remediation of collaborative and measurable behaviors.
2. The Bureau's focus on depository institutions, particularly large banks and credit unions, shall be flipped, with a focus on smaller institutions. The largest banks and credit unions shall be the focus of the Bureau's supervision and enforcement efforts.
3. The Bureau will focus on redressing tangible harm by getting money back directly to consumers, rather than imposing penalties on companies in order to simply fill the Bureau's penalty fund.

9. The Bureau will not engage in or facilitate unconstitutional racial classification or discrimination in its enforcement of fair lending law:
  - a. The Bureau will not engage in redlining or bias assessment supervisions or enforcement based solely on statistical evidence and/or stray remarks that may be susceptible to adverse inferences.
  - b. The Bureau will pursue only matters with proven actual intentional racial discrimination and actual identified victims. Such matters shall be brought to the leadership's attention and maximum penalties will be sought.

4. The Bureau will focus on redressing tangible harm by getting money back directly to consumers, rather than imposing penalties on companies in order to simply fill the Bureau's penalty fund.
5. The Bureau will focus on providing redress to service members and their families, and veterans.
6. The Bureau will respect Federalism:
  - a. The Bureau will deprioritize participation in multi-state exams unless *required* by statute (rather than merely permitted).
  - b. The Bureau will deprioritize supervision where States have and exercise ample regulatory and supervisory authority, unless required by statute (rather than merely permitted).
  - c. The Bureau will minimize duplicative enforcement, where State regulators or law enforcement authorities are currently engaged in or have concluded an investigation into the same matter.
7. The Bureau will respect other federal agencies' regulatory ambit:
  - a. The Bureau will eliminate duplicative supervision or supervision outside of the Bureau's authority (e.g., no supervision of M&A, just because regulated entities are involved, or attempt to insert itself into bankruptcy supervision).
  - b. To the extent feasible, the Bureau will coordinate exams' timing with other/primary federal regulators.
11. The Bureau's primary consumer enforcement tools are its disclosure statutes. The Bureau shall not engage in attempts to create price controls.

# Gone for Now



Corporate Transparency Act  
Record Keeping Requirements



White Collar Exemption Salary  
Threshold Increases



Non-Compete Rule



One-to-One Consent Rule





# Trade/ TARIFFS



# Tariffs on Automobiles\*

Which vehicles?	Imported <b>fully-assembled</b> light trucks and passenger vehicles	
What's the tariff?	<div>New <b>25%</b> TARIFF</div>	Light trucks from everywhere except Canada and Mexico are subject to <b>50%</b> (25% New Auto + 25% “chicken tax”)
		Passenger vehicles from everywhere except Canada and Mexico are subject to <b>27.5%</b> (25% New Auto + 2.5% preexisting)
		USMCA-compliant vehicles are subject to <b>25%</b> on the <b>non-U.S. Content</b> of the vehicle
		Non-USMCA compliant passenger vehicles from Canada and Mexico are subject to <b>27.5%</b> (25% New Auto + 2.5% preexisting)
		Non-USMCA compliant light trucks from Canada and Mexico are subject to <b>50%</b> (25% New Auto + 25% “chicken tax”)
Starting when?	April 3	

\*Does not include China.

# Tariffs on Automobile Parts\*

Which parts?	Engines, engine parts, transmissions, powertrain parts, and electrical components <i>(Additional auto parts may be added to the list of those subject to the tariff pursuant to a process to be established within 90 days)</i>	
What's the tariff?	New <b>25%</b> TARIFF	All parts from everywhere except Canada and Mexico are subject to <b>25-27.5%</b>   (25% New Auto + 0-2.5% preexisting)
		USMCA compliant auto parts from Canada and Mexico are subject to <b>25%</b>   on their <b>non-U.S. Content</b>
		Non-USMCA compliant auto parts from Canada and Mexico are subject to <b>25%</b>   (25% Parts)
Starting when?	No later than May 3 <sup>†</sup>	

\*Does not include China.

<sup>†</sup>No new auto tariff on parts from Canada or Mexico until U.S. content process is determined.

# April 29 Auto and Auto Parts Tariff Announcements

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Automakers will receive a credit that can be used to pay the tariffs due on imported parts (including those payable by suppliers). The amount of this credit for any given OEM is equal to 3.75% of the MSRP of all vehicles assembled by that OEM in the United States from April 3, 2025 through April 30, 2026.

Non-USMCA compliant autos and parts from Mexico and Canada are no longer subject to the 25% “fentanyl” tariff in addition to the 25% auto tariff, and parts that were subject to both steel and aluminum tariffs and auto-parts tariffs will now be subject only to the auto tariffs.



# Electric Vehicle REGULATIONS



# Emissions Regulations

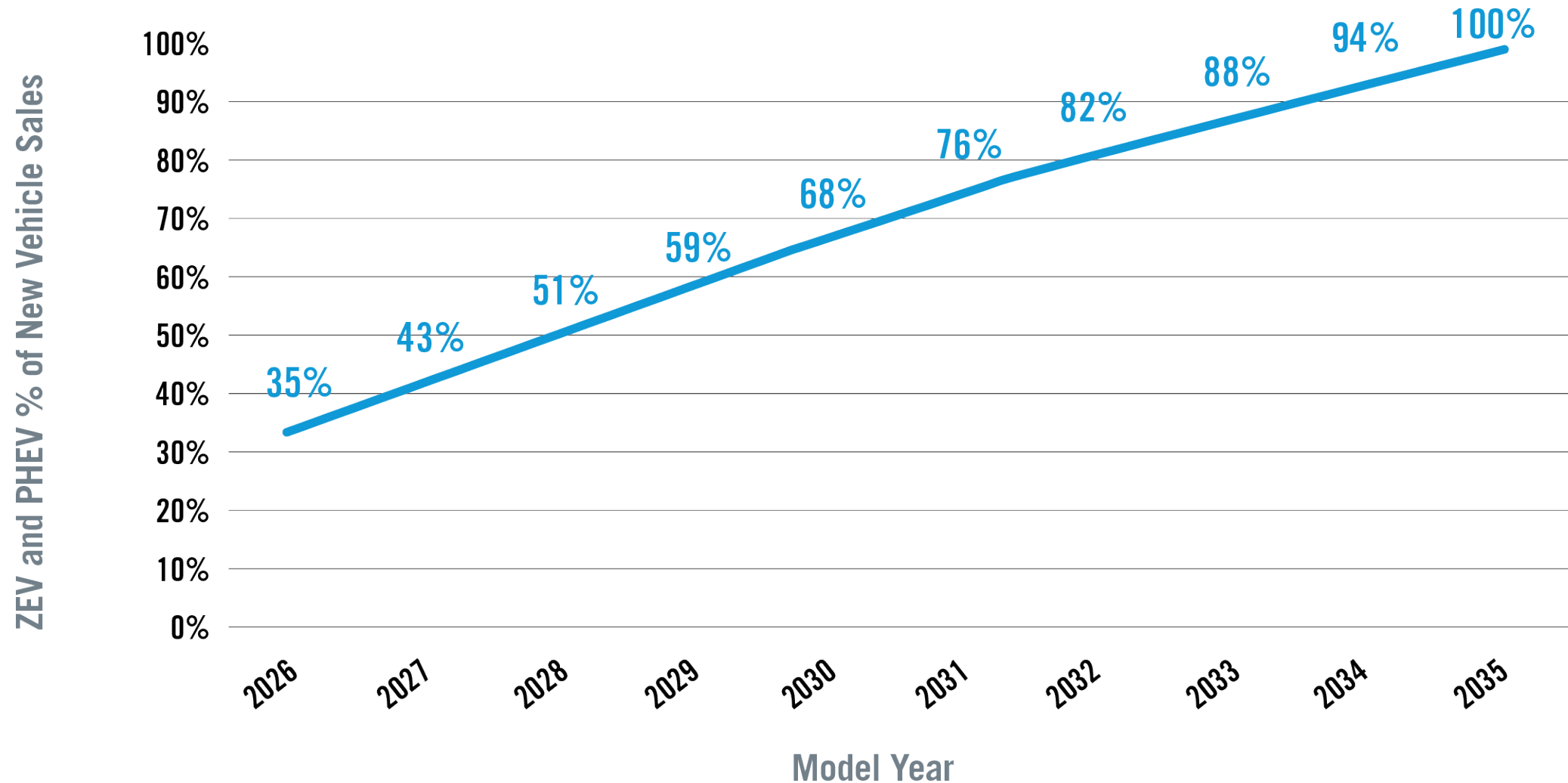
## Federal (50-states)

U.S. EPA		U.S. DOT (NHTSA)	
Multi-Pollutant Rulemaking	GHG	Corporate Average Fuel Economy (CAFE)	58 MPG by MY 2032
	56% BEV by MY 2032		

## State-Specific

California (and CAA § 177 states)	
Advanced Clean Cars II (ACC2)	GHG
	100% ZEV by MY 2035

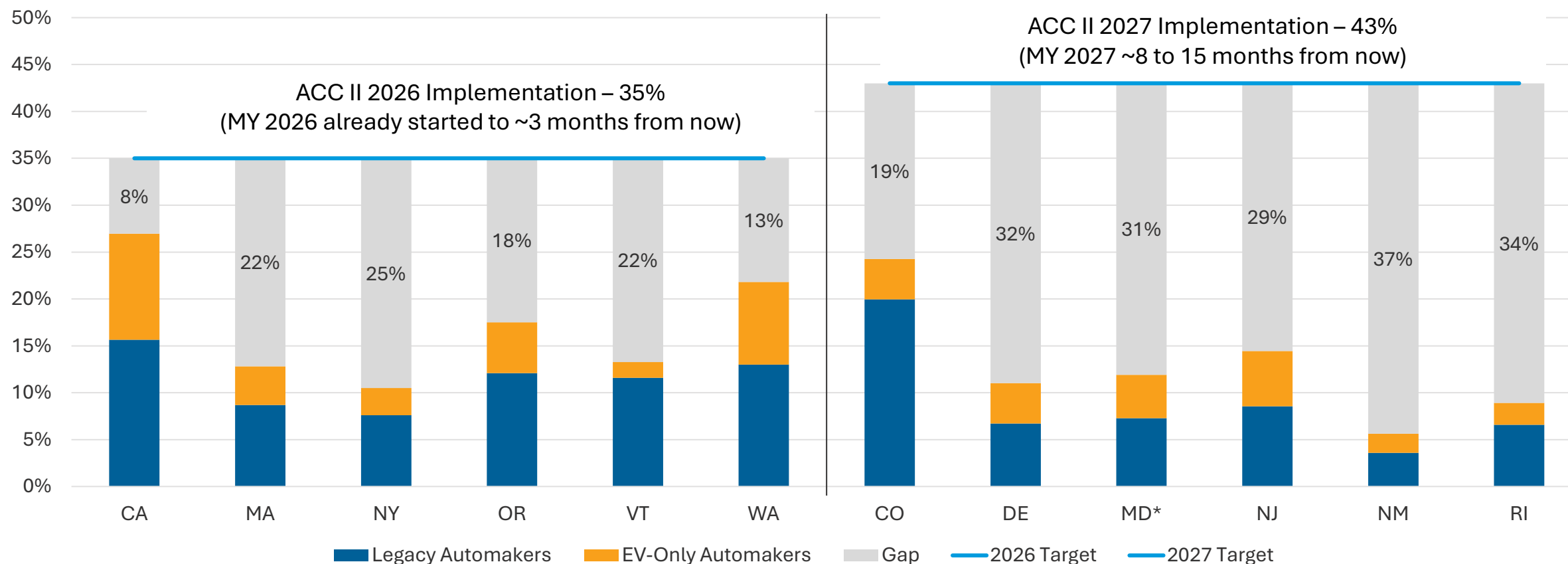
# ACC II: ZEV Requirement



# Progress Toward ACC II ZEV Mandate Requirements

## ACC II ZEV Mandate States

Legacy and EV-Only Automaker 2024 Market Share and Gap to Target



Market share shown reflects entire CY 2024.

Source: Alliance for Automotive Innovation



# **Clean Vehicle** **TAX CREDITS**



A close-up photograph of a gold-colored 'Scout' script logo mounted on a dark blue car body. The background of the image is a blurred view of a car dealership interior with bright lights.

# Direct Sales THREAT

# Direct Sales Threats



## NADA, dealers plot state-by-state challenge to Scout Motors' direct sales

By: Jack Walsworth  
October 30, 2024

The National Automobile Dealers Association and state dealer associations across the country plan to leave no stone unturned as they push back against Scout Motors' decision to bypass Volkswagen stores and sell vehicles direct to consumers.

Automotive News



## NADA, association leaders respond to Scout's direct sales strategy: A call to action for dealers

By Jaelyn Campbell  
January 8, 2025

The National Automobile Dealers Association and state dealer associations across the country plan to leave no stone unturned as they push back against Scout Motors' decision to bypass Volkswagen stores and sell vehicles direct to consumers.



## Auto dealer groups to challenge Scout Motors' decision to sell directly to US consumers

By David Shepardson  
October 25, 2024

Oct 25 (Reuters) - Groups representing U.S. auto dealers said on Friday they plan to challenge a decision by Volkswagen's (VOWG\_p.DE), opens new tab Scout Motors to sell directly to consumers, bypassing independent retailers.



## NADA says Honda Sony "misguided" direct-sales attempt will be challenged; calls on company leadership to meet

January 8, 2025

TYSONS, VA. (Jan. 8, 2024)—NADA President and CEO Mike Stanton issued the following statement in response to Sony Honda Mobility's announcement of plans to attempt direct sales for its vehicles:

"We are unfortunately not surprised but are still very disappointed with Sony Honda Mobility's stated plans to sell its vehicles directly to consumers and compete with its Honda and Acura dealer network. Honda should understand that any misguided attempt to bypass or undercut its U.S. dealers will be challenged in statehouses and courthouses across the country – with NADA's full support.



## EDITORIAL Legacy automakers toying with direct sales is wrongheaded

There's a question that the entire automotive industry needs to answer: Is there a difference between a brand recently born and one seeded, nourished and grown under the protective arm of a legacy automaker?

We believe there is, at least when it comes to how a brand's products should be retailed.

Automotive News



## Traditional auto dealership franchises might work best, new study says

By: Mark Hollmer  
September 24, 2024

Traditional auto dealership franchises may be the most cost-effective way to sell cars after all.

Hybrid and direct-to-consumer vehicle shopping pitched as more efficient alternatives are favored by Tesla and its startup imitators while hybrid or agency models are used by automakers in other countries such as Australia and parts of Europe.

Automotive News



# **OEM Data** **AGREEMENTS**

# Questions





**NADA**

The logo consists of the word "NADA" in a bold, white, sans-serif font. Below the text is a stylized graphic element consisting of two parallel white wavy lines that curve upwards at both ends, resembling a stylized underline or a wave.