



## 2023 Legislative Advocacy Event Talking Points

### About ASCCA

- **Voice of the auto service industry:** ASCCA is the voice of California's automotive service shop owners. We help our members navigate the changing landscape with modern vehicles, help them prepare to meet new service needs, and keep them updated on changing regulations. ASCCA membership spans 17 local chapters across the state representing hundreds of automotive service shops.
- **Shaping legislative and regulatory proposals:** Through our Government Affairs Committee, ASCCA provides input to state laws and regulations to make them work in the real-world for the auto service industry. ASCCA works with the Bureau of Automotive Repair (BAR) helping create guidelines that protect the consumer as well as ASCCA member shops.
- **Resource to the legislature:** We appreciate the opportunity to share our insights and build relationships with state legislators, and hope that you will call upon ASCCA as a resource on issues related to the automotive industry and small business regulations.

### ASCCA SUMMARY OF BILLS

#### AB 377 (Muratsuchi) Career Tech Education Funding - SUPPORT

- This bill would provide ongoing funding of \$450 million per year to the Career Technical Education Incentive Grant Program.
- Current levels of funding for high quality K-12 Career Technical Education (CTE) programs is insufficient to meet the needs of students and state labor force.
- CTE ensures that students are better prepared for life after graduation, whether that includes college or leads straight to a career.
- CTE courses such as automotive shop programs have the potential of engaging students who may be otherwise disengaged and at-risk of dropping out of school.
- Automotive shop programs provide hands on learning, problem solving skills and employability skills that lead to good paying automotive jobs, but there are challenges with these programs.
- Many automotive instructors are retiring and not being replaced, and the only solution is to close the auto shop program where teachers are not available.
- Automotive shop programs need funding for teachers, updated equipment, tools and curriculum to continue to support these important programs and for the future of our workforce.

See attached background information (ASCCA Support Letter for AB 377)

### **SB 703 (Niello) – Employment: Workplace Flexibility Act- SUPPORT**

- SB 703 would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, without payment of overtime.
- This bill provides flexibility for individuals and employers.
- Current law covering alternative schedules does not provide flexibility.
- Currently, employers may institute alternative work schedules only if a strict and prescriptive procedure is followed. Any deviation from the current process subjects the employer to potential lawsuits.
- The current rigid controlled process effectively eliminates most employers and employees from choosing schedule options such as flextime, part-time job sharing, telecommuting and compressed workweeks.
- This bill helps to address this problem by establishing a voluntary, employee-driven process where the employee can request an alternative workweek schedule of no more than 40 hours total.

See attached background information (ASCCA Support Letter for SB 703)

### **Tire Replacement Regulations– California Energy Commission (CEC) – CONCERNS**

- The California Energy Commission (CEC) is in the process of creating new regulations to require all automotive repair dealers that sell tires in California to post signs and provide disclosures to consumers who are purchasing replacement tires.
- CEC is acting on legislation passed 20 years ago (AB 844 - Nation, Chapter 645, Statutes of 2003).
- ASCCA supports efforts in developing and increasing energy efficient replacement tires for consumers.
- The proposed regulations (e.g., potential reduction of tire tread depth) create issues such as: tire safety (e.g., stopping and braking consequences), harm to the environment (e.g. increasing scrap and waste tires) and increasing future tire costs to low income working families (e.g. reducing the average tire life/mileage requires frequent replacement of tires).
- ASCCA is concerned that the proposed tire regulations will negatively impact small businesses by placing unreasonable and costly mandates upon any auto repair shop selling tires in California.
- The regulations are overly broad and capture all auto repair dealers in the definition of “tire dealers.” There are no exemptions for auto repair shops that occasionally replace a tire.
- The regulations require all auto repair dealers to maintain unreasonable signage mandates requiring signs to be replaced every time tire prices change.
- The regulations place unclear requirements when providing tire efficiency/rating system disclosure information to consumers.
- The regulations place vague and ambiguous tire advertising restrictions.
- The CEC is proposing that automotive repair dealers take specific “CEC training” in order to sell tires in California.
- The ASCCA needs your help in requesting that the CEC work with the automotive repair industry to address concerns with the proposed regulations.

See attached background information (ASCCA written comments to CEC)



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## **Automotive Service Councils Of California**

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March 7, 2023

The Honorable Al Muratsuchi  
Chair, Assembly Education Committee  
1021 O Street, Suite 5610  
Sacramento, CA 942249

### **RE: AB 377-Support**

Dear Assembly member Muratsuchi:

On behalf of the Automotive Service Councils of California, we are writing to support AB 377, which would allow students to gain critical career and college readiness skills by increasing funding for the Career Technical Education and consolidating K-12 CTE programs. This bill would provide ongoing funding of \$450 million per year.

Career technical education (CTE) prepares students for the world of work by introducing them to key workplace skills, and makes academic content accessible to students by providing it in a hands-on context. In this way, students develop career-relevant, real-world 21st Century skills.

The current level of funding for high quality CTE programs is insufficient to meet the needs of students and the state's labor force. The ongoing funding of high quality CTE programs in our schools is essential to serve the needs of all students and to meet the state's labor market demands. Programs that provide quality career exploration and guidance, and appropriate student supports prepare students to transition smoothly into postsecondary education as well as directly into the workforce. Participation in CTE classes motivates students to attend school more frequently and be more engaged, which improves overall academic outcomes.

For the following reasons we support AB 377.

Sincerely,

A handwritten signature in black ink, reading "Gloria Peterson", with a long horizontal flourish extending to the right.

Gloria Peterson  
Executive Director



## California State Senate

SENATOR  
ROGER NIELLO  
SIXTH SENATE DISTRICT

### SB 703: Workplace Flexibility Act

#### SUMMARY

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SB 703, The Workplace Flexibility Act, seeks to empower individuals who want more flexibility in their schedule by allowing a non-exempt employee to request a flexible work schedule with workdays of up to 10 hours per day within a 40-hour workweek, in lieu of overtime compensation for the two additional hours worked each day.

#### BACKGROUND

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Employees are seeking more flexibility and alternative work schedules as both families and businesses seek a return to normal from Covid-19 impacts on our day to day lives. Workflex (the policy or ability to work four 10 hour days in lieu of five 8 hour days) is being requested more and more by today's employees but California's existing law makes is onerous to do so.

Existing law allows for state employees to have a variety of flexible work schedules, including the "4/10/40" in which the employee works four 10 hour shifts with one scheduled day off per week per the state's human resource manual ([Calhr](#)). Current law, however, requires non-exempt employees to be paid overtime in the private sector once they exceed 8 hours of work in a day. Non-exempt employees are workers who must be paid on a wage and hourly basis because their job duties do not fall within an overtime exemption.

#### SOLUTION

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SB 703 will allow employees to request a flexible work schedule that allows for working 4 ten hour shifts (without being paid overtime) instead of 5 eight hour shifts (also without being paid overtime). The Workplace Flexibility Act maintains employee protections. The bill does not affect the current daily overtime rule for hourly employees who do not want an alternative schedule, and other overtime rules would apply (i.e., if an employee worked more than 10 hours in a day or more than 40 hours in a week). Additionally, the bill will allow an employee or employer to discontinue an employee-selected flexible work schedule at any time by giving written notice to the other party.

This proposal would also result in both traffic and environmental benefits for our state by reducing commuters on the road. It can also promote parent involvement in their children's lives by allowing employees the opportunity to meet their work and life responsibilities and needs. Furthermore, it provides parity with existing law that allows public employees throughout our state this type of flexibility. It is time for the Legislature to provide this flexibility for workers in the private-sector as well.

#### For more information:

Calvin Rusch, Legislative Director  
916-651-4006  
[calvin.rusch@sen.ca.gov](mailto:calvin.rusch@sen.ca.gov)



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March 21, 2023

The Honorable Roger Niello  
California State Senate  
1021 O Street, Suite 7110  
Sacramento, CA 95814

### **Re: SB 703 (Niello)-Support**

Dear Senator Niello:

On behalf of the Automotive Service Councils of California (ASCCA), we are writing to support SB 703, which will allow employee-selected flexible work schedules.

SB 703 would permit an individual nonexempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, without payment of overtime.

Current law covering alternative schedules does not provide flexibility. Employers may institute alternative work schedules only if a strict and prescriptive procedure is followed. Any deviation from the current process subjects the employer to potential lawsuits. This rigid controlled process effectively eliminates most employers and employees from choosing schedule options such as flextime, part-time job sharing, telecommuting and compressed workweeks.

SB 703 helps to address this problem by establishing voluntary, employee-driven process where the employee can request an alternative workweek schedule of no more than 40 hours total. Any work performed beyond the schedule would remain subject to current overtime rules.

For the reasons stated above we support SB 703.

Sincerely,

A handwritten signature in black ink, appearing to read "Gloria Peterson", is written over a horizontal line. Below the signature, the name "Gloria Peterson" and the title "Executive Director" are printed in a black, sans-serif font.

Gloria Peterson  
Executive Director

c.c. Jack Molodanof, ASCCA Lobbyist





March 14, 2023

The Honorable Roger Niello  
California State Senate  
1021 O Street, Suite 7110  
Sacramento, CA 95814

**SUBJECT: SB 703 (NIELLO) EMPLOYMENT: WORK HOURS: FLEXIBLE WORK SCHEDULES  
SUPPORT/JOB CREATOR – AS INTRODUCED FEBRUARY 16, 2023**

Dear Senator Niello:

The California Chamber of Commerce and the organizations listed below are pleased to **SUPPORT** your **SB 703** as a **JOB CREATOR**. **SB 703** will allow employee-selected flexible work schedules.

California is one of the only states that requires employers to pay daily overtime after eight hours of work in addition to weekly overtime after 40 hours of work. Even other states that impose daily overtime requirements allow the employer and employee to essentially waive the daily eight-hour overtime requirement through a written agreement. California, however, provides no such common-sense alternative. Rather, California requires employers to navigate through a multi-step process to have employees elect an alternative workweek schedule that, once adopted, must be “regularly” scheduled. This process is filled with potential traps that could lead to costly litigation, as one misstep may render the entire alternative workweek schedule invalid and leave the employer on the hook for claims of unpaid overtime wages.

Currently, there are 44,837 reported alternative workweek schedules with the Division of Labor Standards Enforcement. According to the Employment Development Department, California has about 1.6 million employers. Therefore, about less than 3% of California employers utilize the alternative workweek schedule option. Further, more realistically, given that the information in the database is according to work unit instead of employer, it is likely that less than 1% of employers in California are utilizing this process.

Employees want flexibility in their work schedules. In a recent poll conducted by the California Chamber of Commerce, 88% of voters agreed (49% of them strongly) that the state's overtime laws should be changed to make it easier for employees to work alternative schedules, such as four 10-hour days. A survey by the Society for Human Resource Management revealed that 91% of Human Resources professionals agree that flexible work arrangements positively influence employee engagement, job satisfaction, and retention. According to Corporate Voices for Working Families and WFD Consulting, an in-depth study of five organizations that allow their non-exempt employees to have flexibility in their schedules found that employee commitment was 55% higher and burnout and stress decreased by 57%. Women and low-income workers have suffered the most from the inability to have flexible schedules, feeling pressured to abandon career goals to care for children and fulfill household obligations. That pressure has been exacerbated by the COVID-19 pandemic. An article by NPR estimated that close to 900,000 women left the workforce in 2020 to keep up with the demands of childcare and household obligations. That rate is four times higher than men.

As our economy recovers from the pandemic, we should be doing everything possible to maximize opportunities for employers. California should allow employees to set hours that work for an employees' personal and family obligations rather than continuously trying to impose new mandates on employers, which burden their ability to afford to hire. This way, workers can continue to be employed and support themselves and their families.

**SB 703** would provide employees more flexibility because the employee could request an alternative workweek schedule on an individualized basis. It would also relieve employers of the administrative cost and burden of adopting an alternative workweek schedule per division. Pursuant to **SB 703**, at the **request of the employee**, an employer would be able to implement a flexible work schedule that allows the employee to work up to ten hours in a day or 40 hours in a week, without the payment of overtime. Employers should be able to provide their employees more flexibility and negotiate through a written agreement, revocable by either party, a daily/weekly schedule that satisfies the needs of both the employee(s) and the employer.

Promoting flexible policies that allow employees to continue to be employed and earn income is needed now more than ever.

For these and other reasons, we are pleased to **SUPPORT** your **SB 703** as a **JOB CREATOR**.

Sincerely,



Ashley Hoffman  
Policy Advocate  
California Chamber of Commerce

Acclamation Insurance Management Services (AIMS)  
Allied Managed Care (AMC)  
Anaheim Chamber of Commerce  
Building Owners and Managers Association  
California Association of Health Facilities  
California Association for Health Services at Home  
California Beer and Beverage Distributors  
California Building Industry Association  
California Business Property Association  
California Cattlemen's Association  
California Farm Bureau  
California New Car Dealers Association  
California Restaurant Association  
California League of Food Producers  
California Trucking Association  
California Lodging Industry Association  
Carlsbad Chamber of Commerce  
Chino Valley Chamber of Commerce  
Citrus Heights Chamber of Commerce  
Coalition of Small and Disabled Veteran Businesses  
Commercial Real Estate Development Association (NAIOP)  
Danville Area Chamber of Commerce  
Family Business Association of California  
Flasher Barricade Association (FBA)  
Fresno Chamber of Commerce  
Gilroy Chamber of Commerce  
Greater High Desert Chamber of Commerce  
Greater San Fernando Valley Chamber of Commerce  
Half Moon Bay Coastside Chamber of Commerce  
Hollywood Chamber of Commerce  
Independent Lodging Industry Association  
Industry Business Council  
La Cañada Flintridge Chamber of Commerce  
Laguna Niguel Chamber of Commerce  
Lake Elsinore Valley Chamber of Commerce  
Los Angeles Area Chamber of Commerce  
Mammoth Lakes Chamber of Commerce  
Manteca Chamber of Commerce  
Mariposa County Chamber of Commerce  
Mission Viejo Chamber of Commerce  
Murrieta Wildomar Chamber of Commerce  
National Federation of Independent Business  
Oceanside Chamber of Commerce  
Official Police Garages Association of Los Angeles  
Orange County Business Council  
Pacific Grove Chamber of Commerce  
Palos Verdes Peninsula Chamber of Commerce  
Plumbing-Heating-Cooling Contractors Association of California (CAPHCC)  
Rancho Cordova Area Chamber



Roseville Area Chamber of Commerce  
San Gabriel Valley Economic Partnership  
San Rafael Chamber of Commerce  
Santa Ana Chamber of Commerce  
Santa Barbara South Coast Chamber of Commerce  
Santa Clarita Valley Chamber of Commerce  
Sacramento Metro Chamber of Commerce  
Santa Maria Valley Chamber of Commerce  
Santee Chamber of Commerce  
TriCounty Chamber Alliance  
West Hollywood Chamber of Commerce  
West Ventura County Business Alliance  
Western Electrical Contractors Association (WECA)  
Western United Dairies

cc: Legislative Affairs, Office of the Governor

AH:am



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March 7, 2023

California Energy Commission  
715 P Street  
Sacramento, CA 95814

### **Re: Replacement Tire Regulations**

On behalf of the Automotive Service Councils of California (ASCCA), we are writing to provide comments regarding the proposed California Energy Commission (CEC) Replacement Tire Regulations. The ASCCA is the largest independent automotive repair organization in California representing members from all areas of the automotive repair industry including mechanical, auto body, supplier, and educators in the automotive technology field.

ASCCA supports efforts in developing and increasing energy efficient replacement tires for consumers. However, the proposed regulation (e.g. potential reduction of tire tread depth) creates issues such as: tire safety (e.g. stopping and braking consequences), harm to the environment (e.g. increasing scrap and waste tires) and increasing future tire costs to low income working families (e.g. reducing the average tire life/mileage requires frequent replacement of tires). This would be inconsistent with AB 844 (Nation, Chapter 645, Statutes of 2003)

ASCCA is concerned that the proposed regulations will negatively impact small businesses by placing unreasonable and costly mandates upon any automotive repair dealer selling tires in California. Below are comments to the proposed CEC Replacement Tire Regulations.

- **Sign Pricing information** - The language in section 3309 (a) (1) requiring pricing information on signage for each replacement tire is vague and unworkable for automotive repair dealers (ARDs). Many ARDs do not carry replacement tires in stock. On occasion, they may order a replacement tire for a customer from a wholesale distributor or sublet the tire replacement to a third-party vendor. These ARDs will not know the price of the tire until the time the tire order is placed. Some ARDs may have tires in stock. If tire prices change, due to outside economic factors, the automotive repair dealer would need to continuously replace each sign with current pricing information. Including pricing information on signs is simply not practical.
- **Placement of Signage** - The language in sections 3309 (a)(1)(A)(5)(6) is restrictive, burdensome and may not accomplish the proposed regulation goals. The Bureau of Automotive Repair (BAR) which regulates all ARD's, including tire dealers, currently has sign requirements. See 16 CCR 3307(a)(b)(c). These requirements provide the ARD

flexibility to ensure signage is placed in a location where it is clearly visible to the general public. These regulations should be revised to provide the same flexibility.

Furthermore, the last sentence of Section 3309 (a)(1) stating “The location of the California replacement tire sign shall be accessible within arm’s length of the accessible location” is vague and ambiguous and should be deleted.

- **Sign effectiveness** - There are so many signs that already required to be posted by ARDs, such as Bureau of Automotive Repair signs, Prop 65 signs, smog check signs, brake station signs, storage signs, battery fee signs, video recording signs, ADA signs and permit postings such as business licenses, fire permits, air quality management permits and the list goes on. There is a Proliferation of signs currently required to be posted by dealers and the question becomes – How effective would another sign be?
- **Independent Verification of Disclosure Information** – Section 3309 (a) (1) (B), it is not clear whether the ARD must independent verify every tire energy efficiency disclosure to make sure it’s accurate. Will the ARD be able to rely on the tire manufacturer disclosures and simply pass information along to consumer without liability? It would be impractical to have an ARD independently verify tire energy disclosure information for every tire it sells. Who is ultimately responsible for this information? It is not clear, and this should be addressed in the regulation.
- **Replacement Tires Sold Internet & Print Catalog** – Sections 3309 (a) (2) (3) make vague and ambiguous references to tire pricing. Does the language mean that if a dealer does not list the specific price of the tire or offer a specific brand name tire for sale on the internet or catalog the regulations do not apply? In other words, if a dealer uses general terms such as “lowest tire prices” “tire rollbacks” “great deals on tires” “\$50.00 discount off tires” or any expressions of like meaning, then the regulations would not apply?
- **Existing Inventory of Non-Compliant Tires** - Do ARDs have to stop selling noncompliant efficiency rated tires on the date specified in the proposed regulations, namely: January 1, 2025? How do ARDs comply with the regulations if exiting tire stock/inventory is noncompliant after the deadline? Will tires manufactured before the deadline be exempt?
- **How to Identify & Confirm California Tire Compliant Tires** - How do ARDs easily ascertain and verify that tires are California compliant with the proposed regulations. Will tire manufacturers be required to mark tires as CA compliant? If so, with what type of markings? If not, how will the ARDs ascertain and verify compliance?
- **Customer Tires** - If a customer purchases and brings their own non-compliant tire to the dealer for installation, can the ARD install tire without violating the law and incurring penalties? How does the ARD handle such a customer request under the proposed regulations and remain compliant?
- **ARD Documentation Requirements** - What documentation and records, if any, will be necessary for the tire dealer to show that they are in compliance with the regulations? The regulations are silent on such requirements.

- **Enforcement of Regulations** - How will the CEC enforce these new regulations against ARDs or will other agencies such as the BAR enforce?
- **Economic Impacts and Cost to Small Business** - Has the CEC conducted any research or gathered any information as to the economic impacts and costs to small business ARD's, if these regulations were implemented?
- **Exemptions for ARDs that occasional replace tires-** Auto body shops, smog check test/repair shops, preventative maintenance facilities and other small mechanical shops on occasions will replace a tire upon a consumer request. The primary business of such facilities is not selling tires. Requiring these types of businesses to meet the same requirements as those that primarily are in the business of selling tires is unfair. The CA Air Resources Board took such types of business in consideration when they developed the "check and inflate" tire regulations and provided exemptions for certain businesses. See Title 17 CCR section 95550.

As an alternative to exemptions, the CEC should consider revising the definitions of "Tire Dealer" and "Tire Retailer" under section 3302 to include only those that are primarily in the business of selling tires which would exempt the occasional tire replacement situations. For example, the CEC should consider including in the definition only those automotive repair businesses that represented and obtained BAR licenses/registrations to BAR (under penalty of perjury) that they are primarily in the business of selling tires. Please refer to the BAR application - question #13, Primary Business Type – and the specific Tire Shop designation. See link below to the BAR application.  
<https://www.bar.ca.gov/pdf/ard-reg-app-frm.pdf>

- **Exemptions for Fleet work/Commercial Business Arrangements** - Will there be exemptions for tire dealers who have commercial business agreements with other commercial businesses for tire replacement on a continuing basis? These types of arrangements are currently exempted by the BAR and should be exempted in these regulations. See Business and Professions sections 9880.2(b); 9880.1(e).
- **Bureau of Automotive Repair (BAR)** - The BAR regulates automotive repair dealers including all tire dealers. Has the CEC engaged the BAR on these regulations?

Thank you for the opportunity to provide comments to the CEC proposed Replacement Tire Regulations. We look forward to a future CEC workshop where these issues can be discussed in further detail.

Sincerely,



Gloria Peterson  
Executive Director