



# Maine Auto Recyclers Association

Winter 2012

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## Maine Auto Recyclers Meet with Secretary of State on Dealership and Repair Issues

The Transportation Committee of the Maine Legislature this spring had placed before it a proposal which would have relaxed the requirement that auto dealerships, including used car dealerships, have repair facilities on site capable of handling at least two vehicles. The hearing on the bill brought forth so much testimony that the Committee assigned the measure to Maine's Secretary of State, who oversees the Bureau of Motor Vehicles, and called for a review of all laws affecting dealerships. BMV held a number of meetings with dealers this summer. Because many of our members also sell cars, MARA was well represented at these meetings, by Directors Jeff Bazinet, Kerby Littlefield, Bob Miville, and Executive Director Bill Bell.

Subsequently (December 13) Maine Secretary Of State Charlie Summers hosted a meeting with all participants, including our MARA delegation, to go over a preliminary draft of recommendations. The used car dealers, who do not have an organization similar to MARA, were divided in their opinions, to say the least. In fact Secretary of State Summers said he had not heard as many diverse points of view since, as a freshman legislator from Scarborough, he introduced a measure to regulate sea urchin harvesting.



Secretary of State Charlie Summers

It will be very interesting to see what kind of proposed rules the Secretary of State takes back to the Legislature's Transportation Committee early in the year. For years, car dealerships have operated under some very detailed requirements assembled, as Garry Hinkley of BMV pointed out, "by the dealers themselves." Designed to protect the public so that "fly-by-night" operators could not sell used cars and then disappear when the vehicle turned out to be defective, the rules set forth exactly what tools the dealer must have on hand, how many hours a week the dealer must be open, and how large the sign must be on the dealer's site. The Secretary of State at one point asked "Do you really want me to be engaged in 'protectionism' here?"

The issues discussed with the Secretary of State and to be discussed again at the Legislature include whether a dealer can lease out his garage and still meet the "repair facility" requirement; the requirements for a dealer "annex" facility; and whether to revise the required hours of operation for a dealer.

**The major accomplishment of the meeting was perhaps not the discussion of the regulations themselves, which will be re-debated in front of the Legislative Committee, but the commitment from the Secretary of State to meet with our working group on a regular basis.**

## Warranties, Auto Manufacturers and Recycled Parts



As you are aware, recyclers must constantly fight to maintain their place in supplying parts and services in the automobile repair business. One vital tool in this has been the federal Magnuson-Moss Warranty Act, which is designed to protect the public from unfair and deceptive warranty policies. This summer, our national Automotive Recyclers Association was successful in getting the Federal Trade Commission to update a publication having to do with auto warranties. The FTC bulletin now categorically states: "Simply using an aftermarket or recycled part does not void your warranty."

ARA has since filed comments with the FTC urging them to closely monitor the auto manufacturers to be sure that they are not continuing to imply that second-hand parts are inferior and will jeopardize warranties.

This disagreement with the auto manufacturers extends to a number of areas. Less than a month ago, ARA issued a statement pointing out that "during the past three years, auto manufacturers have become more aggressive... claiming that genuine recycled parts are inferior to new original equipment manufacturer (OEM) parts. Auto manufacturers seem to be attempted in exclude genuine recycled parts from the collision repair market."

ARA is now urging the collision repair industry to fight for the right to NOT be restricted to OEM standards in the repair process. In fact, ARA has just published a one-page flyer for Collision Repair Shop Owners, listing 10 reasons why these businesses should not automatically accept the automakers' repair policies. Copies of this flyer are available upon request from our MARA office.

## Which Cars are Mostly Highly Valued ..... By Car Thieves?



The National Highway Traffic Safety Administration's most recent report of car thefts shows that Toyota Camrys were the most frequently-stolen cars in 2009. Part of the reason for this popularity is of course the fact that there are an awful lot of Camrys out there to steal. When the figures are adjusted to reflect the relationship between car thefts and the numbers of a specific vehicle sold in 2009, Audi S-8s were the most tempting to car thieves,

followed by Shelby GT Mustangs, BMW M5s, Dodge Chargers, and Honda S200s. The least appealing to car thieves was the Mercury Mariner, being discontinued, with only 2 stolen out of over 25,000 sold.

Interestingly, the car theft rate was down significantly for 2009, with only 1.33 vehicles stolen per 1,000 sold, compared to 1.69 such thefts in 2008. Part of this decline was attributed by NHTSA to greater public use of anti-theft devices, and part to vehicle parts marking.

## Maine News

**Your MARA Board of Directors** has been talking with Maine Bureau of Motor Vehicles about changing Maine law to accord more specific status to auto recyclers. Maine DEP, which thinks that we are doing a great job and deserve special recognition, is on board with this concept. We'll talk about it at our March 15 Annual Meeting!

**MARA President Paul Pinette** recently purchased the former Corbin and Sons salvage yard, now renamed Whitefield Auto Recycling, on Route 17, about a mile from Paul's Pick-A-Part, also owned by Pinette.

## Maine DEP Considering Phase-Out of Mercury Switch Program



In a report being presented to the Maine Legislature January 16, 2012, Maine DEP is recommending that its various Mercury-In-The-Environment programs be reconsidered. Some of these programs, particularly for household items, seem to have been very costly and not terribly effective.

MARA's Directors believe, however, that our vehicle mercury switch program, in contrast, has been highly effective and is presently costing the State of Maine very little—we take care of the program ourselves, with recyclers now mailing back the switches.

Our program was initiated in 2003, at the same time that auto manufacturers stopped the use of mercury switches in new cars. Maine became one of the first states to establish a return

program, and a video on the program made by DEP and MARA was distributed nationwide. Since that time, our industry has returned over 50,000 switches, thereby (at 1 gram/switch) removing 112 pounds of mercury, a highly toxic substance, from Maine's environment. In 2008 and 2009, we returned almost 7,000 switches a year. The annual total has been declining lately but, as one of our Directors notes, "there are still a lot of switches out there."

The DEP report notes our accomplishment, stating that "some programs, such as the mercury vehicle components, should be re-evaluated due to the success of the program." In other words, they assume that there are very few switches left to recycle. We plan to tell the Legislature that the program should be continued, although we would be glad to advise on a gradual phase-out.

## NMVTIS Reporting is Important!



In the wake of Hurricane/Tropical Storm Irene and extensive flooding in the Northeast, the national Automotive Recyclers Association has called upon Congress to strengthen the National Motor Vehicle Title Information System (NMVTIS) reporting system to prevent the sale of flood-damaged vehicles to unsuspecting customers, as happened after Hurricane Katrina. ARA states "Congress should intervene and permit individual state enforcement agencies to work with the U.S. Department of Justice to identify and implement efficient methods to increase participation." ARA also states the need to "target all businesses/individuals who are operating under the radar" in bringing in and selling flood-damaged vehicles from other states.

**The U.S. Department of Justice has sent "non-reporting notices" to businesses in 30 states. These efforts have re-**

**sulted in approximately 100,000 additional vehicles being reported. DOJ has also conducted on-site inspections at junk/salvage/recycling facilities in six East Coast states.**

Neither Maine nor any other state is presently passing through VIN information to the U.S. Department of Justice.

**You must do this directly through a third-party data consolidator.**

MARA Executive Director Bill Bell met this fall with members of the Towing Association of Maine to advise on the NMVTIS reporting requirements. Bottom line in the message was "yes, it's a hassle if you haven't done it before, but once you get set up, it's not that difficult."

If you wish to read the full release from the U.S. Department of Justice regarding NMVTIS enforcement, it is available by contacting MARA at [feedalliance@gwi.net](mailto:feedalliance@gwi.net).



**Maine Auto  
Recyclers Association**

Winter 2012

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## Save the Date!

### MARA Annual Meeting

Thursday, March 15, 2012

Rooster's, Civic Center Drive, Augusta

Social Hour 5:30pm, Dinner 6:30pm

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