

THE WANADA BULLETIN

NEWS AND INFORMATION FOR AND ABOUT FRANCHISED NEW CAR DEALERS IN THE WASHINGTON AREA

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Virginia General Assembly Election Preview

As many of you are likely aware, the 2023 Virginia General Assembly elections will be historic. With mere two-vote majorities existing in both the House of Delegates and Senate of Virginia, control of both chambers hangs in the balance. There will also be tremendous turnover in both bodies and a huge loss of institutional knowledge as a result of a very large number of retirements, a large number of House members opting to forego their House seats to run in the Senate, and legislative districts drawn by the Supreme Court that have created a large number of open seat races.

[WANADA has prepared a chart](#) to help you

identify the announced candidates for the House and Senate Districts in Northern Virginia. It shows the current slate of announced candidates, how each district performed in the last two gubernatorial races and contains color coding that shows the partisan lean of each district based on an average of the last two Governor's races. A dark blue or dark red color indicates the district is likely to go to the Democrats or Republicans, respectively. A light blue or light red color means the district leans to the Democrats or Republicans, respectively. A green color means the district is a toss-up or too close to call based on past performance.



Using this analysis across the entire state, Democrats appear to have a very slight edge in the Senate (22 solid or leaning to the Democrats, 17 solid or leaning to the Republicans and one toss-up) and a larger but not insurmountable edge over the Republicans in the House races (49 solid or leaning to the Democrats, 17 solid or leaning to the Republicans and 10 toss-up races). These results are based on averaging of the district performance in the last 2 Governor's races, so are by no means definitive, particularly at this early stage in the cycle. It is important to remember that 2023 could yield completely different electorate turnouts, districts could move more towards one party or another and, of course, candidate quality can trump historical voting trends. As a result, the ultimate outcome on which party will control the House and Senate is too close to call at this time. It will likely be a long evening in November before we know who wins control of the House and Senate in Virginia.

Maryland Joins Other States in ICE Vehicle Ban

Maryland is the latest state to join the ban on the sale of ICE vehicles after 2035, Maryland's Governor Wes Moore (D) said in a statement on March 13. Moore said the state has adopted the Advanced Clean Cars II rule — what he describes as a major step to improve air quality in the state and combat the effects of climate change.

The Advanced Clean Cars II rule, first implemented in California last year under a provision of the federal Clean Air Act, allows states to impose strict standards on vehicles. Those standards apply only to passenger car and light truck sales and are not retroactive to existing cars or to used car sales.

“Today, we're talking about a major transformation that is going to define this administration—and that's how we turn Maryland from a state powered by oil and gas to a state powered by clean energy,” said Moore. “I am confident that the state of Maryland can and will lead the clean energy revolution.”

Prior to the outright ban of fossil fuel-powered vehicle sales, the Advanced Clear Cars II rule requires auto manufacturers to continuously increase the share of electric vehicles they sell to reach 100% by 2035.

According to a Maryland Department of the Environment analysis, 383,000 fewer new gas-powered vehicles would be sold under the new rule by 2030, rising to 1.68 million fewer conventional vehicles by 2035.

Critics of such bans note that America's infrastructure is not yet prepared. America's electric grids likely need significant upgrades to handle most Americans driving electric cars — a complex process involving dozens of companies and coordination between state and federal governments. Toyota Motor chief Akio Toyoda, for example, has stated that “People involved in the auto industry are largely a silent majority. That silent majority is wondering whether EVs are really OK to have as a single option. But they think it's the trend so they can't speak out loudly.”

Toyoda's remarks came as supply chain issues that were sparked by the coronavirus pandemic have continued to make it difficult for manufacturers to get the raw materials needed to make new cars, especially electric vehicles.

FTC Cracks Down on Targeted Advertising Without User Consent

A [recent article](#) from ComplyAuto helps shed light on an important area that is receiving attention from the Federal Trade Commission (FTC). As it is relevant to many dealers' daily operations, it has been reprinted below in full.

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The recent case against GoodRx by the Federal Trade Commission (FTC) for sharing a user's sensitive health information with online advertisers without the user's consent should be taken seriously by all businesses, including automotive dealerships. The lesson here? Dealerships should implement comprehensive privacy policy disclosures and a well-designed cookie consent banner to avoid the FTC's scrutiny.

Like GoodRx, automotive dealerships often use cookies for retargeted advertising with companies such as Google and Meta (Facebook). "Retargeted advertising" allows dealerships to display advertisements to users who have previously interacted with their website or shown interest in their products or services. This increases the touch points with that user and makes them more likely to convert into a sale. The FTC lawsuit against GoodRx alleges that the company integrated third-party tracking tools from Meta, Google, and other advertisers and shared user health data with them for advertising purposes without the user's consent. Additionally, GoodRx used the personal health information to target users with advertisements itself and failed to limit third-party use of their information. According to the FTC, this violated Section 5 of the FTC Act, which broadly prohibits deceptive and unfair acts or practices.

For dealerships that want to avoid becoming the FTC's next example, they must begin obtaining proper consent for the use and sharing of cookies that collect and track a prospective finance or lease customer's online information and browsing history (and for those of you wondering, yes, the federal Gramm-Leach Bliley Act defines non-public personal information as including cookies and similar technologies). To state the obvious, this is an action based on federal law, so dealerships in all states (even those without comprehensive privacy laws) must prioritize protecting user data by updating their privacy policies with comprehensive disclosures, a cookie use policy, and a compliant cookie consent banner.

For example, a well-designed cookie banner is a crucial tool for dealerships to obtain users' informed consent for the use of online tracking in connection with retargeted advertising. However, poorly designed cookie banners can do more harm than good if they are implemented to confuse or trick consumers into consenting to online tracking (often referred to by regulators as "dark patterns"). Unfortunately, many vendors offer cookie banners that don't actually work and may inadvertently allow cookies and other tracking technologies to deploy before the user has a chance to consent.

In short, online privacy disclosures and cookie consent management should be a top priority for any risk-averse auto dealership. Updating privacy policies with comprehensive disclosures and implementing a compliant cookie consent banner can help defeat claims similar to those brought against GoodRx and protect the dealership from other novel privacy allegations like we have seen with the recent uptick of state and federal wiretapping lawsuits stemming from online tracking activities.

ComplyAuto is the leading provider of privacy-tech for the automotive industry and represents over 7,000 dealers with automated tools for privacy policy and cookie consent management. Learn more at www.complyauto.com.

Sheehy Ford donates \$17,000 to Fauquier FISH

As reported in the [Fauquier Times](#), Sheehy Ford of Warrenton recently donated \$17,000 to Fauquier FISH as part of Sheehy Auto Stores' Annual Giving Program for 2022.

The donation was part of a total of \$219,500 given to charities throughout communities in Virginia, Washington, D.C., Baltimore and Hagerstown, Maryland, according to a news release.

Fauquier FISH provides a range of services to Fauquier County residents. Its programs include food pantry distribution; book bag and school supply drive; "weekend power pack" meals for Fauquier County schoolchildren; senior meals delivered to the Warrenton Senior Center; farmers market program; and holiday food baskets. Across all programs, FISH serves more than 2,000 individuals annually.



Frank McCarthy, GM of Sheehy Ford of Warrenton, presenting the donation to Fauquier FISH.

Councilor, Buchanan & Mitchell Donates to Earthquake Victims

WANADA kindred line member and sponsor of the WANADA Bulletin Councilor, Buchanan & Mitchell (CBM) and individual team members collectively donated \$10,200 and other supplies to help those impacted by the recent, devastating earthquake in Turkey and Syria. Since the crisis, individual staff contributed cash donations totaling \$5,100 to aid organizations such as the American Turkish Association of Washington, DC, the White Helmets, the Syrian American Medical Society Foundation, Turkish Philanthropy Funds, World Central Kitchen, Doctors Without Borders and others, as well as essential resources including blankets, sleeping bags and lamps to the Turkish Embassy in Washington, DC.

CBM matched team member donations made in February, contributing an additional \$5,100 to the American Turkish Association of Washington, DC and the White Helmets to provide relief to communities in the affected regions.

CBM expresses its condolences to those grieving and struggling to receive the aid and support they need.

Councilor, Buchanan & Mitchell (CBM) is a professional services firm delivering tax, accounting and business advisory expertise throughout the Mid-Atlantic region from offices in Bethesda, MD and Washington, DC.

Reminder: Montgomery County Energy Benchmarking Reports Due 6/1

All dealers with buildings in Montgomery County with 25,000 gross sq. ft. or more must benchmark and report building profile and energy data to the Montgomery County Department of Environmental Protection (DEP) by June 1st of each year using ENERGY STAR Portfolio Manager. **The CY 2022 building energy benchmarking data can be reported to DEP [at this link](#).**

Energy Benchmarking is the process of tracking a building's annual energy use and using a standard metric to compare the building's performance against past performance and to its peers nationwide. Benchmarking improves our understanding of energy consumption patterns; helps identify energy saving opportunities within a portfolio of buildings; and manages business bottom line through consistent data collection and tracking. Please review the [Benchmarking Overview](#) and [Benchmarking Checklist](#) to get started.

Montgomery County's [Energy Benchmarking Law](#) requires building owners to:

- Track the energy use of buildings 25,000 gross square feet and greater in the county in ENERGY STAR Portfolio Manager,
- Have data verified by a Recognized Data Verifier the first year and every three years thereafter, and
- Report data to the County annually for public disclosure.
- Meet long-term site energy use intensity performance standards. For more information on compliance with Building Energy Performance Standards, visit DEP's [BEPS website](#).

The CY 2022 building energy benchmarking data can be reported to DEP [at this link](#).

To report data for previous years, please [contact DEP](#) for the reporting link. The [Department of Environmental Protection](#) (DEP) is responsible for the implementation of this law. [Email](#) or call them at 240-777-7707.

Information and resources are provided below to aid compliance. To download an overview of the program and reporting:

- **Official Guide:** DEP has put together a comprehensive, set-by-step guide for complying with the Building Energy Benchmarking Law in Montgomery County, which includes background information, clarifying instructions, and details about reporting benchmarking data to the County. Download the [Official Guide for Building Energy Benchmarking](#) (PDF, 1.56MB) in Montgomery County
- **Benchmarking How-To Guide:** Guide with screenshots of how to create a Portfolio Manager account, create a property, create meters, and enter energy data. Download the [How-To Guide](#) (PDF, 1.39MB).

Save the Date for the 2023 WANADA Open!

The WANADA Open will be returning to Trump National Golf Club in Sterling, VA on **June 12, 2023** after an imminently successful outing in 2022. Mark your calendars today and stay tuned for more details. Sponsorship opportunities and registration information will be distributed as soon as it is available.

The WANADA Bulletin is Sponsored by the Following Kindred-Line Members:

