



CHAPTER "99" NEWSLETTER ASC-CA-NORTH



Membership Meeting

When: Wednesday, June 30, 2010
Time: 6:00 PM
Where: Lulu's Banquet Room
2230 Pine Street (Pine St. & Cypress Ave.)
Redding CA 96001

Due to family health emergency the Jasper Engines and Transmissions presentation scheduled for this month has been cancelled. Instead, the New ASSCA Professional Insurance Partner will present the program.

Program: **Armstrong & Associates Insurance Services**

Speakers: **Brad Davis, Program Director** (916) 923-5070—bdavis@armstrongprofessional.com
Glen Dailey, Sales Exec (NorCal)(916) 286-0925—gdailey@armstrongprofessional.com

PRIZES-PRIZES-PRIZES—You can't win unless you are there to play!

Calendar

Wednesday, **July 28, 2010** @ 6:00 pm Dinner Meeting - Lulu's Restaurant - **Dean Lowe** of Pacific Management Services - Dean is a consultant specializing in compliance with laws and regulations regarding toxic and hazardous materials, employee right-to-know, fire and safety.

Wednesday **August 25, 2010** @ 6:00 pm - Lulu's Restaurant - **David Gregory** - ASCCA Attorney

Wednesday **September 29, 2010** @ 6:00 pm - Lulu's Restaurant - **Maylon Newton**, Educational Seminars Institute (ESI) Management

Something to Think About

The state with the highest percentage of people who walk to work: Alaska

The percentage of Africa that is wilderness: 28% (now get this...) The percentage of North America that is wilderness: 38%

The first novel ever written on a typewriter: Tom Sawyer.

Those San Francisco Cable cars are the only mobile National Monuments

$111,111,111 \times 111,111,111 = 12,345,678,987,654,321$



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Important News!

AB32 is back regarding mandatory tire pressure checks. The new implementation date is Sept. 1, 2010 so we don't have much time to call our reps or write letters. The bill is too long to get this newsletter that I mail. You can download

<http://www.arb.ca.gov/regact/2009/tirepres09/3rd15dayatt1.pdf>

AB32—An Insurance Rep Addresses Our Concerns

As an insurance agent, who was involved in a Firestone claim that cost a Ford dealer over \$5,000,000, there may be no right answer when it comes to liability regarding your actions no matter how good your intent. The reason the dealer was hit, and not indemnified by Firestone was poor documentation. It seems that there are circumstances that warrant a different tire pressure from manufacturers specs. In situations where the vehicle has non OEM tires, you have a liability. Unfortunately, auto repair shops now have to become tire experts. In addition since you are now checking the tires, **you have to inform the customer of any deficiencies of any tire. AND have them acknowledge that in writing.** That was what tripped up the Ford store.

My suggestion is to **protect yourself with disclosure and language on your R.O's.** If they are computer generated, I would recommend they be amended to preprint some or all of the following; If not get a stamp made for your R.O supply until forms can be ordered with appropriate disclosure language.
Tire pressure line or field for each tire.

Tires are or are not factory spec for the vehicle. Then a disclaimer if they are not, as the recommended inflation may require a licensed tire shop to determine. I acknowledge and agree to hold harmless the shop for any liabilities and agree to have inflation checked by a licensed tire dealer within X days. Remaining tire depth for each tire.

Any safety problems with any tires. Big disclaimer. You have a problem with X tire(s). It is a potential safety issue. (If you sell tires, then a statement regarding customer declines any new tires, and holds your shop harmless for anything related to the tires, and that they have been warned.) (If you don't sell tires, that the customer is advised to immediately go to a tire shop to fix the issue(s), and failure to do so could result in bodily injury or death) Then a signature from the customer acknowledging the statement and problem.

Liability comes from poor or no documentation. Make sure every R.O. is completed properly. As an aside, the proposed language struck out the line that CARB is the enforcer of the law, so it is the plaintiff attorneys we have to be concerned with. I would also recommend you review your insurance policies to check your umbrella limit. No umbrella or a million dollar umbrella may not be adequate with the potential new regulation.

Justin Engel
American Hardware Insurance Company
Phone: 408 835 8022 Fax: 888 399 6652

Yogi Berra Quotes that may Apply

You've got to be very careful if you don't know where you are going because you might not get there.
I don't want to make the wrong mistake.
When you come to a fork in the road, take it.
I knew I was going to take the wrong train, so I left early.
This is like deja vu all over again.
The future ain't what it used to be.
It's tough to make predictions, especially about the future.

The Importance of Walking

Remember no one has ever suffered from pulling a fat. Muscles pull/tear all the time. I think we are going in the wrong direction.



Walking can add minutes to your life. This enables you at 85 years old to spend an additional 5 months in a nursing home at \$7000 per month.

My grandpa started walking five miles a day when he was 60. Now he's 97 years old and we don't know where he is.

I like long walks, especially when they are taken by people who annoy me.

The only reason I would take up walking is so that I could hear heavy breathing again.

I have to walk early in the morning, before my brain figures out what I'm doing..

I joined a health club last year, spent about 400 bucks. Haven't lost a pound. Apparently you have to go there.

Every time I hear the dirty word 'exercise', I wash my mouth out with chocolate.

The advantage of exercising every day is so when you die, they'll say, 'Well, she looks good doesn't she.'

If you are going to try cross-country skiing, start with a small country.

I know I got a lot of exercise the last few years,.....just getting over the hill.

We all get heavier as we get older, because there's a lot more information in our heads. That's my story and I'm sticking to it.

AND

Every time I start thinking too much about how I look, I just find a Happy Hour and by the time I leave, I look just fine.

AB32 - Tire Checking

(d) **Requirements and Compliance Deadlines.** Automotive service providers must meet the following requirements:

- (1) By ~~July 1, 2010~~ September 1, 2010, all automotive service providers are required to:
 - (A) check and inflate each vehicle's tires to the manufacturer's recommended tire pressure rating, with air or nitrogen, as appropriate, at the time of performing any automotive maintenance or repair service; and
 - (B) indicate on the vehicle service invoice that a tire inflation service was completed and the tire pressure measurements after the services were performed. If a tire inflation service was not performed (i.e., tire(s) were considered deemed unsafe) the automotive service provider must indicate on the vehicle service invoice why the service was not completed;
and
 - (C) perform the tire pressure service using a tire pressure gauge with a total permissible error no greater than \pm two (2) pounds per square inch (psi) an ANSI B40.1 Grade B tire gauge for checking tire pressure; and
 - (D) maintain, on the premises, have access to a Tire Inflation Reference guidebook or yearbook that is current within three years of publication; and
 - (E) keep a copy of the vehicle service invoice for a minimum of three years, and make the vehicle service invoice available to ARB, or its authorized representative upon request, onsite in accordance with the Business and Professions Code Section 9884.11 of the California Code of Regulations section 3356; and
 - (F) provide documentation of the vehicle service invoice to authorized enforcement personnel upon demand.

- (2) Notwithstanding subsection (d)(1) ~~above~~, an automotive service provider need not meet the requirements set out therein if the automotive service provider is performing only a free check and inflate service at the customer's request.
- (3) Notwithstanding subsection (d)(1)(A) ~~above~~, an automotive service provider need not perform the check and inflate service if:
- (A) the tires are on a vehicle with a GVWR over 10,000 lbs.; or
 - (B) the tires are determined by the automotive service provider to be unsafe, as defined in subsection ~~§ 95550~~ (c)(1413); or
 - (C) the customer declines the check and inflate service pursuant to subsection (d)(5), ~~provides documentation that the tires have received a check and inflate service within the preceding 30 days; or~~
- (4) Any Customers with vehicle tires inflated with nitrogen gas are also subject to the requirements in subsection (d)(1)(A-EF), but may refuse the inflation portion of the service if a nitrogen inflation system is not available at the time of the service.
- (5) a A customer may decline the check and inflate service if the customer affirms one of the following:
- (A) He or she has performed (or had performed) a tire pressure check and inflate service within the last 30 days, or
 - (B) He or she will perform (or will have performed) a tire pressure check and inflate service within the next 7 days.
- (6) If a tire inflation service was not performed as provided in subsections ~~(d)(2-4)~~ (d)(3)-(5), the automotive service provider must indicate on the vehicle service invoice why the service was not completed.

- (e) **Penalties and Injunctions.** ~~Any automotive service provider or owner or operator who fails to comply with the requirements of this regulation may be subject to penalties pursuant to Section 38580 of the Health and Safety Code.~~
- (1) **Penalties.** Penalties may be assessed for any violation of this article pursuant to Health and Safety Code section 38580. Each day during any portion of which a violation occurs is a separate offense.
 - (2) **Injunctions.** Any violation of this article may be enjoined pursuant to Health and Safety Code section 41513.
- (f) **Enforcement.** ~~Enforcement of this section may be carried out by ARB personnel, and any authorized representatives of ARB.~~
- (f) **Relationship To Other Law.** Nothing in this section allows automotive service providers to operate in violation of other applicable laws, including but not limited to:
- (1) California Vehicle Code.
 - (2) Health and Safety Code.
 - (3) Business and Professions Code.
 - (4) any other applicable law, ordinance, rule or requirement as stringent as, or more stringent than the requirements in section (d) of this regulation.
- (g) **Severability.** If any subsection, paragraph, subparagraph, sentence, clause, phrase, or portion of this regulation is, for any reason, held invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portion will be deemed as a separate, distinct, and independent provision, and such holding will not affect the validity of the remaining portions of the regulation.

Note: Authority cited: Sections 38510, 38560, 39600, and 39601, Health and Safety Code. Reference: Sections 38510, 38560, 39600, Health and Safety Code.

CODE of ETHICS

1. To promote good will between the motorist and the industry.
2. To have a sense of personal obligation to each individual customer.
3. To perform high quality repair service at a fair and just price.
4. To employ the best skilled personnel obtainable.
5. To use only proven merchandise of high quality distributed by reputable firms.
6. To itemize all parts and adjustments in the price charged for service rendered.
7. To retain all parts replaced for customer inspection, if so requested.
8. To uphold the high standards of our profession and always seek to correct any and all abuses within the automotive industry.
9. To uphold the integrity of all members.
10. To refrain from advertisement which is false or misleading or likely to confuse or deceive the customer.

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(Updated 2/2010)

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