



Regulatory Compliance eGuide

NEW LEGISLATION: HR, EHS, SALES/F&I

Complying With 2019 Laws

Are You Ready for 2019?

We can help.

COMPLIANCE. UNCOMPLICATED.

To help you start the new year aware and informed, this 2019 Regulatory Compliance eGuide is a compilation of the latest state and federal legislation that could impact your business.

You'll find updates on human resources, environmental health and safety, and sales/finance and insurance.

This eGuide lets you:

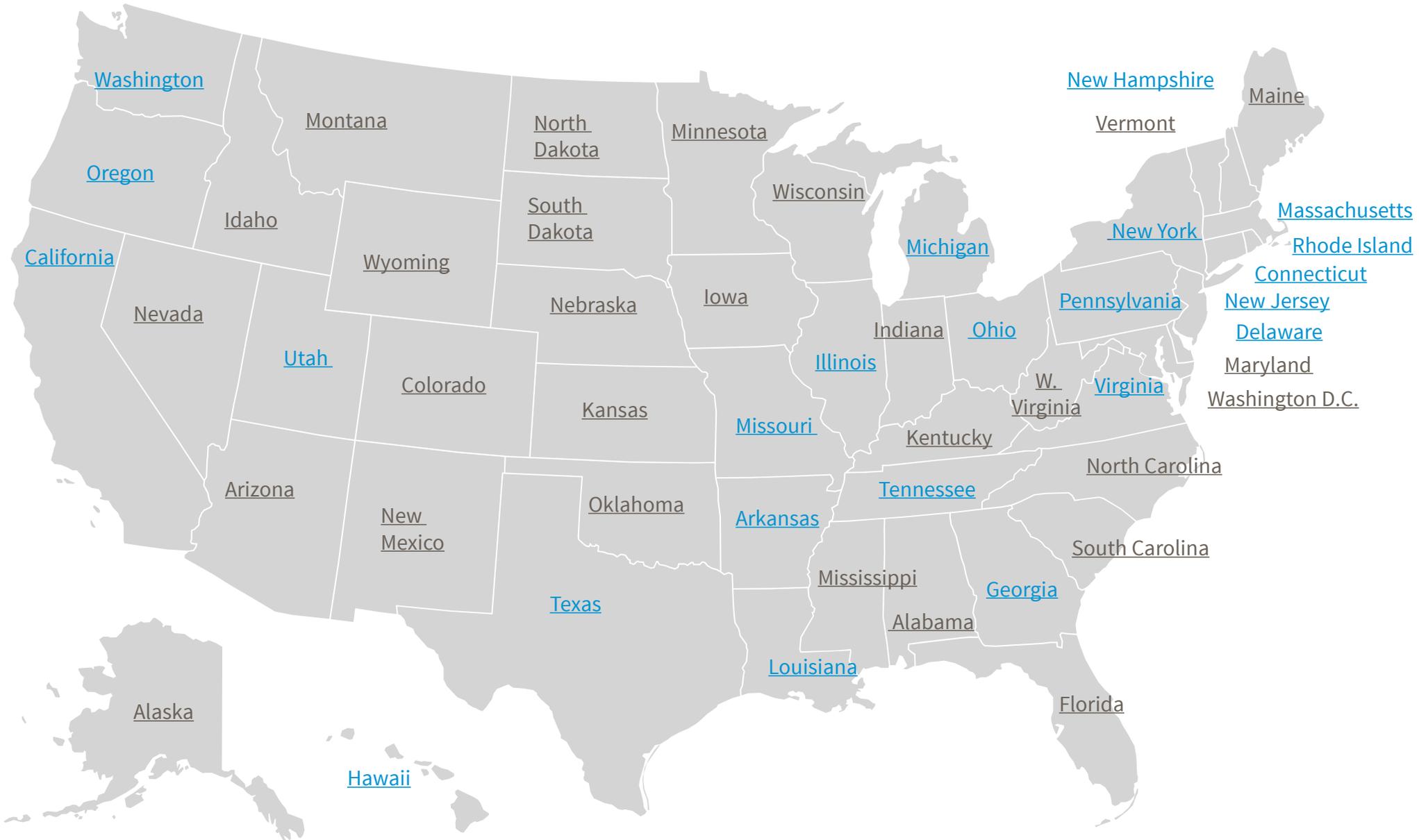
- Search for the new laws that directly affect you
- View a summary explanation of each regulation
- See the steps needed to maintain compliance*

**Disclaimer: Last updated 12/10/18. Numerous laws and regulations govern your facility. This material is general in nature and is not a substitute for more in-depth study of specific regulatory requirements or organizational best practices. KPA is not providing legal advice and therefore nothing in this material should be construed as legal advice. Qualified legal counsel should be consulted to address facility-specific issues.*



Navigating The eGuide

Easy to understand summaries, compliance tips, and checklists are at your fingertips! Just click on your state for: 1) Human Resources, 2) Environmental Health & Safety, or 3) Sales/F&I updates. You can also [view Federal updates here](#).



Federal Laws

REGULATORY COMPLIANCE EGUIDE

Federal Human Resources Laws

Federal regulations:

- [9 HR Laws](#)
- [7 EHS Laws](#)
- [1 Sales/F&I Law](#)

IRS — Rollover Notice Update for Retirement Plans

Who: Employers

When: 1/1/2019

What?

When employees who have contributed to a qualified retirement plan leave their jobs, the IRS requires employers to provide the employees with rollover options. The Internal Revenue Service (IRS) has published model notices for this purpose. Employers may also provide a custom notice to employees. Recent IRS changes from the Tax and Jobs Act (TCJA) made updates to the current model IRS Rollover Notice.

How?

- ❑ These changes include extending the rollover deadline from the time of distribution to the next tax return following a termination.
- ❑ When applying for hardship exceptions for self-certifications, the IRS has provided a 60-day extension and extended deadlines for rollovers from natural disasters.
- ❑ The new model notice states that the additional 10% tax under Code §72(t) only applies to amounts included in income and makes a number of other clarifications that apply to government plans.

IRS — Increased Contribution Limits for Retirement Plans

Who: Employers

When: 1/1/2019

What?

The IRS increased the contribution limit for 2019, so employees can now make annual contributions up to \$19,000 for the year with the maximum limit for total contributions from all sources increasing to \$56,000. That means that employees have the chance to receive up to \$37,000 in matching funds for contributions in 2019. The additional “catch up” limit for contributors age 50 and older will remain at \$6,000. The IRA contribution limit will increase from \$5,500 to \$6,000.

How?

- ❑ Adjust payroll systems for the new year.
- ❑ Inform employees about the new limits because these changes were announced late in the year. Employers may need to make additions to open enrollment materials.
- ❑ Notify your employees before year-end through open enrollment materials.



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IRS — Correct Retirement Plan Errors Online

Who: Employers

When: 1/1/2019 - 4/1/2019

What?

The IRS has released updates to its Employee Plans Compliance Resolution System (EPCRS) that now includes an electronic filing component to the Voluntary Correction Program (VCP). Starting in January, the IRS will allow electronic filing and hard copy submission to correct retirement plan errors. By April, only electronic submissions will be accepted.

How?

- ❑ Get familiar with new updates and subsequent new IRS processes to correct plan issues.
- ❑ VCP submissions will require a pay.gov account where you can electronically file with Form 8950.
- ❑ The IRS will issue a tracking number instead of acknowledgment letters and you will need to contact the VCP Status Inquiry Line if you need to modify or supplement information.
- ❑ The IRS will provide further instruction as you will no longer be assigned an agent.
- ❑ Plan corrections will only be accepted electronically after April 2019.

IRS — Updates to ACA Reporting Forms

Who: Employers With 50+ Full-time Employees (1095-C, 1094-C); Self-insured Employees With 50 or Less Full-time Employees (1095-B, 1094-B); Employers That are Members of a Controlled or Affiliated Service Group With 50 Full-time Employees (1095-C, 1094-C)

When: 1/1/2019

What?

The IRS has released forms for 2018 reporting under the Affordable Care Act. Employers will use new forms for 1094-C, 1095-C, 1094-B, and 1095-B in early 2019 to report on group health insurance coverage that they offered employees during the 2018 calendar year.

How?

- ❑ Notify employees before year-end through open enrollment materials.
- ❑ Applicable employers generally must provide Form 1095-C to all full-time employees by January 31, 2019, and file Form 1094-C and Form 1095-C with the IRS by February 28, 2019 (or March 31, 2019, if filing electronically).
- ❑ Self-insured employers with fewer than 50 full-time employees must disperse Form 1095-B to all individuals by January 31, 2019, and file Form 1094-B and Form 1095-B with the IRS by February 28, 2019 (or March 31, 2019, if filing electronically).
- ❑ The deadline to distribute 2018 Form 1095-C to employees is extended until March 4, 2019, instead of January 31. The delay also applies to self-insured small employers, insurers and others issuing Form 1095-B to covered individuals.

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IRS — Religious Exemptions & Contraceptive Coverage

Who: For Profit, Non-profit, Schools, Charities, Hospitals & Religious Employers

When: 3/15/2019

What?

The IRS has just released its final ruling on the Affordable Care Act (ACA) religious exemption. Employers may be exempt from providing contraceptive coverage due to religious beliefs or non-religious moral beliefs. This rule will take effect 60 days after it's published in the Federal Register on January 14, 2019. A covered plan sponsor, issuer, or plan will not be penalized for failing to include contraceptive coverage in the plan's benefits under the final regulations. The law will expand to include certain other individuals and entities based on their religious beliefs or moral convictions as well as employees voluntarily paying for contraceptives through their employer's insurance.

How?

- This rule doesn't apply to government institutions that impact health services for low-income women.
- Public companies with nonreligious moral obligations are not exempt insured through grandfather coverage before the ACA.
- Employers that claim an exemption may provide a self-certification or notice to the government, but are not required to do so.
- If an exemption claim is improperly filed, employers can face fines and lawsuits for not complying with the contraceptive mandate.

New Payroll Tax for Higher Incomes

Who: Employers

When: 1/1/2019

What?

Federal Insurance Contributions Act (FICA) are Social Security and Medicare taxes deducted through payroll. In 2019, payroll taxes for FICA will increase for salaries above \$128,400 and employees will see a decrease in their net pay.

How?

- Update your payroll system to account for the increased payroll tax in January 2019.
- Notify impacted employees of the new tax and when it will take effect.
- Perform a paycheck audit and check employees' withholdings according to the new Tax Cuts and Jobs Act (TCJA).



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DOL — Plans to Increase Salary for Overtime Exemption

Who: Employers

When: 1/1/2019

What?

The Department of Labor (DOL) plans to increase the overtime exemption in January 2019. The approximate increase is expected to be considerably less than the ruling in May 2016. The salary threshold for the exemption last increased in 2004 and before that in 1975.

How?

- Plan for any increases in the minimum salary for overtime exemption in your payroll practices.
- Identify executive, administrative, and professional employees who would meet or exceed \$30,000 in annual salary wages that currently would be impacted by this ruling.

DOL — Exempt vs. Nonexempt: When Employees are Paid on Hourly, Daily, or Shift Basis

Who: Employers

When: 1/1/2019

What?

The Department of Labor's (DOL) Wage and Hour Division (WHD) issued an opinion letter to clarify when professional, executive, or administrative employees paid on an hourly, weekly, or shift basis (subject to a weekly guarantee) are exempt from overtime wages. This rule explains that as long as the workers meet the weekly salary minimum paid on a salary basis, it doesn't matter if they are paid on hourly, weekly, or shift basis. There must also be a reasonable relationship between the guaranteed amount and the amount actually earned.

How?

- The "reasonable relationship" test will be met if the weekly payment is estimated to be equivalent to the employee's average earnings at the assigned hourly, daily, or shift basis.

How?

- There's a 3-year phase-in period, so you're not required to do anything immediately — although waste vendors may be adopting new fees related to e-Manifests in the future. Nonetheless, most waste vendors are not yet fully supporting e-Manifest.
- Be aware that you may see new waste handling fees from your waste haulers and Treatment Storage or Disposal Facilities.



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DOL — Final Rule for Association Health Plans Update

Who: Employers

When: 1/1/2019

What?

The Department of Labor (DOL) defined its final rule for Association Health Plans (AHPs). Small business employers and sole proprietors can band together to offer group healthcare coverage that doesn't need to comply with Affordable Care Act (ACA) provisions. The final rule includes changes to the rule set on January 1, 2018, like expanding the definition of a "working owner" and requiring a related reason for forming the association other than the AHP.

How?

- ❑ Sole proprietors and partners are considered "working owners" and qualify, even if they don't have any employees. They must receive income from the business or be compensated as an employee to qualify as a "working owner."
- ❑ Previously, AHPs could be formed merely by two businesses forming the association based on the health plan. Now, they have to have an unrelated reason why they created an association.
- ❑ If you are considering forming an AHP, seek counsel to navigate fluctuating regulations properly.



Federal Environmental Health & Safety Laws

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OSHA Site-Specific Targeting Program

Who: Employers

When: 10/16/18

What?

OSHA introduced the Site-Specific Targeting Program to target:

- Employers with the high injury and illness rates.
- Those with unexpectedly low rates.
- Those who did not submit data.

They will use injury and illness information that was electronically submitted by employers for calendar year 2016. In addition, they will have a continued focus on workplaces where an employee had an amputation, lost an eye, or died.

How?

- Always be ready for an unexpected OSHA inspection.

EPA Interim Final Rule for Facilitating Safe Management of Recalled Airbags

Who: Automotive Dealers & Facilities Disposing of Faulty Takata Airbags

When: Pending

What?

The Environmental Protection Agency (EPA) implemented an interim final rule that may eventually change how dealerships, salvage vendors, and others in the auto industry handle Takata airbag inflators as well as other non-Takata airbag components. The EPA's interim final rule goes into effect once it is published in the Federal Register. The agency will take comments on the rule for 60 days after that.

How?

- No actions are necessary at this time. KPA will keep you posted on the final rule.
- Takata airbag inflators will likely be exempt from hazardous waste regulations.
- Once the airbags arrive at a waste collection facility, they will probably no longer be exempt from the regulations.



Federal Environmental Health & Safety Laws

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OSHA Standards Improvement Project IV

Who: Employers

When: 12/1/18

What?

OSHA proposed to remove from its standards the requirements that employers include employees' Social Security Number (SSN) on exposure monitoring, medical surveillance, and other records to protect employees' privacy and prevent identity fraud.

How?

- ❑ After 12/1/18, leave employee's SSN off of exposure monitoring, medical surveillance, and other records.

OSHA Issues Final Rule on Crane Operator Certification Requirements

Who: Construction Employers

When: 12/9/18

What?

This final rule, excluding the documentation and evaluation requirements, will become effective on December 9, 2018. The evaluation and documentation requirements will become effective on February 7, 2019.

How?

- ❑ Employers are required to train operators to perform assigned crane activities, evaluate them on OSHA's criteria, and document the completion of those evaluations.
- ❑ Employers who have already evaluated crane operators before December 9, 2018, won't have to conduct evaluations all over again but will have to document when those crane evaluations were performed.



Federal Environmental Health & Safety Laws

Federal regulations:

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EPA Review of the Primary National Ambient Air Quality Standards for Sulfur Oxides (83 FR 26752)

Who: Employers

When: Pending

What?

The Environmental Protection Agency (EPA), under the Clean Air Act, is required to review and, if deemed appropriate, revise the air quality criteria and National Ambient Air Quality Standards (NAAQS) every 5 years. On June 22, 2010, the EPA published a final rule to revise the primary NAAQS for sulfur oxides to deliver increased protection for public health.

How?

- ❑ This rule is still in the proposed rulemaking. January 28, 2019, is the deadline for signature on a final decision notice.
- ❑ KPA will keep you updated on the final ruling.

Accidental Release Prevention Requirements: Reconsideration of Amendments Under Clean Air Act (82 FR 4594)

Who: Employers

When: Pending

What?

On January 13, 2017, the EPA finalized amendments to the Accidental Release Prevention Requirements for Risk Management Programs (RMPs) under the Clean Air Act, Section 112(r)(7). The amendments modify accident prevention program elements, including emergency preparedness and how information is shared with the public and local emergency responders.

How?

- ❑ On June 9, 2017, the EPA signed a final rule to delay the effective date of the RMP rule amendments until February 19, 2019. The EPA will be conducting a reconsideration proceeding to review objections about the final RMP amendments rule.
- ❑ KPA will keep you updated on the effective date of the final rule.



Federal Environmental Health & Safety Laws

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- [1 Sales/F&I Law](#)

Electronic Waste Manifests

Who: Employers that Generate Hazardous Waste

When: 6/30/21

What?

The Environmental Protection Agency launched the e-Manifest program for companies that generate hazardous waste. Over time, it's intended to reduce the costs and burdens of tracking paper manifests from generators to transporters to treatment/disposal facilities.

How?

- ❑ There's a 3-year phase-in period, so you're not required to do anything immediately — although waste vendors may be adopting new fees related to e-Manifests in the future. Nonetheless, most waste vendors are not yet fully supporting e-Manifest.
- ❑ Be aware that you may see new waste handling fees from your waste haulers and treatment storage or disposal facilities.



Federal Sales/Finance & Insurance Law

Federal regulations:

- 9 HR Laws
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- 1 Sales/F&I Law

FTC Fines for Falsifying Credit Information

Who: Employers

When: Always

What?

Earlier this year, the Federal Trade Commission (FTC) filed a legal complaint against a group of auto dealerships in Arizona and New Mexico for inflating customers' income, overstating down payment amounts, and publishing deceptive ads. It's a good reminder to ensure your finance practices are in compliance.

How?

- Be aware that lenders are regularly reporting illegal activity related to false credit applications to law enforcement.
- Implement a credit application policy.
- Require customers to complete credit applications in their own handwriting.
- Always require customers to initial next to the income statement on their credit application.
- Require finance personnel to give each customer a receipt for any down payment and keep a copy of the receipt in the deal file.
- Review all advertisements for compliance, prior to publication.



State Laws

REGULATORY COMPLIANCE EGUIDE

State Minimum Wage Updates

Several states and cities are increasing minimum wages. The tables on the following pages are updates on the amounts, effective dates, and what rates apply to which size employers.

Your compliance action item is to update your payroll system to ensure that employees receive the correct wages on the correct dates.



Minimum Wage Increases for January 1, 2019

State	New Minimum Wage	Effective Date
FEDERAL	\$10.60/hr. (federal contractors only)	1/1/2019
Alaska	\$9.89/hr.	1/1/2019
Arizona	\$11.00/hr.	1/1/2019
Arkansas	\$9.25/hr.	1/1/2019
California	\$12.00/hr. (26+ employees) \$11.00/hr. (up to 25 employees)	1/1/2019
Colorado	\$11.10/hr.	1/1/2019
Delaware	\$8.75/hr. \$9.25/hr.	1/1/2019 10/1/2019
District of Columbia	\$14.00/hr.	7/1/2019
Florida	\$8.46/hr.	1/1/2019
Maine	\$11.00/hr.	1/1/2019
Massachusetts	\$12.00/hr.	1/1/2019
Michigan	\$10.00/hr.	1/1/2019
Minnesota	\$9.86/hr. (\$500,000+ annual gross sales) \$8.04/hr. (less than \$500,000 annual gross sales)	1/1/2019
Missouri	\$8.60/hr.	1/1/2019
Montana	\$8.50/hr.	1/1/2019
Nevada	TBD (Without Benefits) TBD (With Benefits)	7/1/2019**
New Jersey	\$8.85/hr.	1/1/2019
New York	\$15.00/hr. (11+ employees in NYC) \$13.50/hr. (10 or fewer employees in NYC) \$11.10/hr. Greater New York \$12.00/hr. Nassau, Suffolk, Westchester counties \$12.75/hr. fast food employees outside NYC \$15.00/hr. fast food employees in NYC	12/31/2018
Ohio	\$8.55/hr.	1/1/2019
Oregon	\$12.50/hr. Urban counties \$11.25/hr. Portland metro \$11.00/hr. Nonurban counties	7/1/2019

Minimum Wage Increases for January 1, 2019

State	New Minimum Wage	Effective Date
South Dakota	\$9.10/hr.	1/1/2019
Vermont	\$10.78/hr.	1/1/2019
Washington	\$12.00/hr.	1/1/2019

Local	New Minimum Wage	Effective Date
Flagstaff, AZ	\$12.00/hr.	1/1/2019
Alameda, CA	\$13.50/hr. (26+ employees) \$13.50/hr. (25 or fewer employees)	7/1/2019
Belmont, CA	\$13.50/hr.	1/1/2019
Berkeley, CA	TBD	7/1/2019**
Bernalillo County, CA	\$8.05/hr. (without benefits) \$9.05/hr. (with benefits)	1/1/2019
Cupertino, CA	\$15.00/hr.	1/1/2019
El Cerrito, CA	\$15.00/hr.	1/1/2019
Emeryville, CA	TBD (56+ employees) TBD (55 or fewer employees)	7/1/2019**
Los Altos, CA	\$15.00/hr.	1/1/2019
Los Angeles City, CA	\$14.25/hr. (26+ employees) \$13.25/hr. (25 or fewer employees) TBD (Hotel Employees)	7/1/2019
Los Angeles County (Unincorporated), CA	\$14.25/hr. (26+ employees) \$13.25/hr. (25 or fewer employees)	7/1/2019
Malibu, CA	\$14.25/hr. (26+ employees) \$13.25/hr. (25 or fewer employees)	7/1/2019
Milpitas, CA	\$15.00/hr.	7/1/2019
Mountain View, CA	\$15.65/hr.	1/1/2019

Minimum Wage Increases for January 1, 2019

Local	New Minimum Wage	Effective Date
Pasadena, CA	TBD (26+ employees) TBD (25 or fewer employees)	7/1/2019
Redwood, CA	\$13.50/hr. (26+ employees) \$13.50/hr. (25 or fewer employees)	1/1/2019
Richmond, CA	\$15.00/hr. (without benefits) \$13.50/hr. (with benefits)	1/1/2019
San Diego, CA	\$ 12.00/hr.	1/1/2019
San Francisco (City & County), CA	TBD	7/1/2019**
San Jose, CA	\$15.00/hr.	1/1/2019
San Leandro, CA	\$14.00/hr.	7/1/2019
San Mateo, CA	\$15.00/hr. (For Profits) \$13.50/hr. (Nonprofits)	1/1/2019
Santa Clara, CA	\$15.00/hr.	1/1/2019
Santa Monica, CA	\$14.25/hr. (26+ employees) \$13.25/hr. (25 or fewer employees) TBD (Hotel employees)	7/1/2019
Sunnyvale, CA	\$15.65/hr.	1/1/2019
Chicago, IL	\$13.00/hr.	7/1/2019
Cook County, IL	\$12.00/hr.	7/1/2019
Portland, ME	\$11.00/hr.	1/1/2019**
Montgomery County, MD	\$13.00/hr. (51+ employees) \$12.50/hr. (11-50 employees/ 11+ employees & 501 C3 or home health care services provider/ 10 or fewer employees)	7/1/2019

Minimum Wage Increases for January 1, 2019

Local	New Minimum Wage	Effective Date
Minneapolis, MN	\$12.25/hr. (100+ employees) \$11.00/hr. (100 or fewer employees)	7/1/2019
Albuquerque, NM	\$9.20/hr. (without benefits) \$8.20/hr. (with benefits)	1/1/2019
Bernalillo County, NM	\$9.05/hr. (without benefits) \$8.05/hr. (with benefits)	1/1/2019
Las Cruces, NM	\$10.10/hr.	1/1/2019
City of Santa Fe, NM	TBD	3/1/2019**
Santa Fe County, NM	TBD	3/1/2019**
SeaTac, WA	\$16.09/hr. (for hospitality and transportation industries)	1/1/2019
Seattle, WA	\$16.00/hr. (501+ employees) \$15.00/hr. (500 or fewer employees with no benefits) \$12.00/hr. (500 or fewer employees with benefits)	1/1/2019
Tacoma, WA	\$12.35/hr.	1/1/2019

** Adjusted for inflation

Arkansas Human Resources Law

Arkansas regulation:

- 1 HR Law

Increase in Minimum Wage

Who: Employers

When: 1/1/2019

What?

Voters in Arkansas passed Issue 5, a bill to increase the minimum wage from \$8.50/hr. to \$11.00/hr. by the year 2021. Starting in January 2019, the wage will increase for non-exempt workers to \$9.25/hr. Then, in 2020, the wage will increase to \$10.00/hr. and in 2021 to \$11.00/hr.

How?

- Prepare for the increase in minimum wage by adjusting your payroll systems.
- Post new minimum wage poster by January 1, 2019, and notify managers.
- Issue 5 is an aggressive incline for one of the poorest states in the U.S. and it may receive pushback. Employers should watch for legislation changes, but prepare for the increase.



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SB 820 Limiting Settlement Agreements

Who: Employers

When: 1/1/2019

What?

This new California law is changing what can and cannot be part of legal agreements between employers and other parties. In this case, individuals can't be banned from disclosing factual information about sexual assault, harassment, or discrimination claims, including retaliation for reporting such activity.

How?

- ❑ If applicable, review your standard settlement agreements. Remove any broad confidentiality statements.
- ❑ Allow future settlement agreements to include factual information related to sexual assault, harassment, or discrimination claims.
- ❑ Abide by claimants' requests to have their identities shielded and any facts that could lead to discovering their identity withheld from their settlement agreement.
- ❑ If the case involves a government agency or public official, they can't shield their identities.

SB 954 Encouraging Mediation Confidentiality

Who: Employers

When: 1/1/2019

What?

SB 954 requires printed disclosures to be distributed to employees participating in mediation concerning confidentiality. Attorneys working on employment-related mediation cases will need to inform clients about confidentiality limitations and obtain their clients' written consent.

How?

- ❑ This information should be presented BEFORE an individual agrees to mediation.
- ❑ When using an attorney for employment mediation matters, make sure they inform involved parties that anything said during mediation isn't admissible evidence or subject to discovery. All communications, negotiations, and settlement discussions between participants or mediators are confidential, except as specified.
- ❑ Verify this language is included in agreements and signed before starting mediation.

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SB 826 Gender Equity on Board of Directors

Who: California-based, Publicly Traded Corporations

When: 1/1/2019

What?

By the end of 2019, all California-based, publicly traded corporations must have at least 1 female director on their board of directors. By 2021, the number of women who must be a part of the board of directors will increase based on the total number of people serving on the board.

How?

- Ensure that you have at least 1 female director on your board of directors by the end of 2019.
- By the end of 2021, at least 2 female directors will be needed if the corporation has 5 directors, and 3 female directors will be needed if the corporation has 6+ directors.
- Review your board of directors to analyze the members of your board and determine what you need to do to meet the requirements.
- Determine skills or attributes that are needed from female directors and plan to meet compliance requirements by the end of 2019 and in 2021.

AB 3109 Banning Non-Disclosures About Sexual Harassment

Who: Employers

When: 1/1/2019

What?

AB 3109 protects victims of sexual harassment from non-disclosure agreements that require them to maintain confidentiality on behalf of employers. Agreements and waivers that prevent victims from testifying or disclosing criminal conduct are prohibited in the workplace.

How?

- Review your contracts and settlement agreements and ensure they comply with this law starting in 2019.
- Don't draft contracts after January 1, 2019, that allow employees to waive their right to testify in alleged criminal or sexual harassment proceedings.
- If an employee or contractor has been issued a court order, subpoena, or written request from an administrative agency or state legislature, they must testify.

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SB 1300 Sexual Harassment Omnibus Bill

Who: Employers

When: 1/1/2019

What?

This bill amends the California Fair Employment and Housing Act. In addition to other stipulations, it will be illegal for employers to have employees sign a non-disparagement agreement or another type of document that denies employees the right to disclose information about unlawful acts in the workplace, including sexual harassment. The legal threshold will be reduced for harassment suits in 2019.

How?

- ❑ Employers may be responsible if non-employees harass your employees and you fail to take immediate and appropriate action. Plaintiffs will not have to prove that they endured sexual harassment — only that their employer was unable to prevent it.
- ❑ The standard will be based on whether a reasonable person finds that the harassment altered working conditions and made it more difficult for the employee to do his or her job.
- ❑ Review your policies and practices to ensure that you don't provide bonuses or raises in exchange for employees' silence about unlawful employment acts.
- ❑ Discontinue any non-disclosure or other agreements that stifle sexual harassment claims.
- ❑ Employers are encouraged to provide bystander intervention training for employees to help identify problematic situations and take action.

SB 224 Sexual Harassment in Professional Relationships

Who: Employers

When: 1/1/2019

What?

California's Civil Code already establishes certain professionals' liability for sexual harassment during the course of doctor-patient or attorney-client relationships. AB 224 will extend liability to include investors, elected officials, lobbyists, directors, and producers.

How?

- ❑ The California Department of Fair Employment and Housing (DFEH) will gain responsibility for receiving, investigating, mediating, and prosecuting complaints alleging sexual harassment violations during the course of specified professional relationships. DFEH accepts complaints when a person believes their employer is out of compliance with these requirements.
- ❑ Provide 2 hours of training on sexual harassment to non-supervisory employees by the end of 2019 and every 2 years thereafter.
- ❑ Review your internal complaint process for sexual harassment to ensure there are safeguards in place to mitigate the chances of a violation.
- ❑ Employers of 50+ employees are required to provide sexual harassment training to supervisors by the end of 2019 and every 2 years thereafter.

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AB 2770 Sexual Harassment Defamation Protections

Who: Employers

When: 1/1/2019

What?

This bill will create new protections for employers, witnesses, and complainants from defamation lawsuits when participating in sexual harassment claims and investigations. It will authorize an employer to answer, without malice, whether they would rehire an employee and whether or not a decision to not rehire is based on the employer's determination that the former employee engaged in sexual harassment.

How?

- ❑ Employers have an additional defense against defamation claims, but should be cautious when relying on it for litigation purposes.
- ❑ Ensure that managers and supervisors tasked with responding to inquiries are aware of these additional protections.
- ❑ Discuss with counsel when you should divulge information related to sexual harassment to third parties.

SB 1343 Required Sexual Harassment Training

Who: Employers With 5+ Employees, Including Temporary & Seasonal employees

When: 1/1/2020

What?

Currently employers with 50+ employees must give sexual harassment training to supervisors. By 2020, employers with 5+ employees must provide sexual harassment training to supervisory, non-supervisory, temporary, and seasonal employees.

How?

- ❑ Through the [Department of Fair Employment and Housing](#) sample online training courses are available for employers to use or employers can create their own per California law.
- ❑ Employers must provide 2 hours of sexual harassment training to all supervisor employees within 6 months of starting their position.
- ❑ Employers must provide 1 hour of sexual harassment training to all non-supervisor employees within 6 months of starting their position.
- ❑ Starting on January 1, 2020, temporary and seasonal employees must receive sexual harassment training with 30 days of hire or by 100 hours worked.
- ❑ All employers must provide sexual harassment training to employees every 2 years after January 1, 2020.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 3082 Sexual Harassment & In-Home Support Services

Who: In-Home Support Services Employers

When: 1/1/2019

What?

California's In-Home Supportive Services (IHSS) program provides assistance for qualified individuals who may be blind, disabled, or elderly so that they can remain in their homes. Children who are disabled and anyone that is 65 or older can qualify. As part of AB 3082, a statewide protocol will be established for in-home public health agents who encounter harassment.

How?

- ❑ Both workers and clients will need to receive training.
- ❑ Training documents and materials are provided on the IHSS website.
- ❑ By September 30, 2019, California's State Department of Social Services will present educational materials and a method to track results to the Legislature.

SB 1343 Harassment Training Online by DFEH

Who: Employers

When: 1/1/2019

What?

The Department of Fair Employment and Housing (DFEH) has released an online "one-stop shop" for employers to comply with California laws pertaining to labor poster and workplace notices, sample reasonable accommodation form, criminal history information, sample equal employment opportunity policy, sexual harassment training requirements and more!

How?

- ❑ Familiarize yourself with the new [resource](#).

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 168 Salary History Information

Who: Employers

When: 1/1/2018

What?

Existing law states that employers cannot rely on salary history in the hiring process when offering a job or setting a wage for the applicant. The bill prohibited employers from paying the opposite gender a different wage if the skills, efforts, and responsibilities are the same.

How?

- ❑ Review your hiring procedures, interview questions, and associated procedures to avoid asking applicants about setting their salary or expectations of what they think their wage should be. This is to ensure your team is in compliance with current law.

AB 2282 Clarifications Regarding Ban on Salary History Inquiries

Who: Employers

When: 1/1/2019

What?

AB 168 amends this salary history law and clarifies California's Equal Pay Act in 3 ways:

1. Reasonable requests for applicants and pay scales.
2. Employers can get applicants' salary expectations for the job they're applying for.
3. Guidelines for employers on how to make decisions on current employees' compensation. It will authorize California employers to consider an employee's current salary when setting his/her compensation as long as any resulting wage differences across the organization are justified by at least one legitimate, non-monetary factor, such as a seniority system or a merit system.

How?

- ❑ Update any hiring policies to reflect the clarification on salary history.
- ❑ Train managers and supervisors on how to comply with this law when initiating promotions or pay wages or hiring applicants.
- ❑ Implement a checklist for managers to confirm employees meet a non-monetary factor before a compensation change.
- ❑ Train human resources and your payroll department to be informed of the new protocol for compensation changes.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



Guidance to Employers to Close the Gender Wage Gap

Who: Employers

When: 1/1/2019

What?

The California Pay Act (CFPA) requires that workers must be paid the same wage for performing similar work regardless of sex, gender, or race. The California Commission on the Status of Women and Girls launched the California Pay Equity Task Force to oversee the CFPA program and recommend modifications. They have released new guidance for employers to comply with CFPA.

How?

- ❑ Recommendations for employers include frequently updating job descriptions to ensure they adequately reflect the duties and responsibilities of that position.
- ❑ Continually educate managers on how to determine wages according to new regulations and implement a process to document wage compensation decisions.
- ❑ Stay proactive and perform scheduled audits to determine wage discrepancies and ensure you comply with the CFPA.

AB 1976 Lactation Accommodations

Who: Employers

When: 1/1/2019

What?

The bill requires every employer to make a reasonable effort to provide accommodation to mothers who need to express breast milk in a private space that isn't a bathroom stall. The bill is amended to include temporary lactation spaces if the employer can't provide a permanent space due to operational, financial, or space limitations.

How?

- ❑ Review your lactation accommodation policies for compliance.
- ❑ Convert a room or office into a pleasant and private space for new mothers to express milk.
- ❑ If you are using a temporary space, it must be private and free from intrusion while expressing breastmilk. Use the location only for this purpose during the time the employee needs it, and it must meet California law requirements for lactation accommodations.
- ❑ Employer exemptions are allowed if you can demonstrate that providing a lactation space would cause undue hardship when considering your business's size, structure, and type of business.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



San Francisco Lactation in the Workplace Ordinance

Who: Employers

When: 1/1/2019

What?

Under state and federal laws, employers must accommodate nursing mothers. San Francisco's Lactation in the Workplace Ordinance went into effect on January 1, 2018, but beginning on January 1, 2019, employers will face fines for noncompliance. This law specifies details about the lactation room and requires lactation policies and procedures.

How?

- Employers must provide a clean, comfortable, and private place for mothers to pump breastmilk. The room can't be a bathroom, and it must contain an area to place items, electricity access, a sink, and a place to sit.
- The room can be used for other purposes, but lactation takes precedence.
- A refrigerator must also be available to store the expressed milk. It doesn't have to be located in the lactation room.
- San Francisco employers are only exempt from these requirements if they demonstrate undue hardship (excessive expense or operational difficulty).
- Employers must have a written Lactation Accommodation policy. Distribute it to all new employees and to anyone who inquires about it or requests pregnancy or parental leave.
- Keep employees' lactation accommodation requests for 3 years.

SB 1252 Pay Statements

Who: Employers

When: 1/1/2019

What?

This bill amends California's Labor Code, Section 226. As such, employees will be able to request a copy of their pay statements.

How?

- Give employees or former employees a hard copy of their wage records if requested.
- Ensure that you are following proper payroll practices and audit your wages for inconsistencies.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2587 Paid Family Leave

Who: Employers

When: 1/1/2019

What?

The State Disability Insurance Program has a family temporary disability insurance program known as the Paid Family Leave Program. Before January 1, 2018, an individual was eligible if they could not perform their typical duties for a 7-day waiting period to care for a seriously ill family member or to bond with a child.

Existing law states that employers are required to give employees 2 weeks of earned, but unused vacation (during any 12-month period in which the employee is eligible for these benefits) and any leave that doesn't exceed 1 week be applied to the waiting period. This bill would delete the 7-day period and any application of vacation leave for these benefits on and after January 1, 2019.

How?

- ❑ Train human resource managers on the new amendments to this law.
- ❑ Review your paid family leave policy and ensure that verbiage is updated to reflect removing the 7-day period provisions and vacation time applied to that period.
- ❑ Update your protocol when employees request paid family leave to remove the 7-day waiting period.

SB 1123 Paid Family Leave Extended to Active Duty or Family Member's Active Duty

Who: Employers

When: 1/1/2021

What?

Currently, eligible employees can take up to 6 weeks of paid family leave to care for a seriously ill child, spouse, parent, grandchild, sibling, or registered domestic partner, or to bond with a new child due to birth, adoption, or foster care placement. SB 1123 will expand the Family Temporary Disability Insurance Program to include time off to attend to a "qualifying exigency" related to an individual's spouse, registered domestic partner, parent, or child who is an active duty member of the U.S. Armed Forces.

How?

- ❑ A qualifying exigency includes any issues that arise from an order or deployment, an official military event, ceremony, program, counseling, parental care, arranging alternative childcare, or financial and legal arrangements.
- ❑ Employees approved for leave will receive 60-70% of their wages.
- ❑ Employers have until January 1, 2021, to comply with this law. In the meantime, employees are self-funding it.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 3212 Military Service Member Protections Extended

Who: Active Military Employees

When: 1/1/2019

What?

AB 3212 expands protections for service members, restricts credit reporting about active duty status, requires written responses to relief requests, and enacts criminal penalties for employers that don't comply with these requirements. Plus, it prevents debt collectors from contacting a service member's military unit for collection and protects service members in court proceedings.

How?

- ❑ Review your policies that relate to military service members and ensure processes and procedures to handle military service member requests are compliant.

AB 2605 Rest Breaks — Petroleum Facilities: Safety-Sensitive Positions

Who: Oil & Gas Industry Employers with Unionized Employees

When: 9/20/2018 - 1/21/2021

What?

AB 2605 makes employees with safety-sensitive positions at a petroleum facility exempt to the meal and rest break provisions. However, when workers are forced to miss a break, the employer must pay them 1 additional hour of compensation at the employee's regular rate of pay. This law will be in effect until January 21, 2021.

How?

- ❑ If you are in the petroleum industry, monitor safety-sensitive positions for meal and rest breaks.
- ❑ If an employee is unable to take a break, you must pay them 1 additional hour at his/her regular rate of pay.
- ❑ Come up with proper notification and payroll process to adequately compensate safety-sensitive positions for missed meals or rest breaks.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2610 Meal Periods for Certain Commercial Drivers

Who: Employers

When: 1/1/2019

What?

This bill will authorize commercial drivers who are employed by a motor carrier and transport items from licensed commercial feed manufacturers to customers located in remote, rural locations to take a meal period after 6 hours of work. This is provided that the driver's regular rate of pay is no less than 1 and ½ times the state minimum wage and the driver receives overtime compensation in accordance with specific provisions of existing law.

How?

- ❑ Develop a system to track meal periods for commercial drivers who drive more than 6 hours.
- ❑ Ensure that all commercial drivers are informed of this policy and know how to comply with it.
- ❑ The meal break period must begin no later than the end of an employee's fifth hour of work.
- ❑ A second meal period is due after 10 hours worked in a single day.
- ❑ Employees are ordinarily required to be relieved of all duty during their meal periods.
- ❑ It is not mandatory that employers pay for employees meal periods. Employees should clock in and out for meal periods, or note the start and end time for meal periods on their time sheets.

AB 1565 Contractor Liability

Who: Employers

When: 9/19/2018

What?

This bill changes aspects of how direct contractors work with subcontractors.

How?

- ❑ Ensure contractors that you bring on board are properly licensed and insured.
- ❑ For contracts drafted after January 1, 2019, direct contractors must spell out what subcontractors need to produce before the direct contractors can withhold disputed payments from the subcontractors.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 235 Apprenticeship & Pre-apprenticeship

Who: Employers

When: 1/1/2019

What?

AB 235 expands opportunity for new workers by investing in apprenticeship programs and regulations in California. The bill revises the California Apprenticeship Council to include more members establishing partnerships between agencies like firefighters and construction trades. Apprenticeship programs are also a way for women and people of color to gain access to employment and for the state to address discrimination in the workplace. Emerging industries for apprenticeship programs are advanced manufacturing, healthcare, and IT.

How?

- ❑ By January 1, 2019, the council is required to establish a pre-apprenticeship program to verify eligibility for any state programs, such as defining specific elements and how they can be measured.
- ❑ Watch for standards on a state-recognized apprenticeship program including certificates, on-the-job training, and classroom study.

AB 1373 Group Life Insurance

Who: Employers

When: 1/1/2019

What?

Group life insurance is given in the form of a certificate that states the coverage of insurance, an extension of insurance, and death benefits. With this amendment comes restrictions around the current law, such as an insurance policy not being given to less than 2 employees and being written under the issue of the employer who pays a premium. The amendment also covers who can be designated as a fiduciary or trustee and who's considered an employee. Employees can now be eligible through affiliated firms to qualify for group life insurance.

How?

- ❑ Review your group life insurance policies and ensure they comply with new amendment regulations.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



SB 1375 Health Insurance: Small Employer Groups

Who: Employers

When: 1/1/2019

What?

California has responded to recent legislation that allows small business owners, independent contractors, and sole proprietors to join together to form an association health plan (AHP) not held to the same regulations as the Affordable Care Act. With this bill, California removes sole proprietors from the list of eligible parties for AHPs.

How?

- ❑ If you are a sole proprietor and operating in the state of California, you'll have to continue to get insurance privately or through the marketplace during open enrollment.

SB 1428 Minors' Work Permits

Who: Employers

When: 1/1/2019

What?

SB 1428 allows minors to apply for work permits regardless of grade point average or attendance if the permit is for a government-administered employment and training program. This permit is authorized for the summer recess or school vacation.

How?

- ❑ Currently, educational officers, like superintendents, county superintendents, or charter school chiefs, can authorize work permits for minors, among others.
- ❑ If you authorize work permits for minors, ensure that your hiring managers understand how to comply with this rule and do not take grade point average or attendance into consideration when authorizing work permits for government agencies.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



SB 970 Human Trafficking Awareness

Who: Hospitality Employers with 50+ Employees

When: 1/1/2019

What?

As an amendment to California's Fair Employment & Housing Act, hospitality employers will need to provide the required training to employees likely to come into contact with human trafficking victims or modern-day slaves. Examples of employees who would take this training include those who work in reception, housekeeping, valet, or room service.

How?

- Continue displaying the California Department of Justice's slavery and human trafficking notice.
- By January 1, 2020, ensure employees who may come into contact with human trafficking victims take at least 20 minutes of the applicable training.
- Provide training to part-time and full-time employees who are on your payroll as of July 1, 2019, and beyond. Use professional, classroom-style or interactive training.
- Your training should cover set topics, including the definition of human trafficking and the commercial exploitation of children as well as reporting responsibilities.
- New hires must complete this training within 6 months of their start date and every 2 years thereafter.

SB 1412 Criminal History

Who: Employers

When: 1/1/2019

What?

SB 1412 will specify how employers may use job applicants' expunged or judicially-sealed convictions. It requires employers only to consider "particular convictions" that are relevant to the job when they're screening applicants.

How?

- Take care not to receive nor consider conviction information beyond what's relevant for the role.
- Do not ask applicants about their criminal history until after you have given them a conditional job offer.
- Train hiring managers to only consider convictions that are relevant to the job applicants are applying for.

California Human Resources Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2705 Violations for Contractors

Who: Employers

When: 1/1/2019

What?

Existing worker's compensation laws require employers to compensate for work-related accidents. The Contractor's State Licensure Law requires contractors to hold Certificates of Workers' Compensation Insurance or Certificate of Self-Insurance. Violations result in a misdemeanor and, additionally, this bill makes it a misdemeanor for not paying workers' compensation for contractors licensed under California law.

How?

- ❑ Determine if you are working with any licensed contractors and ensure there's a process set up for contractors to report a work-related injury or illness.

SB 1402 Port Drayage Motor Carriers

Who: Employers

When: 1/1/2019

What?

California's Los Angeles and Long Beach ports are the two busiest ports in the U.S. Under SB 1402, retailers and port trucking companies' customers will have increased liability.

How?

- ❑ California's Division of Labor Standards Enforcement will create an online blacklist of port drayage motor carriers with labor issues. Those may include unsatisfied judgments, failure to pay wages, imposing unlawful expenses, failure to remit payroll taxes, failure to provide workers' compensation insurance, or misclassifying employees as independent contractors.
- ❑ If your organization contracts with a blacklisted company, you'll share all civil, legal, and liability responsibility owed to drivers for their services. This means you are responsible for the full amount of unpaid wages, unreimbursed expenses, damages, and penalties.
- ❑ Port trucking companies will need to give their customers a copy of any unsatisfied final judgments. If you don't receive this notice, you'd be absolved of your liability.
- ❑ Develop protocols to monitor the DLSE's blacklist.

California Environmental Health & Safety Laws

California regulations:

- 30 HR Laws
- 6 EHS Laws
- 18 Sales/F&I Laws



SB 1167 Indoor Heat Illness Prevention Program

Who: Employers

When: Pending

What?

Indoor Heat Illness and Injury Prevention Program may be required at indoor places of employment.

How?

- ❑ There are no immediate actions to take. If the law passes, KPA will create a written program to help clients comply with this requirement.
- ❑ By January 1, 2019, the division will propose their review of the standards to the board and adopt practices that minimize heat-related illness and injury among workers working in indoor places of employment.

AB 1826 Mandatory Commercial Solid Waste Recycling

Who: Employers Regulated by Waste Management

When: 1/1/2019

What?

Companies that generate 4+ cubic yards of commercial solid waste per week must arrange for organic waste recycling services.

How?

An employer that meets the waste generation threshold shall engage in one of the following organic recycling activities:

- ❑ Separate organic waste from other waste and participate in a waste recycling service that includes collecting and recycling organic waste.
- ❑ Recycle organic waste on-site or self-haul it off-site for recycling.

California Environmental Health & Safety Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2535 Notice of High-Occupancy Toll Evasion Violations

Who: Employers with Fleet Vehicles

When: 1/1/2019

What?

Under existing law, within 21 days of a toll evasion violation, an issuing or processing agency forwards a notice to the registered owner of the vehicle that evaded the tolls. This bill will add photographic evidence to the notice if drivers don't meet the passenger requirements of a high-occupancy toll lane.

How?

- ❑ If your employees drive for your business, remind them about your toll/driving policies and the consequences of intentional violations.
- ❑ If auto dealers don't properly submit trade-in vehicle paperwork, they may receive high-occupancy toll road violations that will need to be contested.

AB 2334 Employer Reporting on Occupational Injuries & Illness

Who: Employers

When: 1/1/2019

What?

Cal/OSHA can cite employers for injury and illness recordkeeping violations.

How?

- ❑ If you had 250+ employees at any one location at any point in 2018, you need to electronically file your 2017 Cal/OSHA 300A form by the end of 2018. Submit 2018 information by March 2, 2019.
- ❑ If you had 20-249 employees at any point in 2018 AND you're in one of 66 qualifying industries, you need to electronically file. Note: Auto dealerships with 20-249 employees do not have to electronically file.
- ❑ All employers, regardless of employee size, must report to federal OSHA within the designated timeframes whenever a workplace incident results in an employee's inpatient hospitalization, amputation, loss of an eye, or death.

California Environmental Health & Safety Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2832 Lithium-ion Battery Recycling

Who: Employers

When: 04/1/19

What?

Requires the California Environmental Protection Agency (CalEPA), on or before April, 1, 2019, to convene a Lithium-ion Car Battery Recycling Advisory Group to present to the legislature with policies for recycling lithium-ion batteries sold with vehicles in the state.

How?

- ❑ There are no immediate actions for employers to take. The Energy Commission (EC) will assess, and KPA will keep you up-to-date.
- ❑ Monitor lithium-ion battery recycling as it relates to the push for zero-emission vehicles in California.

AB 1980 & AB 2902 Petroleum Storage Tanks

Who: Employers with Above-ground Petroleum Storage

When: 1/1/2019

What?

AB 1980 and AB 2902 Petroleum Storage Tanks are bills that extend the statute of limitations for civil enforcement of above-ground petroleum storage act violations from 1 year to 5 years.

How?

- ❑ Work with legal counsel or an environmental health and safety specialist to implement changes to your petroleum tanks.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 375/SB 1121 California Consumer Privacy Act of 2018

Who: Businesses that (a) Have a \$25+ million annual revenue, or (b) Annually handle personal information from 50,000+ consumers, households, or devices, or (c) Derive 50+% of their annual revenue from selling consumers' personal information.

When: 1/1/2020

What?

The California Consumer Privacy Act (CCPA) will give consumers the right to:

1. Know the categories and specific pieces of personal information the business has collected, where it was sourced from, what it is being used for, and who it's shared with or sold to;
2. Require a business to delete consumers' personal information (with some exceptions) that the business has collected from the consumer;
3. "Opt out" of letting a business sell their personal information to third parties; and
4. Receive equal services and pricing, even if they exercise privacy rights under the Act.

How?

Since the CCPA will not go into effect until January 1, 2020, the law may be amended. If that's the case, KPA will provide updates. Depending on the final version of the law, it may be necessary to:

- Update your website's privacy statement.
- Update your privacy notice.
- Update confidentiality agreements with your vendors.

AB 2521/3212 Service Member Protections

Who: Automotive Dealers, Lenders, Debt Collectors & Service Members

When: 1/1/2019

What?

AB 2521, the California Military Families Financial Relief Act, allows reservists called to active duty to defer payments on retail installment contracts, leases, and other agreements for the period of active duty + 60 calendar days, or 180 days, whichever is less. To obtain a deferral, the reservist must send a written request along with a copy the reservists' activation or deployment order. Under AB 2521, the written request doesn't have to be signed.

AB 3212 adds various protections for service members and/or reservists called to active duty and imposes new restrictions on creditors who attempt to collect from them. Among other things, the bill:

1. Authorizes a service member to terminate a vehicle lease under certain circumstances,
2. Prohibits a creditor from contacting a service member's military unit or chain of command without the written consent of the service member, and
3. Allows for postponement of court actions against service members for up to 120 days (instead of 60 days) after the period of military service.

How?

- Prior to collecting money from a service member or reservist, review all relevant laws pertaining to their obligations.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2392 Towing & Storage

Who: Companies that Tow or Store Vehicles, Repair Facilities, Dealerships with Service Departments

When: 1/1/2019

What?

Requires towing and storage fees to be reasonable compared to other facilities in the area and prohibits certain types of fees. This bill also changes the information required to be included in the Towing Fees and Access Notice, and exempts new vehicle dealers from having to provide the notice.

How?

- ❑ Review your towing and/or storage fees to make sure they are reasonable.
- ❑ Automotive repair dealers that don't engage in towing, but charge for storage, are exempt from posting a "Towing and Storage Fees and Access Notice" sign, but they must still provide the notice if a consumer requests it.

AB 3141 Estimates & "Preventative Maintenance Services" in Service Departments

Who: Service Departments & Repair Facilities

When: 1/1/2019

What?

This bill fundamentally changes the definition and functions of an Automotive Repair Dealer (ARD). Traditionally, an ARD is any person or facility that repairs motor vehicles. However, there are certain kinds of services that were exempt from this definition. This bill creates a "preventative maintenance services" category, which includes the formerly exempted services, and allows for ARDs to perform these functions. Repair facilities that were once excluded from the Bureau of Automotive Repair's (BAR) oversight must now register as an ARD and conduct their business in accordance with the Automotive Repair Act.

How?

- ❑ More repair facilities will need to register with the BAR. Dealers can now operate an "express lane" that bypasses the estimate requirement so long as they perform preventative maintenance services within certain parameters.
- ❑ You don't have to provide a written estimate for services that only involve "preventative maintenance services" if the customer authorizes the repair service and either of the following occurs:
 1. The service is free, or
 2. The total price for labor and parts is conspicuously displayed or is made available to the customer where the service is performed.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2769 Driver's License Information Privacy

Who: California Employers Using Electronic Devices to Swipe Drivers' Licenses

When: 1/1/2019

What?

Existing law authorizes a business to use an electronic device to swipe a driver's license or identification card (ID) for certain prescribed verification and informational purposes. The law has been amended to apply equally to scans.

How?

- ❑ Permissible purposes for scanning or swiping a license or ID card will include:
 1. To verify age or the authenticity of the driver's license or ID card, and
 2. To collect personal information that is required for preventing fraud.
- ❑ A driver's license or ID card may not be scanned/swiped for marketing purposes.

SB 179 Gender Identity on Driver's Licenses

Who: Employers

When: 1/1/2019

What?

Applicants for driver's licenses can now choose from 3 gender categories when declaring their sex: male, female, or nonbinary.

How?

- ❑ Please be aware that these types of driver's licenses are now in circulation.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2330 Recreational Vehicle Dealers Temporary Branch Licenses

Who: RV Dealers

When: 9/19/2018

What?

Existing law grants recreational vehicle (RV) dealers temporary branch licenses to sell new RVs at trade shows. To qualify for this temporary license, dealers must submit specific documentation to the DMV, such as the manufacturer's written authorization. Additional requirements are imposed if there are 9 or fewer RV dealers participating in the show or if there are 10+ RV dealers. RV dealers were exempt from temporary branch license requirements if the show was sponsored by a national trade association of RV manufacturers and the show is located in a county with 6+ million people.

This bill changes the exemptions to increase the population to 9+ million, include any new trade show location within 30 miles of a previously approved location, and at least 10 RV manufacturers are participating.

How?

- ❑ Obtain temporary branch licenses unless your trade show meets the new exemption requirements.

Electronic Documentation & Authorization

Who: Service Departments & Repair Facilities

When: 09/13/2018

What?

The Bureau of Automotive Repair's (BAR) made updates to the Automotive Repair Act and took effect immediately in September 2018. The new regulations state the following:

- Customer authorization can be provided electronically (electronic signature, text, or email).
- Records can be retained in electronic format.
- Estimates, work orders, and invoices can be provided in electronic format.
- Each replacement part in a repair service is considered "new" unless otherwise indicated.
- Facilities can no longer charge customer fees for electronic communication with the smog check database for smog repair services.
- A refusal of proposed repairs after a tear down is completed must be documented.
- Estimates must be generated before any work is done.
- Authorization is required for no-charge and warranty repairs.
- Parts kits may be listed as a single part as long as it's identified by brand name and part number.

How?

- ❑ Revisit your service department's practices and make sure you're in compliance.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 2322 DMV Records Confidentiality

Who: Those Who Register Vehicles or Use/Request Driver's License Information

When: 09/19/18

What?

When requested, the Vehicle Code authorizes home address confidentiality for certain current or former government employees, their spouses, and children on any vehicle, driver license, or identification card for DMV records reflecting the person's name. The new law clarifies that both active and retired judges and court commissioners will also be eligible for confidentiality. Also, a surviving spouse or child of a judge or court commissioner is eligible if the judge or court commissioner died in the performance of his or her duties.

How?

- ❑ If a customer requests confidential vehicle registration, confirm the customer's eligibility.
- ❑ A customer requesting address confidentiality will likely present identification that doesn't reveal the customer's address.
- ❑ If the customer is applying for credit, follow your Red Flags program for guidance relating to customer addresses.

AB 1526 Debt Collection

Who: Debt Collectors & Businesses that Regularly Engage in Consumer Debt Collection

When: 1/1/2019

What?

This bill amends the Rosenthal Fair Debt Collection Practices Act. It will prohibit a debt collector from sending a written communication to a debtor in an attempt to collect a time-barred debt unless they provide specified written notices stating that the debtor may not be sued for the debt and that the debt, depending on its age, may be reported as unpaid to credit reporting agencies. The bill also prohibits a collector from commencing a suit, arbitration, or other legal proceeding to collect a debt for breach of contract after the statute of limitations has run out.

How?

- ❑ Revise your debt collection templates to include the specified notices, as applicable.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 3163 DMV Private Industry Partners & Electronic Document Submission

Who: Automotive Dealers

When: 9/14/2018

What?

On September 14, 2018, Governor Brown signed into law AB 3163. The law was passed with an “urgency clause” and became effective immediately. The law permits dealers to pass on to consumers an electronic vehicle registration or transfer charge of up to \$30 (increased from \$29) or the amount charged to the dealer by the first line service provider, whichever is LESS (Vehicle Code §4456.5(a) (2)).

How?

- ❑ Reprogram your DMS to charge \$30 or the amount charged by your first line service provider.

2019 DMV Vehicle Fee Increases

Who: Automotive Dealers & Fleet Vehicle Owners

When: 1/1/2019

What?

The Department of Motor Vehicles (DMV) will increase their fees for numerous registrations, certificates, and permits beginning in the new year. The following fees will increase:

Type	Old Fee	New Fee
Registration	\$55	\$57
One Trip Permit	\$21	\$22
Off-Highway Vehicle Motorcycle Transportation Permit	\$21	\$22
CHP Commercial Vehicle Registration Act (CVRA)	\$41 (\$4, \$8, \$8, and \$21)	\$44 (\$4, \$9, \$9, and \$22)
Title Only	\$21	\$22
Duplicate Registration	\$21	\$22
Duplicate Ownership Certificate	\$21	\$22
Nonresident Original Service	\$21	\$22
Nonresident Reregistration	\$21	\$22

How?

- ❑ DMS re-programming may be required to reflect certain fee increases.
- ❑ Increase your budget to account for higher fees for your fleet vehicles.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 516 Temporary License Plates

Who: Vehicle Dealers

When: 1/1/2019

What?

Dealers will be required to electronically report new, used, and wholesale vehicle sales to California's DMV. The Document Processing Charge will increase by \$5. If you're an official private industry partner with the DMV, the Document Processing Charge will be \$85. If not, the Document Processing Charge will be \$70.

How?

- Before delivering a sold/leased passenger vehicle, truck, or motorhome to a customer, the dealer must print and attach temporary license plates (TLPs) to the front and back of the vehicle. In the case of a motorcycle, trailer, or coach, one temporary plate must be affixed. Once the permanent plate(s) arrive, the customer must replace and destroy the TLPs.
- Update your existing DMS with the new Document Processing Charge.
- Only use a laser printer and special non-destructive paper to produce TLPs.
- Order the non-destructive paper from your First Line Service Provider or DMV reporting system vendor.
- Dealers should NOT affix dealership advertisement placards to the vehicle in lieu of temporary license plates.

AB 2227 Motorcycle Hang Tags

Who: Motorcycle Dealers

When: 01/01/2019

What?

Dealers that sell new motorcycles must attach to the motorcycle's handlebar a manufacturer's hang tag label that includes specified information. This new law will require the hang tag to include the manufacturer's suggested retail price and the motorcycle's vehicle identification number, in addition to the information that was previously required.

Also, if a dealer chooses to post a supplemental label that causes the dealer's asking price to exceed the manufacturer's MSRP, the label must comply with a specific format, content and display requirements.

How?

- Create compliant supplemental price label templates.
- Don't attach a supplemental price label showing a price that exceeds the manufacturer's suggested retail price unless the label complies with specified requirements and disclosures.

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 544 Expiration Dates of CAV Decals

Who: Automotive Dealers & Drivers

When: 01/01/2019

What?

Certain Clean Air Vehicle (CAV) decals will expire, other ones won't, and new ones will be issued.

CAV decals are reserved for eligible vehicles of certain makes and models.

Green and white decals issued before January 1, 2017 will expire on January 1, 2019. Green and white decals issued between January 1, 2017 and March 1, 2018 will be valid until January 1, 2019. However, owners can apply to the DMV for a red decal, which is valid until January 1, 2022.

Red decals were issued after March 1, 2018 and will be valid until January 1, 2022.

Owners applying for a new CAV decal after January 1, 2019 will receive a purple decal. Purple decals will be valid until January 1 of the fourth year after the year of issuance.

How?

- ❑ Train sales staff regarding:
 1. The expiration dates of specific CAV decals, and
 2. Which vehicles with green or white decals may be eligible for replacement red decals.

SB 957 Income-based CAV Decals

Who: Automotive Dealers & Drivers

When: 01/01/2020

What?

This bill allows owners of expired Clean Air Vehicle (CAV) decals to renew their decals between January 1, 2020 and January 1, 2024. These renewed decals will expire on January 1, 2024. In an effort to promote decals among middle income drivers and the use of newer eligible vehicles, the legislature placed limitations on this program.

First, these decals will only be issued to owners who have a household income at or below 80% of the state median income. Secondly, the person applying for the renewed CAV decal cannot be the party to have been originally issued the expired decal. Last, a renewed CAV decal will not be issued for any decal that was originally issued prior to January 1, 2017.

How?

- ❑ If you drive an eligible vehicle and are income qualified, apply for a CAV decal using the REG 100 form.
- ❑ Train your sales staff about CAV expiration dates and income-based restrictions for renewing decals if you sell eligible vehicles or have CAV decals affixed to vehicles in your inventory.

[Back to Map](#)

California Sales/Finance & Insurance Laws

California regulations:

- [30 HR Laws](#)
- [6 EHS Laws](#)
- [18 Sales/F&I Laws](#)



AB 1274 Model Year Smog Check Exemption

Who: Automotive Dealers & Vehicle Owners

When: 1/1/2019

What?

The biennial smog certification exemption is extended to vehicles that are 8 or less model years old. A new \$25 smog abatement fee will be applied to those 2 additional years, but will remain at \$20 for the 1st year through the 6th year. For example, if a dealership sells a 2012 vehicle in 2019, a \$25 smog abatement fee will apply because it will be in its 7th year.

How?

- ❑ Check your used vehicle inventory to see if any vehicles fall within this 8 model-year exception.

AB 2620 Rental Passenger Vehicle Transactions

Who: Businesses That Rent Vehicles

When: 1/1/2019

What?

This bill will permit rental companies to use electronic surveillance technology if a rental vehicle hasn't been returned within 72 hours after the agreed upon return date. (Existing law generally requires rental companies to wait 1 week.) The rental company must notify the renter by telephone and electronically, at least 24 hours prior to activating electronic surveillance technology. The rental company must also advise the renter both verbally and in writing (acknowledged by the renter's initials) that electronic surveillance technology may be activated if the rental vehicle isn't returned.

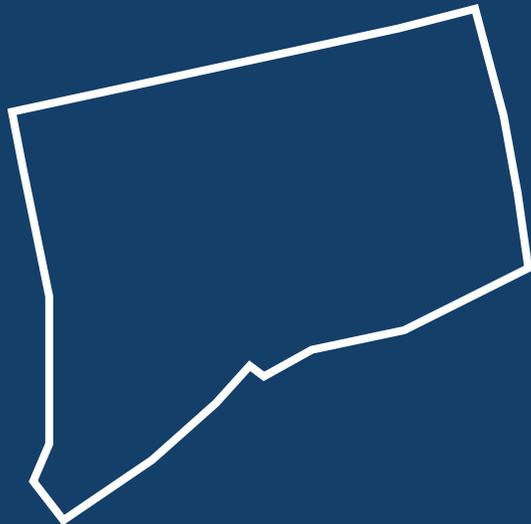
How?

- ❑ Update your rental agreement to allow for activation of electronic surveillance technology if a vehicle isn't returned within 72 hours of the agreed upon return date.
- ❑ Train employees (1) To verbally disclose that electronic surveillance technology may be activated if the rental vehicle is not returned within 72 hours after the agreed upon return date, and (2) To comply with the 24-hour notification requirement.
- ❑ Arrange to send communications to a renter electronically (by a means other than a cell phone) if the renter agrees to that communication in the rental agreement. You can't deny a rental agreement if the renter opts out of electronic communications.

Connecticut Human Resources Laws

Connecticut regulations:

- 2 HR Laws



HB 5386 Salary History Ban

Who: Employers

When: 1/1/2019

What?

Last May, Connecticut signed a salary history ban to decrease the wage gap between men and women. Starting January 1, 2019, employers can't inquire about a candidate's previous salary or obtain that information from a previous employer. Employers can ask about previous stock and equity options, but cannot get specific amounts from applicants.

How?

- ❑ Train your hiring and screening managers on this rule and ensure they know how to appropriately apply it by removing verbiage and questions pertaining to salary amounts on employment application forms.
- ❑ Refrain from releasing information about employees to any parties without written prior authorization from the employee.
- ❑ Best practice is to audit your salary wages on a biannual basis for discrepancies in pay.

Mandatory IRA Program for Private Sector Employers

Who: Private Sector Employers that Don't Have Employee Retirement Plans, Have 5+ Employees & Paid them \$5,000+ in Wages in the Previous Year

When: 1/1/2019

What?

Starting January 1, 2019, Connecticut will require private-sector employers to enroll employees in the state's Individual Retirement Arrangements (IRA) if they do not provide a retirement plan for their employees.

How?

- ❑ Employees who are not enrolled in an employer's 401k program will be automatically enrolled in the state's IRA program.
- ❑ Similar to OregonSaves, Connecticut's new IRA program will be rolled out in stages over time.
- ❑ New employees must receive informational materials about the program within 30 days of hire and be enrolled in the state's IRA program within 60 days. The employer is prohibited from matching funds and cannot make any contributions; only the employee can deposit funds into the state IRA account.

Delaware Human Resources Laws

Delaware regulations:

- 2 HR Laws



HB 360 Sexual Harassment Training Requirement

Who: All Employers

When: 1/1/2019

What?

Delaware will become the 5th state to require sexual harassment training for employees. The law defines sexual harassment and makes employers liable if they should have known or did not take the necessary steps to correct and investigate complaints. It also prohibits retaliation against any adverse reports protecting victims and witnesses to disclose violations.

How?

- ❑ By January 1, 2020, employers with 50+ employees must provide interactive training and give employees informational materials that educate them on how to prevent sexual harassment within 1 year of their start date. Have employees repeat the training every 2 years.
- ❑ Supplemental training must include specific responsibilities pertaining to supervisors and managers.
- ❑ Employers with 4+ employees must provide information sheet (Delaware Sexual Harassment Notice).
- ❑ Give existing employees a copy of the Delaware Sexual Harassment Notice by July 1, 2019. Also, give this notice to new employees upon hire.
- ❑ Review your anti-harassment training policies and ensure your harassment program complies.

WARN Layoff Notification Requirements

Who: Applies to Private Employers with 100+ Full-time Employees or 100+ Employees Who Collectively Work 2,000 Hours Per Week.

When: 1/7/2019

What?

The Delaware Worker Adjustment and Retraining Notification Act (Delaware WARN) is a new state law requiring a 60-day notice for all plant closures, mass layoffs, or relocations. The bill is similar to the Federal Worker Adjustment and Retraining Notification (WARN) but has different requirements. Delaware employers not covered by federal law may be covered under the new Delaware Law.

How?

- ❑ Relocation is an event that triggers a notice if it results in a move 50+ miles away and a layoff as a result.
- ❑ The notice must be given to affected employees and their representatives, Delaware Department of Labor Division of Employment Training, WARN Act Administrator, and the Delaware Workforce Development Board.
- ❑ The notice must include a payout, severance options, retirement options, and job relocation opportunities. Contact information must be included for every affected worker.
- ❑ The penalties for violations are steep and require that employers pay 60 days in back wages and benefits for each affected employee, including fines and attorney fees.

Georgia Environmental Health & Safety Law

Georgia regulation:

- 1 EHS Law



Stationary Sources/Permit Fees

Who: Employers

When: 3/1/2019

What?

Final rule of the Department of Natural Resources, Environmental Protection Division, amends regulations under GAC 391-3-1 to add application fees for new permit types for stationary sources. The rule also specifies a \$37.34 per ton annual emissions fee for coal-fired, electric-generating units and a \$35.50 per ton annual emissions fee for all other sources.

How?

- ❑ When applying for a permit, expect to pay a slightly higher fee.

Hawaii Human Resources Law

Hawaii regulation:

- 1 HR Law

SB 2351 Salary History Ban

Who: All Employers with at Least 1 Employee

When: 1/1/2019

What?

In this bill, employers, employment agencies, and hiring managers working on their behalf may not inquire about an applicant's current or prior wage, benefits, or other compensation they have received or currently receive. Employers are prohibited from relying on salary history to determine an applicant's wage unless it is "voluntarily and without prompting" disclosed on behalf of the applicant.

How?

- Remove all questions in the hiring process related to salary history or current wage.
- If a person "voluntarily and without prompting" discloses prior salary or wage to a covered employer, the wage can then be used to determine compensation.
- Employers are restricted from searching public records that disclose this information. If background records contain this information indirectly, that is OK as long as the information is not relied upon to set a wage.
- Train all hiring managers on how to comply with the law. Employers can discuss an applicant's salary or wage expectations for the job without violating this law. This law does not apply to promotions or internal transfers.
- Discuss the new law with background screening vendors or third-party recruiters to ensure they practice in compliance with the new law.



Illinois Human Resources Laws

Illinois regulations:

- 3 HR Laws



SB 2999 Expense Reimbursements

Who: Employers

When: 1/1/2019

What?

An amendment to the Illinois Wage Payment and Collection Act (IWPCA) requires employers to reimburse their employees for certain "necessary" business expenses outlined in 820 ILCS 115/9.5 within 30 days. If a receipt is not able to be retrieved, employers must accept a signed statement from the employee.

How?

- ❑ Review your reimbursement expense policy and ensure that you comply with the new amendment.
- ❑ The new policy requires you to reimburse employees within 30 days of the employee incurring their expense, so include this timeline in your policy.
- ❑ Consider reviewing your reimbursement policy and defining what employees can purchase and any dollar amounts.

Job Protection Statute for Military Service Members

Who: Employers

When: 1/1/2019

What?

Starting January 1, 2019, workers in Illinois who are serving in the military will now be governed by the Illinois Service Member Employment and Reemployment Rights Act (ISERRA). The Illinois Family Military Leave Act still provides family members of a military service member with up to 15 or 30 days of unpaid leave, depending on the employer's size and when that service member is called to military service for more than 30 days. The Illinois statute provides additional protections beyond ISERRA, including expanded definition of military service, special consideration in performance reviews, increasing enforcement, and damages protections for military employees. The state will assign an ISERRA advocate to assist employees and employers with questions regarding military service protections by state law.

How?

- ❑ Employers must post a Notice of Employee Rights Under ISERRA in a visible location to all employees. The required posting can be found on the Illinois Attorney General website.
- ❑ Review any military leave policies you have in place and update them according to the new provisions.

Illinois Human Resources Laws

Illinois regulations:

- 3 HR Laws



Northbrook, IL — Cook County Earned Sick Leave Ordinance (ESL)

Who: Employers

When: 1/1/2019

What?

Municipalities in Cook County have the option to opt in or opt out of their Earned Sick Leave Ordinance. Ordinance No. 16-4229 establishes a right to paid sick leave for employees of employers located in Cook County. Reversing its 2017 decision, the Village of Northbrook Board of Trustees voted to opt back into the Cook County Earned Sick Leave Ordinance. Beginning January 1, 2019, covered employees in Northbrook are required to allow eligible employees to accrue up to 40 hours of paid sick leave for each 12 months of employment.

How?

- ❑ Employers with employees in Northbrook will have to provide at least 40 hours of earned sick leave starting January 1, 2019, to eligible employees.
- ❑ Review your paid time off policy and adjust or implement an earned sick leave policy based on the Cook County requirements.
- ❑ Ensure you have a proper system set up for employees to accrue earned sick leave and implement a system for them to request this leave in 2019.

Louisiana Sales/Finance & Insurance Law

Louisiana regulation:

- 1 Sales/F&I Law



HB 522 Vehicle Service Contracts Terms & Conditions

Who: Automotive Dealers & Vehicle Service Contract Providers

When: 2/1/2019

What?

This bill moves the regulation of motor vehicle service contract (VSC) providers from the Department of Insurance to the Secretary of State. The term VSC includes an agreement for:

1. Service, repair, replacement, or maintenance of a motor vehicle due to a defect or normal wear and tear,
2. Windshield repair and replacement,
3. Tire or wheel repair and replacement resulting from road hazards,
4. Paintless dent and ding removal, and
5. Key fob replacement.

The bill also establishes financial and registration requirements for certain VSC providers and requires certain disclosures to consumers.

How?

- Make sure your VSCs are compliant.
- If there are any changes, KPA will keep you up-to-date.

Massachusetts Human Resources Law

Massachusetts regulations:

- [1 HR Law](#)
- 1 Sales/F&I Law

Paid Family & Medical Leave

Who: All Employers

When: 1/1/2019

What?

Massachusetts legislated a phased paid family and medical leave law. By 2021, employees will be able to take up to 12 weeks of paid leave to care for a family member or to welcome a new child. This law also gives employees up to 20 weeks of paid leave to address their own serious medical issue. To create a way to fund the leave, employers will start collecting a payroll deduction from employees in 2019.

How?

- Only the act is effective by January 1, 2019. Employers are to post/provide a notice starting on July 1, 2019.
- Within 30 days of being hired, new employees need a written explanation of their rights.
- Starting July 1, 2019, employers will need to begin collecting an initial 0.63% payroll tax from employee paychecks.



Massachusetts Sales/Finance & Insurance Law

Massachusetts regulations:

- [1 HR Law](#)
- 1 Sales/F&I Law

S 2269 Used Vehicle Record Book

Who: Automotive Dealers

When: 1/22/2019

What?

Instead of recording and maintaining the Used Car Record Book in a hardcopy format, dealers may record and maintain the information in the dealer's electronic data management system. The registrar may require a dealer to make readily available:

1. A printout of the record of a particular used vehicle that the dealer has acquired, sold, or traded, or
2. A printout of all used vehicles on the dealer's premises that were acquired, sold, or traded during the previous 7 days.

How?

- Provided your data management system captures all the required information, you will no longer need to maintain a hardcopy book to log information about used vehicle sales.



Michigan Human Resources Law

Michigan regulation:

- 1 HR Law



Recreational Marijuana Now Legal

Who: Employers

When: 12/6/2018

What?

Proposal 8-1 or The Michigan Regulation and Taxation of Marijuana Act (MRTMA) legalizes recreational marijuana in the state of Michigan. The law permits adults over the age of 21 to possess up to 2.5 ounces of marijuana and grow up to 12 plants in their residence. It does not allow public usage or anywhere prohibited by the owner.

How?

- Regardless of recreational marijuana legalization, employers still have the right to zero-tolerance policies and can refuse to hire and discipline an employee or applicant if he/she tests positive for marijuana.
- Some employers have chosen not to test for marijuana while others have a zero tolerance policy against it.
- Revise your policy accordingly.
- Use caution with medical marijuana, but you don't have to allow employees to be under the influence at work. Review other states for guidance.

Missouri Human Resources Laws

Missouri regulations:

- 2 HR Laws



Proposition B: The \$12 Minimum Wage Initiative

Who: Employers

When: 1/1/2019

What?

Missouri's initiative to pass Proposition B: The \$12 Minimum Wage Initiative takes effect on January 1, 2019. Employers with workers in the state can expect the minimum wage to raise \$0.85 every year until 2023 until it reaches \$12/hr. Starting January 1, 2019, Missouri's minimum wage will be \$8.60/hr.

How?

- Even though Federal minimum wage laws remain at \$7.25/hr., Missouri employers with workers in the state of Missouri must ensure the wage of non-exempt workers is \$8.60 or above.
- Ensure that you post the new minimum wage poster no later than January 1, 2019.
- Adjust payroll wages and inform managers of the increase in wage.

Medical Marijuana Now Legal

Who: Employers

When: 12/6/2018

What?

Missouri will now allow the use of marijuana for medicinal purposes and impose a 4% sales tax that will go to military veterans. Medical marijuana cards are given to people with severe health conditions and are up to a doctor's discretion to prescribe. Patients in Missouri can have up to 4 ounces and grow up to 6 plants in their residence. State licenses for commercial will be issued in late spring 2019.

How?

- Marijuana is still illegal under federal law and employers have the right to zero-tolerance policies.
- Your employees do not have the right to come to work under the influence.
- Review your zero tolerance policy, but proceed with caution when it comes to reasonable accommodation as some states have ruled that employers have violated the American Disability Act when it comes to medical marijuana.

New Hampshire Human Resources Law

New Hampshire regulation:

- 1 HR Law

HB 1372 Subcutaneous Identification Devices Prohibited

Who: Employers

When: 1/1/2019

What?

This law addresses bodily privacy. Employers can't require employees to get any implanted device (subcutaneous identification device) as a work requirement.

How?

- ❑ Employers should continue to use traditional forms of employee identification, such as driver's licenses, company ID cards, etc.



New Jersey Human Resources Law

New Jersey regulation:

- 1 HR Law



Health Insurance Mandates

Who: Employers

When: 1/1/2019

What?

In an attempt to stabilize health insurance premiums, New Jersey voted to bring back a similar model to the Affordable Care Act that would reinstate the individual mandate requiring all New Jersey citizens to have comprehensive health insurance or pay the penalty.

How?

- Effective January 1, 2019, all New Jersey taxpayers and their dependents will be required to have minimum essential coverage.
- Individuals subject to the mandate are those without religious exemptions, not lawfully present, or are incarcerated are excluded from complying.
- The penalty for violations is 2.5% of the household's income or a per person charge, whichever is higher.

New York Human Resources Laws

New York regulations:

- 4 HR Laws

Paid Family Leave Increased Benefits

Who: Employers

When: 1/1/2019

What?

The length of paid leave and the amount of weekly benefits under the New York Paid Family Leave Act (NY PFL) are scheduled to increase on January 1, 2019. Currently this Act allows employees to collect 8 weeks of benefits in a 52-week consecutive period. January 1, 2019, this amount will increase, allowing employees to receive 10 weeks in a 52-week consecutive period.

How?

- ❑ The maximum benefit amount is \$652.96 in 2018 based on the average weekly salary in New York.
- ❑ Review your paid leave laws and update your policies to comply by January 1, 2019.
- ❑ Employees can now claim 10 weeks (up from 8 last year) and 55% of the employee's average weekly rate. The benefits are based on 55% of the state's average weekly rate.

Health Insurance Preservation Act

Who: Employers

When: 1/1/2019

What?

New York was one of the first states to enact a health insurance exchange under the Affordable Care Act (ACA), and according to the state's website, is saving millions for small business owners and individuals. New York has cut the uninsured rate in half and has recently banned short-term health plans to ensure stability for the ACA.

How?

- ❑ Short-term policies remain prohibited in New York, according to the New York Division of Financial Services (NYSDFS).



New York Human Resources Laws

New York regulations:

- 4 HR Laws



Payroll Tax Law

Who: Employers

When: 1/1/2019

What?

The Employer Compensation Expense Program (ECEP) or the Payroll Tax is optional for employers to reduce state and local taxes. This voluntary tax is an option to pay tax on employee wages more than \$40,000. The new Tax Cuts and Jobs Act (TCJA) will limit state and local taxes (SALT), including property taxes to a \$10,000 deduction limit for federal tax purposes. For states that include a personal income tax and own property, which is most residents in the State of New York, they can easily exceed the \$10,000 limit. The Payroll Tax is a way to work around this limit and reduce SALT.

How?

- ❑ Employers that want to participate in the state's initiative must elect by December 1, 2018, for 2019.

NYC FAQs on New Sexual Harassment Training Requirements

Who: Employers with 15+ Employees

When: 4/1/2019

What?

As a follow up to the new sexual harassment training requirements, the New York City Commission on Human Rights has released a FAQ that clarifies covered employers and sexual harassment training for independent contractors. The state's sexual harassment mandate is effective April 1, 2019.

How?

- ❑ Requires employers with 15+ employees to comply with sexual harassment training requirements for all employees who work at least 80 hours in a calendar year and for at least 90 days.
- ❑ Independent contractors count as employees regardless of the number of hours or days they worked.
- ❑ Review the state's FAQ and ensure that your training complies with 2019 requirements.

Ohio Human Resources Law

Ohio regulation:

- 1 HR Law

First U.S. State to Allow Payment of Taxes Using Bitcoin

Who: Employers

When: 1/1/2019

What?

Employers operating in Ohio will be able to register on OhioCrypto.com to pay various types of Ohio state taxes using Bitcoin. The Ohio website's FAQs indicate the State's intention to add other cryptocurrencies to the tax payment options.

How?

- ❑ Bitcoin tax payments will be submitted on OhioCrypto.com and processed through BitPay, a payment processing service provider, which will convert the Bitcoin payments into U.S. dollars.
- ❑ Making payments with Bitcoin can be taxable, something employers should factor into their analysis of whether (and when) to take advantage of this new option in Ohio.



Oregon Human Resources Law

Oregon regulations:

- [1 HR Law](#)
- [1 EHS Law](#)
- [1 Sales/F&I Law](#)



New Pay Equity Law

Who: Employers with 15+ Employees

When: 1/1/2019

What?

Oregon's Pay Equity Law is effective January 1, 2019, and prohibits employers from discriminating against employees based on a protected class as it relates to wages or other compensation for work of 'comparable character.' Employers will be prohibited from requesting salary history. What makes it different than other laws is that employers are prohibited from paying a protected class a different wage of comparable character, not just a different sex. The term "protected class" is defined as a group of persons distinguished by race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, disability, or age as outlined in OR Rev. Stat. Sec. 652.210.

How?

- Train hiring managers and supervisors on this law and ensure they remove salary history from their screening process, update job applications, and use caution when it comes to protected classes.
- Perform wage audits on a schedule so you catch any discrepancies before they become violations.
- Employers must post the Oregon Equal Pay Poster Notice on or before January 1, 2019, that explains the requirement of the law. The Oregon Equal Pay Poster Notice can be downloaded from the State of Oregon's government website.

Oregon Environmental Health & Safety Law

Oregon regulations:

- [1 HR Law](#)
- [1 EHS Law](#)
- [1 Sales/F&I Law](#)



OAR 437-004 Outdoor Production Pesticide Applications

Who: Employers

When: 1/1/2019

What?

These regulations were established to add restrictions to outdoor production pesticide applications for employees, as well as others that may work or be located adjacent to pesticides.

How?

- ❑ OAR 437-004-6405 describes the Application Exclusion Zone (AEZ) requirements that include how organizations ensure enclosed agricultural structures are closed correctly. Instruction must be provided, as well as a decision matrix that navigates the rule requirements.
- ❑ OAR 437-004-6406 describes that if issues relating to spray drift occur, then the employer is responsible for addressing those issues. Drift reduction technologies may be utilized to gain approval for new methods through the variance process.

Oregon Sales/Finance & Insurance Law

Oregon regulations:

- [1 HR Law](#)
- [1 EHS Law](#)
- [1 Sales/F&I Law](#)



HB 4087 Motor Vehicle Liens

Who: Auto Repair Facilities, Used Car Dealerships with Service Departments

When: 1/1/2019

What?

Auto repair shops and used car dealerships' service departments will need to obtain a "surety bond" before obtaining a possessory lien on a customer's vehicle. Possessory liens give shops control over customers' property until customers pay their debts. Vehicle owners dealing with illegitimate liens will be able to take legal action against those who serviced their car.

How?

- If you obtain liens for mechanical or collision work, you must have at least a \$20,000 bond in place.
- Tow truck operators with a towing certificate are exempt if they obtain liens for transporting and storage costs.
- Franchised motor vehicle dealerships with service departments are exempt.

Pennsylvania Sales/Finance & Insurance Law

Pennsylvania regulation:

- 1 Sales/F&I Law

SB 1101 Certificate of Title for Theft Vehicles

Who: Vehicle Owners & Automotive Dealers

When: 12/25/2018

What?

This bill changes the title branding requirements for stolen vehicles that are recovered.

How?

- ❑ After a stolen vehicle is recovered, if an insurer or a licensed physical damage appraiser determines the cost of repairs is more than 50% of the replacement value, an owner who retains title to the vehicle shall apply for a title branded as recovered theft vehicle.
- ❑ If an insurer pays a claim for a stolen vehicle (resulting in a certificate of salvage - branded as a theft vehicle), and the vehicle is later located, the owner may apply for an unbranded title, if a licensed physical damage appraiser determines the repair costs do not exceed 50% of the replacement value of the vehicle.



Rhode Island Environmental Health & Safety Law

Rhode Island regulation:

- 1 EHS Law



16-RICR-50-15-1 Asbestos Control

Who: Asbestos Abatement Companies, Construction Employers

When: 1/1/2019

What?

The rule revises requirements for site supervisors and individual licensure of asbestos abatement workers, increases the number of hours for various training courses, requires compliance with NESHAP requirements, and more.

How?

- ❑ To apply for individual licensure, an Asbestos Contractor, Asbestos Supervisor, or an Asbestos Worker shall submit a completed application to the Rhode Island Department of Health on forms provided by the Department.

Tennessee Sales/Finance & Insurance Law

Tennessee regulation:

- 1 Sales/F&I Law

HB 1552 Used Dealer Ownership & Insurance Records

Who: Automotive Dealers

When: 1/1/2019

What?

Dealers that finance the sale of used vehicles and hold the titles will need proof of the customer's liability coverage or their financial responsibility prior to issuing a temporary license plate for a vehicle. Dealers failing to do this will risk losing their dealership's business license.

How?

- Double check your procedures to ensure that you are collecting and storing proof of customers' auto liability insurance and their financial responsibility.
- Keep this information the same way and for the same time period as you currently do for temporary plates records.



Texas Environmental Health & Safety Law

Texas regulation:

- 1 EHS Law

40 CFR 52 Texas SIP/Motor Vehicles with Mobile Source Incentive Programs Emissions

Who: Employers

When: 01/02/19

What?

The Texas Clean Fleet Program will provide funding to organizations with a fleet of 75+ vehicles to replace diesel vehicles with a lower emitting hybrid or alternative fuel vehicle.

How?

- If interested in the program, each revision to an implementation plan submitted by a State under the Clean Air Act (CAA) shall be adopted after reasonable notice and public hearing.



Utah Human Resources Law

Utah regulation:

- 1 HR Law

Medical Marijuana Now Legal

Who: Employers

When: 12/3/2018

What?

Utah voters approved to legalize medical marijuana. Utah's Medical Marijuana Initiative will allow patients with debilitating chronic conditions to be prescribed medicinal marijuana by a licensed doctor.

How?

- ❑ Marijuana is still illegal on the federal level, and employers do not have to tolerate employees under the influence at work.
- ❑ Medical marijuana patients do not have the right to a reasonable accommodation but may have a case in court for disability discrimination. Watch other states, like Colorado, to understand what is considered “under the influence” when it comes to marijuana and how to construct other zero-tolerance policies.



Virginia Environmental Health & Safety Law

Virginia regulation:

- 1 EHS Law

Groundwater Withdrawal/Permit Fees

Who: Employers

When: 1/1/2019

What?

The final rule of the Department of Environmental Quality, State Water Control Board, amends regulations under 9 VAC 25-20 and -610 to extend the maximum term for groundwater withdrawal permits to 15 years, and increases permit application fees to \$9,000.

How?

- When applying for a permit, expect to pay an higher fee.



Washington Human Resources Law

Washington regulation:

- 1 HR Law

SB 5975 Paid Family and Medical Leave

Who: Public & Private Employers

When: 1/1/2019

What?

In 2020, Paid Family and Medical Leave will permit eligible employees and employers to take advantage of 12 weeks paid leave when they welcome a new child into their family, are faced with a severe illness, need to care for a family member's serious health condition, and for certain military-connected events. If workers experience multiple events in a given year, they may be eligible to receive up to 16 weeks, or up to 18 weeks if the employee suffers a serious health condition with a pregnancy that results in incapacity.

How?

- ❑ To qualify for Paid Family Leave, employees need to work at least 820 hours.
- ❑ The premium is 0.4% of an employee's paycheck and is shared by the employer and employee.
- ❑ If your employee's annual salary is \$50,000, he/she will pay about \$2.44 per week that is deducted from his/her paycheck.
- ❑ Premium assessment will begin January 1, 2019, and includes collecting premiums, determining employer's contributions, as well as tracking for quarterly reporting.
- ❑ Small employers with 50 or fewer employees will not pay premiums.



