

VARITRONIC SYSTEMS INC.
FTC07G7323

VBRICK SYSTEMS, INC
FTC09G9086
FTC10G0232

VERISIGN INC.
FTC07G7203
FTC08H8068
FTC09H9056
FTC10H0066
FTC11H1123

VERISPAN LLC
FTC07H7169
FTC08H8179

VERITY, INC
FTC08G8131
FTC09G9104

VERSAR SECURITY SYSTEMS, LLC
FTC07G7149

VERTIV SERVICES, INC.
FTC10H0046

VIAFORENSICS
FTC14H4063

VICTORIA A HASTIE
FTC09H9264

VISION TECHNOLOGIES, INC.
FTC15A5003/03
FTC15A5003/2
FTC15A5003
FTC15A5003

VISIONTECH INC
FTC10G0207B

VMWARE, INC.
FTC08H8195
FTC10H0213
FTC12H2153

VVL SYSTEMS & CONSULTING, LLC
FTC14H4178

W S I MANUFACTURING INC.
FTC09G9102
FTC11G1055

WASHINGTON EXPRESS LLC
FTC12G2014

WASHINGTON REFRIGERATION CO., INC.
FTC09H9113

WAVE SOFTWARE, LLC
FTC12H2041
FTC13H3035
FTC15H5153

WAYSIDE TECHNOLOGY GROUP, INC.
FTC08H8063

WEAVER, CONNIE M
FTC10H0327

WEINSCHENK INSTITUTE, LLC
FTC13H3034
FTC13H3069

WERRES CORP.
FTC09G9183

WEST PUBLISHING CORP
FTC08G8006B
FTC08G8053
FTC08H8272
FTC09G9076
FTC09G9243
FTC11G1069
FTC11G1157
FTC12G2061
FTC12H2120
FTC13G3053
FTC13G3061
FTC13H3157
FTC16G6052

WESTAT, INC
FTC08G8065
FTC06G6261

WESTCON GROUP NORTH AMERICA, INC.

FTC11G1153

WESTPORT63 CONSULTING
FTC08H8011

WHITAKER BROTHERS BUSINESS
MACHINES INC
FTC10G0117

WILLIAM S. HEIN & CO., INC.
FTC09H9089
FTC10H0127
FTC11H1089
FTC12H2126
FTC14H4077
FTC15H5112

WILMARTH JR, ARTHUR E
FTC08H8142

WILSON-EPES PRINTING CO INC
FTC09H9087

WINERMAN, MARC
FTC14H4088

WIRTHLIN WORLDWIDE, LLC
FTC08G8285

WOLFRAM RESEARCH INC.
FTC08H8278
FTC09H9126
FTC10H0017
FTC08H8075
FTC10H0215
FTC11H1023
FTC11H1132
FTC16H6021

WORKRITE ERGONOMICS INC
FTC15G5054

WORLD WIDE TECHNOLOGY INC
FTC08G8101
FTC08G8122
FTC08G8142
FTC09G9083
FTC09G9251
FTC11G1029
FTC11G1033
FTC11G1168
29FTC117F0162

XEROX CORP.
FTC06G6300
FTC06G6300A
FTC08G8034A
FTC13G3015

XL CONSTRUCTION, LLC
FTC10H0223

YORK TELECOM CORP.
Task order number after the “/”
29FTC116F0024
29FTC117F0024
29FTC117F0003
29FTC117F0004
29FTC117F0010
29FTC117F0030
29FTC117F0037
29FTC117F0040
29FTC117F0059
29FTC117F0074
29FTC117F0086
29FTC117F0143
29FTC118F0003
29FTC118F0013
29FTC118F0043
29FTC118F0044
29FTC118F0053
29FTC118F0065
FTC14A4002/0002
FTC14A4002/0003
FTC14A4002/0004
FTC14A4002/0005
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FTC14A4002/0011
FTC14A4002/0012
FTC14A4002/0015
FTC14A4002/0017
FTC14A4002/0018
FTC15G5081
FTC16G6045

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FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (“FTC” or “Commission”) is seeking public comment on its proposal to extend for an additional three years the current Paperwork Reduction Act (“PRA”) clearance for information collection requirements in its “Used Motor Vehicle Trade Regulation Rule” (“Used Car Rule” or “Rule”), which applies to used vehicle dealers. That clearance expires on December 31, 2019.

DATES: Comments must be filed by October 7, 2019.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. Write “Used Car Rule, PRA Comment, FTC File No. [P137606]” on your comment, and file your comment online at <https://www.regulations.gov> by following the instructions on the web-based form. If you prefer to file your comment on paper, mail your comment to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Elizabeth Scott, (312) 960-5609, Attorney, Midwest Region, Federal Trade Commission, 230 South Dearborn Street, Suite 3030, Chicago, IL 60604.

SUPPLEMENTARY INFORMATION: The Used Car Rule promotes informed purchasing decisions by requiring that used car dealers display a form called a “Buyers Guide” on each used car offered for sale that, among other things, discloses information about warranty coverage,

and other information to assist purchasers.

Burden Statement

Under the PRA, 44 U.S.C. 3501–3521, Federal agencies must obtain OMB approval for each collection of information they conduct or sponsor. “Collection of information” includes agency requests or requirements to submit reports, keep records, or provide information to a third party. 44 U.S.C. 3502(3); 5 CFR 1320.3(c). As required by section 3506(c)(2)(A) of the PRA, the FTC is providing this opportunity for public comment before requesting that OMB extend the existing paperwork clearance for the Used Car Rule, 16 CFR part 455 (OMB Control Number 3084–00108).

The Rule has no recordkeeping or reporting requirements. As detailed further under the Request for Comment, the FTC seeks clearance for the Rule’s disclosure requirements and the estimated PRA burden for them.

Estimated total annual hours burden: 2,368,993.

As explained in more detail below, this total is based on estimates of the number of used car dealers (53,779¹), the number of used cars sold by dealers annually (approximately 29,214,371²), and the time needed to fulfill the information collection tasks required by the Rule.³

The Rule requires that used car dealers display a one-page, double-sided Buyers Guide on each used car that they offer for sale. The component tasks associated with the Rule’s required display of Buyers Guides include: (1) Ordering and stocking Buyers Guides; (2) entering data on Buyers Guides; (3) displaying the Buyers Guides on vehicles; (4) revising Buyers Guides as necessary; and (5) complying with the Rule’s requirements for sales conducted in Spanish.

1. *Ordering and Stocking Buyers Guides:* Dealers should need no more than an average of two hours per year to obtain Buyers Guides, which are

¹ 37,026 independent dealers. *NIADA Used Car Industry Report* (2014), at 16. 16,753 franchised new car dealers in 2018. *NADA Data 2018: Annual Report*, at 5.

² The estimated number of used car sold annually is based on records for calendar year 2017 from the NIADA. *NIADA Used Car Industry Report* (2018), at 22.

³ Some dealers opt to contract with outside contractors to perform the various tasks associated with complying with the Rule. Staff assumes that outside contractors would require about the same amount of time and incur similar costs as dealers to perform these tasks. Accordingly, the hour and cost burden totals shown, while referring to “dealers,” incorporate the time and cost borne by outside companies in performing the tasks associated with the Rule.

readily available from many commercial printers or can be produced by an office word-processing or desk-top publishing system.⁴ Based on an estimated population of 53,779 dealers, the annual hours burden for producing or obtaining and stocking Buyers Guides is 107,558 hours.

2. *Entering Data on Buyers Guides:* The amount of time required to enter applicable data on Buyers Guides may vary substantially, depending on whether a dealer has automated the process. For used cars sold “as is,” copying vehicle-specific data from dealer inventories to Buyers Guides and checking the “No Warranty” box may take two to three minutes per vehicle if done by hand, and only seconds for those dealers who have automated the process or use pre-printed forms. Staff estimates that dealers will require an average of two minutes per Buyers Guide to complete this task. Similarly, for used cars sold under warranty, the time required to check the “Warranty” box and to add warranty information, such as the additional information required in the Percentage of Labor/Parts and the Systems Covered/Duration sections of the Buyers Guide, will depend on whether the dealer uses a manual or automated process or Buyers Guides that are pre-printed with the dealer’s standard warranty terms. Staff estimates that these tasks will take an average of one additional minute, *i.e.*, cumulatively, an average total time of three minutes for each used car sold under warranty.

Staff estimates that dealers sell approximately fifty percent of used cars “as is” and the other half under warranty. Therefore, staff estimates that the overall time required to enter data on Buyers Guides consists of 486,906 hours for used cars sold without a warranty (29,214,371 vehicles × 50% × 2 minutes per vehicle) and 730,359 hours for used cars sold under warranty (29,214,371 vehicles × 50% × 3 minutes per vehicle) for a cumulative estimated total of 1,217,265 hours.

3. *Displaying Buyers Guides on Vehicles:* Although the time required to display the Buyers Guides on each used car may vary, FTC staff estimates that dealers will spend an average of 1.75 minutes per vehicle to match the correct Buyers Guide to the vehicle and to display it on the vehicle. The estimated burden associated with this task is approximately 852,086 hours for the estimated 29,214,371 vehicles sold

annually (29,214,371 vehicles × 1.75 minutes per vehicle).

4. *Revising Buyers Guides as Necessary:* If negotiations between the buyer and seller over warranty coverage produce a sale on terms other than those originally entered on the Buyers Guide, the dealer must revise the Buyers Guide to reflect the actual terms of sale. According to the original rulemaking record, bargaining over warranty coverage rarely occurs. Staff notes that consumers often do not need to negotiate over warranty coverage because they can find vehicles that are offered with the desired warranty coverage online or in other ways before ever contacting a dealer. Accordingly, staff assumes that dealers will revise the Buyers Guide in no more than two percent of sales, with an average time of two minutes per revision. Therefore, staff estimates that dealers annually will spend approximately 19,476 hours revising Buyers Guides (29,214,371 vehicles × 2% × 2 minutes per vehicle).

5. *Spanish Language Sales:* The Rule requires dealers to make contract disclosures in Spanish if the dealer conducts a sale in Spanish.⁵ The Rule permits displaying both an English and a Spanish language Buyers Guide to comply with this requirement.⁶ Many dealers with large numbers of Spanish-speaking customers likely will post both English and Spanish Buyers Guides to avoid potential compliance violations.

Calculations from United States Census Bureau surveys indicate that approximately 5.4 percent of the United States population speaks Spanish at home, without also speaking fluent English.⁷ Staff therefore projects that dealers will conduct approximately 5.4 percent of used car sales in Spanish. Dealers will incur the additional burden of completing and displaying a second Buyers Guide in 5.4 percent of sales assuming that dealers choose to comply with the Rule by posting both English and Spanish Buyers Guides. The annual hours burden associated with completing and displaying Buyers Guides is 2,069,351 hours (1,217,265 hours for entering data on Buyers Guides + 852,086 hours for displaying Buyers Guides). Therefore, staff estimates that the additional burden caused by the Rule’s requirement that

⁵ 16 CFR 455.5.

⁶ *Id.*

⁷ U.S. Census Bureau, TableB16001. *Language Spoken at Home. 2017 American Community Survey 1-Year Estimates*, available at: https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_1YR_B16001&prodType=table (last visited June 7, 2019) (5.4% of the United States population 5 years or older who speaks Spanish or Spanish Creole in the home speaks English less than “very well.”).

⁴ Buyers Guides are also available online from the FTC’s website, www.ftc.gov, at <http://business.ftc.gov/selected-industries/automobiles>.

dealers display Spanish language Buyers Guides when conducting sales in Spanish is 111,745 hours (2,069,351 hours \times 5.4% of sales). The other components of the annual hours burden, *i.e.*, purchasing Buyers Guides and revising them for changes in warranty coverage, remain unchanged.

6. *Optional Disclosures of Non-Dealer Warranties:* The Rule does not require dealers to disclose information about non-dealer warranties, but provides dealers with the options to disclose such warranties on Buyers Guides. FTC staff has estimated that dealers will make the optional disclosures on 25% of used cars offered for sale. Staff believes that checking the optional boxes to disclose a non-dealer warranty should require dealers no more than 30 seconds per vehicle. Accordingly, based on 29,214,371 used cars sold, staff estimates that making the optional disclosures entails a burden of 60,863 hours (25% \times 29,214,371 vehicles sold \times 1/120 hour per vehicle).

Estimated annual cost burden: \$40,083,362 in labor costs and \$8,764,311 in non-labor costs.

1. *Labor costs:* Labor costs are derived by applying appropriate hourly cost figures to the burden hours described above. Staff has determined that all of the tasks associated with ordering forms, entering data on Buyers Guides, posting Buyers Guides on vehicles, and revising them as needed, including the corresponding tasks associated with Spanish Buyers Guides and providing optional disclosures about non-dealer warranties, are typically done by clerical or low-level administrative personnel. Using a clerical cost rate of \$16.92 per hour⁸ and an estimated burden of 2,368,993 hours for disclosure requirements, the total labor cost burden is \$40,083,362 (\$16.92 per hour \times 2,368,993 hours).

2. *Capital or other non-labor costs:* Although the cost of Buyers Guides may vary, staff estimates that the average cost of each Buyers Guide is thirty cents based on industry input. Therefore, the estimated cost of Buyers Guides for the 29,214,371 used cars sold by dealers in 2017 is approximately \$8,764,311. In making this estimate, staff assumes that all dealers will purchase pre-printed forms instead of producing them internally, although dealers may produce them at lower expense using their own office automation technology.

⁸The hourly rate is based on the Bureau of Labor Statistics estimate of the mean hourly wage for office clerks, general. *Occupational Employment and Wages, May 2018, 43-9061 Office Clerks, General*, available at: <https://www.bls.gov/oes/current/oes439061.htm#nat>.

Capital and start-up costs associated with the Rule are minimal.

Request for Comment: Pursuant to Section 3506(c)(2)(A) of the PRA, the FTC invites comments on: (1) Whether the disclosure, recordkeeping, and reporting requirements are necessary, including whether the resulting information will be practically useful; (2) the accuracy of our burden estimates, including whether the methodology and assumptions used are valid; (3) how to improve the quality, utility, and clarity of the disclosure requirements; and (4) how to minimize the burden of providing the required information to consumers.

You can file a comment online or on paper. For the FTC to consider your comment, we must receive it on or before October 7, 2019. Write “Used Car Rule, PRA Comment, FTC File No. [P137606]” on your comment. Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comments online, or to send them to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it through the <https://www.regulations.gov> website by following the instructions on the web-based form provided. Your comment—including your name and your state—will be placed on the public record of this proceeding, including the <https://www.regulations.gov> website. As a matter of discretion, the Commission tries to remove individuals’ home contact information from comments before placing them on the [regulations.gov](https://www.regulations.gov) site.

If you file your comment on paper, write “Used Car Rule, PRA Comment, FTC File No. [P137606]” on your comment and on the envelope, and mail it to the following address: Federal Trade Commission, Office of the Secretary, 600 Pennsylvania Avenue NW, Suite CC-5610 (Annex J), Washington, DC 20580, or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Constitution Center, 400 7th Street SW, 5th Floor, Suite 5610 (Annex J), Washington, DC 20024. If possible, submit your paper comment to the Commission by courier or overnight service.

Because your comment will be placed on the publicly accessible website at www.regulations.gov, you are solely responsible for making sure that your comment does not include any sensitive or confidential information. In particular, your comment should not include any sensitive personal

information, such as your or anyone else’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Comments containing material for which confidential treatment is requested must be filed in paper form, must be clearly labeled “Confidential,” and must comply with FTC Rule 4.9(c). In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c). Your comment will be kept confidential only if the General Counsel grants your request in accordance with the law and the public interest. Once your comment has been posted publicly at www.regulations.gov, we cannot redact or remove your comment unless you submit a confidentiality request that meets the requirements for such treatment under FTC Rule 4.9(c), and the General Counsel grants that request.

The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before October 7, 2019. For information on the Commission’s privacy policy, including routine uses permitted by the Privacy Act, see <https://www.ftc.gov/site-information/privacy-policy>.

Heather Hipsley,

Deputy General Counsel.

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