

**Rob Garagiola - Compass - SB 208 JPR - FAV (20.pdf**

Uploaded by: Garagiola, Rob

Position: FAV

# DIGITAL RETAIL BY THE NUMBERS

Below are some quick statistics about the current car buying process and what customers want when shopping for a car online.



**99%** of customers are not satisfied with the **current car buying process**. 17 out of 4,002 are satisfied with current buying process

Source: 2016 AutoTrader Car Buyer of the Future Study



**83%** of consumers want to shop online to save time

Source: Cox Automotive 2019 Car Buyer Journey Study



Buyers spend **3+ hours** in the showroom when the negotiations, trade-in, paperwork, F&I and after market sales are handled at the dealership

Source: Cox Automotive 2019 Car Buyer Journey Study

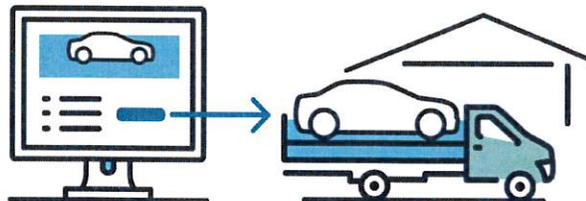


**80%** of buyers use third-party sites when buying a car

Source: Cox Automotive 2019 Car Buyer Journey Study



**58%** of car buyers are unsatisfied with how long the process took



**43%** of auto shoppers want to do the entire **transaction online** without ever visiting a dealer (**Pre-COVID-19**)

# Car buying has changed forever



Joann Muller, author of [Navigate](#)



Illustration: Sarah Grillo/Axios

It took a pandemic to drag the car-buying process into the 21st century — and consumers are never going back.

**Why it matters:** After COVID-19, consumers can now buy cars online as they do almost everything else, with the ability to complete the entire transaction digitally and take delivery without ever setting foot in a showroom.

**The big picture:** While most other commercial transactions — even banking — went digital years ago, car-buying remained a stubbornly low-tech, often aggravating, process.

- But when the public health crisis paralyzed their industry, car dealers had little choice but to embrace the disruptive changes they'd been resisting for decades.
- They scrambled to install new software that would let customers browse inventory, apply for credit and choose a payment schedule.
- And they offered virtual test drives to demonstrate in-car technology and arranged "touchless" vehicle pickup and delivery.

*"Consumers really like it. Surveys show they want more of it, and dealers are getting on board that this is how it's going to be."*

— Michelle Krebs, executive analyst at Cox Automotive

**The backstory:** Technology entrepreneurs — and sometimes even carmakers themselves — have tried for years to modernize the car-buying process.

- In the early 2000s, Ford even tried (unsuccessfully) to buy and operate dealerships in competition with its independently franchised dealers, thinking it could run them better.
- Since then, newcomers have tried various digital retailing efforts, but none with any great success.

SB 208 – FAV  
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- Car dealers, protected by state franchise laws, often were the biggest obstacles to change.
- Tesla's direct-to-consumer sales model, for example, met fierce resistance from dealers in many states, requiring lengthy court battles or negotiated settlements with state governments, though Tesla eventually won.

**For the record:** Some progressive dealers have been exploring online sales initiatives for several years.

- But many worried their profit margins would suffer if they weren't able to upsell buyers with extras like extended warranties or plush floor mats.
- It turns out that dealers are more profitable than ever since shifting to online sales, Krebs noted.
- "The deal happens faster because the consumer knows exactly what they want, and there's not a lot of haggling on the price," she said.
- **Yes, but:** Prices are high also because inventories are limited due to COVID-related factory shutdowns earlier in the year.

**The state of play:** Dealers are now touting their "omnichannel" tech strategy to provide consumers a seamless buying experience whether they shop online, in store or both.

- Nissan, for example, just launched a [new online shopping platform](#) called Nissan@home that lets prospective buyers schedule a test drive, sign the paperwork and arrange delivery of their new vehicle from their computer or mobile device.
- Sonic Automotive, a large publicly traded dealer group, recently hired its first [chief digital officer and vice president of e-commerce](#) with the goal of doubling its annual revenue by 2025.

**The bottom line:** A three- or four-hour showroom visit can be compressed into a 15-minute online purchase.

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## VOLi Creative | VIRTUAL CAR SHOPPING

NBC NIGHTLY NEWS WITH LESTER HOLT	TRANSCRIPT
<p>In just 60 seconds, how the Covid crisis is driving a revolution in the way we buy cars. Like so many businesses, the car industry has had to adapt to life in a pandemic. For many, buying and selling is now done with far less human contact. Jolene Kent, now with the price you pay. The pandemic is revving up, car shopping from the comfort and safety of home with walk-in visits to dealerships down 14% due to COVID-19, more shoppers are buying online instead of in person. Consumers don't want to necessarily come into the store and spend as much time. Web Traffic - that's really become the new front door. In fact, GM says the number of customers who bought their vehicle virtually has roughly tripled compared to before the pandemic. Toyota, Lexus, CarMax, and Carvana will personally deliver your new wheels to you too. And if you're on the fence, CarMax will let you test drive a vehicle of your choice for 24 hours before you decide. It gives him an assurance that, hey, this is the right car for me. Is this trend going to continue after the pandemic? Yeah, I think this is a lasting trend and consumers will continue to want to do more things online. They're going to expect this to be a very simple and seamless process. But remember the rules of the road for how much you pay still apply even on line. Always shop around, compare prices, and if possible bargain for a better deal, Lester. Hard to kick the tires online. Alright, thanks. Up next, What are the odds? More than one billion up for grabs?</p>	

FitzAuto

Internet Leads jumped 50.1% during the height of COVID lockdown.

Consumers want accurate information online.

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Lead Report Results for 4/1/2020 to 5/30/2020 for All Vehicles

Company Totals	Total Leads		Walkin Leads		Internet Leads			Phone Leads			Other Leads						
	Total	Sold %	Total	Sold %	Total	Engage %	Time	Sold	Sold %	Total	Sold	Sold %					
Company Totals	30989	3636	11.7%	2405	901	37.5%	23653	69.6%	26	1648	7.0%	4116	1048	25.5%	815	39	39

Lead Report Results for 4/1/2019 to 5/30/2019 for All Vehicles

Company Totals	Total Leads		Walkin Leads		Internet Leads			Phone Leads			Other Leads						
	Total	Sold %	Total	Sold %	Total	Engage %	Time	Sold	Sold %	Total	Sold	Sold %					
Company Totals	26243	4351	16.6%	6401	2234	34.9%	15678	60.2%	36	1161	7.4%	4031	948	23.6%	133	8	8

**testimony2021sb208mcrc.pdf**

Uploaded by: Garagiola, Rob

Position: FAV

January 15, 2021

The Honorable Will Smith  
Judicial Proceedings Committee  
2 East, Miller Senate Building  
Annapolis, MD 21401  
cc: Members, Judicial Proceedings Committee

**Re: SB 208**  
**Vehicle Laws – Manufacturers and Dealers – Prices Listed on Dealer Websites**  
**Support**

Dear Chair Smith and Members of the Committee:

The Maryland Consumer Rights Coalition is a statewide coalition of individuals and organizations that advances financial justice and economic inclusion for Maryland consumers through research, education, direct service, and advocacy. Our 8,500 supporters include consumer advocates, practitioners, and low income and working families throughout Maryland.

We are writing today in support of SB 208. SB 208 is a strong, much needed pro-consumer bill. It will help tens of thousands of Marylanders save time and money when shopping for a new car or truck, the first or second most costly purchase Marylanders ever make. When enacted into law, this bill will let consumers use the internet to obtain transparent, competitive prices for a new car or truck that will meet their family's needs, at a price they can afford.

**AUTO MANUFACTURERS ARE DENYING CONSUMERS INFORMATION THEY NEED**

Over the last 25 years, manufacturers have markedly narrowed the difference between a car's Manufacturer's Suggested Retail Price and the invoice price a dealer purportedly pays for a vehicle. This is due in part to the internet, which has given consumers the illusion they can learn what a dealer's cost is for a new car by discovering the "dealer invoice" cost. To combat the increase in information available to consumers, most manufacturers now give dealers secret incentives whose amounts and terms are closely guarded secrets, undiscoverable by the public. This denies consumers the information they need to intelligently negotiate a fair sales price.

But on top of this, manufacturers in recent years have devised new schemes that make car shopping so much harder. Many of them, including Toyota, VW, and Subaru (as well as luxury brands like Mercedes Benz, Cadillac, and Lexus) have established "Minimum Allowable Advertised Prices" ("MAAP") for their vehicles. If one of their dealers advertises a price on the internet below the manufacturers' unilaterally

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Maryland Consumer Rights Coalition, Inc is a 501(c)(3) nonprofit organization and your contributions are tax deductible to the extent allowed by law.

set MAAP price, the manufacturer punishes that dealer severely by taking away advertising monies or eligibility for other benefits they make available to dealers who kowtow to them on advertising. Because the punishment is so severe, dealers can't afford to disregard the manufacturer's MAAP when advertising their vehicles.

So while the internet should be making car shopping much easier than it was in the old days, ironically, now it's harder than it used to be. Consumers used to see newspaper ads that announced "Toyota Camry for \$300 less than dealer invoice." No more.

Now, consumers looking on the internet for a good price for a Toyota Camry will find only very modest discounts from a Manufacturer's Suggested Retail Price. It looks like nearly all dealers are selling vehicles for the same or similar prices. In fact, dealers are willing to offer prices below the MAAP, something manufacturers to our knowledge never disclose on their websites.

To find out a dealer's actual pricing, a consumer now has to fill out a form giving their contact information to dealers, often including phone numbers and email addresses. So unless a consumer is willing to have their information put into a dealer's CRM (Customer Relations Management) software (which can lead to countless phone calls and emails from aggressive salespersons), they are out of luck.

We can and should let car dealers compete through honest advertising of their actual vehicle sale prices on the internet. This will help consumers efficiently identify dealers they should contact. Let's make the internet useful, and not misleading, for Marylanders shopping for new cars and trucks. This is especially important during a pandemic. SB 208 will prevent manufacturers from punishing dealers for honest internet advertising.

If dealers are allowed to compete on price on the internet, competition will lower prices for consumers. More Marylanders will be able to afford the vehicles they want.

MCRC urges the committee to give a favorable report on SB 208.

Best,

Marceline While  
Executive Director

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# **Letter supporting SB 208 (2021) - Prices Listed on**

Uploaded by: Sakamoto-Wengel, Steven

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*

**WILLIAM D. GRUHN**  
*Chief*  
Consumer Protection Division

**ELIZABETH F. HARRIS**  
*Chief Deputy Attorney General*

**CAROLYN QUATTROCKI**  
*Deputy Attorney General*



**STATE OF MARYLAND**  
**OFFICE OF THE ATTORNEY GENERAL**  
**CONSUMER PROTECTION DIVISION**

Writer's Fax No.

Writer's Direct Dial No.  
(410) 576-6307

January 19, 2021

**TO:** The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee

**FROM:** Steven M. Sakamoto-Wengel  
Consumer Protection Counsel for Regulation, Legislation and Policy

**RE:** Senate Bill 208 – Vehicle Laws – Manufacturers and Dealer – Prices  
Listed on Dealer Websites -- SUPPORT

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The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 208, sponsored by Senators Hough, Ready, and Waldstreicher. Senate Bill 208 would bar an automobile manufacturer, distributor or factory branch from prohibiting an automobile dealer from advertising a vehicle at the “purchase price.” “Purchase price” is defined in the bill as the “full delivered price of a vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15-311.1 of [the Transportation Article].” The Division understands that Senate Bill 208 is intended to ensure that accurate price information is available to consumers.

We understand that some car manufacturers have established Minimum Allowable Advertised Price rules that establish a minimum price that dealers can list for a car model online that is often \$1,500 or more greater than the actual price at which the dealership is willing to sell the vehicle. This practice limits the price competition that can help car buyers get a good deal. The Division believes that Senate Bill 208 would solve the problem by prohibiting manufacturers from punishing dealers for listing a valid price offer on their websites. The bill does nothing to prevent a manufacturer from requiring that dealers provide truthful price advertising.

Consequently, the Consumer Protection Division requests that the Judicial Proceedings Committee give Senate Bill 208 a favorable report.

cc: The Honorable Michael Hough  
The Honorable Justin Ready  
The Honorable Jeff Waldstreicher  
Members, Judicial Proceedings Committee

# 11-2020 Auto News Graphic Old vs New E Commerce Re

Uploaded by: Smith, Rob

Position: FAV

Old Way	New Way
5 hours in a dealership	Fast & easy online experience
Haggling back and forth	Upfront, transparent pricing & payments
In dealership trade appraisal	eTrade appraisal
F&I in dealership	eF&I
An hour contracting in dealership	eContracting
Pick up car at dealership	Home delivery
Drive to dealership to get service	Service reminders & online scheduling
Drop off and pick up car at service department	Pick up and drop off from your home

# **MD Dealer Data Sheet.pdf**

Uploaded by: Smith, Rob

Position: FAV

# Driving Maryland's Economy

## Annual Contribution of Maryland's New-Car Dealers

Numbers reflect annual economic activity during 2019.



**302**  
**DEALERSHIPS**  
(new car)



**47,616**  
**TOTAL JOBS**  
(created by dealerships)  
Includes 23,945 direct jobs and  
23,671 indirect and induced jobs.



**79**  
**EMPLOYEES**  
(average per  
dealership)



**\$19.9B**  
**TOTAL SALES**  
  
(all dealerships)



**\$1.5B**  
**PAYROLL**

<b>\$61,776</b> Average Annual Earnings	<b>\$390M</b> State and Federal Income Taxes Paid
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Includes income taxes paid for direct,  
indirect and induced jobs.



**1.9%**  
**REGISTRATIONS**  
Maryland's Share of Total U.S.  
New-Vehicle Registrations

**\$1.2B**  
**STATE SALES  
TAX PAID**

Sources: Center for Automotive  
Research, IHS Markit, NADA,  
Taxfoundation.org, U.S. Bureau  
of Labor Statistics.



**NATIONAL AUTOMOBILE DEALERS ASSOCIATION**

NADA Industry Analysis | 8484 Westpark Drive, Suite 500, Tysons, VA 22102 | 800.557.6232 | [economics@nada.org](mailto:economics@nada.org)  
NADA Legislative Affairs | 412 First St. SE | Washington, DC 20003 | 800.563.5500 | [legislative@nada.org](mailto:legislative@nada.org)

**SB208 JPR 2021 Favorable Rob Smith Testimony.pdf**

Uploaded by: Smith, Rob

Position: FAV



**Testimony to the Senate Judicial Proceedings Committee**  
**SB 208 -- Vehicle Laws – Manufacturers and Dealers – Prices Listed on Dealers Websites**  
**Position: Favorable**

January 19, 2021

The Honorable Will Smith  
Judicial Proceedings Committee  
2 East, Miller Senate Building  
Annapolis, MD 21401  
cc: Members, Judicial Proceedings Committee

**Dear Chairman Smith and Committee Members,**

I am testifying in support of SB208 to make shopping for consumers faster and more transparent on the internet.

I have been in the automobile business for 32 years with Jack Fitzgerald. We represent many brands, in small markets and in large ones. We have over 1,700 associates in almost every Maryland County. Combined, Maryland car dealers have 23,945 direct jobs (NADA).

According to automotive news 2020 E-commerce report, it will come as no surprise that 99% of all customers are not satisfied with the current car buying process. 83% of consumers want to shop online to save time. And BEFORE COVID, 43% of auto shoppers wanted to do the entire transaction online without ever visiting a dealer.

Toyota's VP of Sales told NBC Nightly News in December 2020 that 90% of all Toyota's 2020 sales completed part of the buying process on-line and 10% did not even visit the dealership. It's a sea change.

In a physical dealership, dealers are permitted to list cars for whatever price a consumer will buy the car for, and they do. On the windshield, on stickers on the car, even lists in showrooms.

The Digital showroom is prohibited from doing that. There's a penalty by many of the manufacturers. Traditionally consumers have heard about two prices consumers started with – MSRP (Sticker price) and the invoice price, what the dealer paid to get the car. Traditionally consumers negotiated from there, but there have always been sale cars. Some dealers would look to move old inventory, too many of some inventory, inventory with the wrong equipment etc. They might put a sale price. It could be more than invoice, less than sticker. It might even be less than invoice, depending on incentives. The customer was able to bargain for a good deal.

Today, manufacturers constrain dealers by introducing something called MAAP pricing – **Minimum allowable Advertised Price.** That means they are setting the floor or what the price is on the internet. They can't do it in the showroom, but they can, and do on the internet. How



do they accomplish this? By taking adverse action against a dealer who advertises a different price. Taking away incentives. What does that mean? Consumers pay more.

Manufacturers will even lift MAAP pricing from time to time, on old model years, for example. Then proclaim “great news! We took MAAP restrictions off, so you can advertise any price.” So consumers get a better bargain. (Attachment)

Manufacturers will say that dealers all pay the same price for the car. True – and not true. Initially yes, every dealer, large and small, pays the same price for the car. But there are “dealer incentives” (think rebates you see on tv) that are paid after the sale, if you follow the rules.

The only rule SB208 addresses is the rule that prevents dealers from not putting the true selling price on the internet. It does this by stopping any adverse action for being truthful in the list price. Just like Carvana. Just like Vroom. Just like e-bay. Just like Amazon.

SB208 is clear and narrow. It defines the purchase price for consumers, and allows dealers to put the purchase price on the internet.

Manufacturers will say “dealers can do that today through email.” That isn’t good enough for today’s consumers. Consumers want factual information, in plain language, quickly. SB208 helps customers make informed decisions without the hassle of physically coming to the dealership or begging for a price through email.

Dealers will still have to abide by regulations set forth by the MVA and the Attorney General. Bill SB208 allows the truthful listing of the purchase price of vehicles to allow customers to shop and compare.

We strongly support SB208 and urge the committee to give it a FAVORABLE report.

Sincerely,

Rob Smith  
Fitzgerald Auto Mall

**testimony2021sb208AGoffice.pdf**

Uploaded by: Smith, Rob

Position: FAV

**BRIAN E. FROSH**  
*Attorney General*

**WILLIAM D. GRUHN**  
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**ELIZABETH F. HARRIS**  
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January 19, 2021

**TO:** The Honorable William C. Smith, Jr., Chair  
Judicial Proceedings Committee

**FROM:** Steven M. Sakamoto-Wengel  
Consumer Protection Counsel for Regulation, Legislation and Policy

**RE:** Senate Bill 208 – Vehicle Laws – Manufacturers and Dealer – Prices  
Listed on Dealer Websites -- SUPPORT

---

The Consumer Protection Division of the Office of the Attorney General supports Senate Bill 208, sponsored by Senators Hough, Ready, and Waldstreicher. Senate Bill 208 would bar an automobile manufacturer, distributor or factory branch from prohibiting an automobile dealer from advertising a vehicle at the “purchase price.” “Purchase price” is defined in the bill as the “full delivered price of a vehicle, excluding only taxes, title fees, and any freight or dealer processing charge disclosed in accordance with § 15-311.1 of [the Transportation Article].” The Division understands that Senate Bill 208 is intended to ensure that accurate price information is available to consumers.

We understand that some car manufacturers have established Minimum Allowable Advertised Price rules that establish a minimum price that dealers can list for a car model online that is often \$1,500 or more greater than the actual price at which the dealership is willing to sell the vehicle. This practice limits the price competition that can help car buyers get a good deal. The Division believes that Senate Bill 208 would solve the problem by prohibiting manufacturers from punishing dealers for listing a valid price offer on their websites. The bill does nothing to prevent a manufacturer from requiring that dealers provide truthful price advertising.

Consequently, the Consumer Protection Division requests that the Judicial Proceedings Committee give Senate Bill 208 a favorable report.

cc: The Honorable Michael Hough  
The Honorable Justin Ready  
The Honorable Jeff Waldstreicher  
Members, Judicial Proceedings Committee

# **Ext. Comm. - Letter - 2020 - MD SB 208 Opposition**

Uploaded by: Fisher, Joshua

Position: UNF



January 15, 2021

The Honorable William Smith, Jr.  
Chair, Senate Judicial Proceedings Committee  
2 East  
Miller Senate Office Building  
Annapolis, Maryland 21401

**SB208: Vehicle Laws - Manufacturers and Dealers – Advertisements  
Position: Unfavorable**

Senator Smith:

The Alliance for Automotive Innovation<sup>1</sup> opposes SB 208, which seeks to regulate automobile advertising. SB 208 would make advertising through local marketing associations more difficult and less useful while also causing confusion for consumers. Focused on creating a safe and transformative path for sustainable industry growth, the Alliance for Automotive Innovation represents the manufacturers producing nearly 99 percent of cars and light trucks sold in the U.S.

Manufacturers and dealers often have regional advertising associations in which the manufacturer and the local dealers pool their advertising dollars to buy advertising that benefits all of them. For example, commercials that say, “See your Baltimore area dealer for great deals on....” Those commercials may include price examples for models of vehicles to attract consumers. Those prices are not necessarily final prices, they may be designed by marketers to leave room for dealers and customers to negotiate, as is the custom in automobile purchasing. SB 208 would make those types of joint advertising commercials vulnerable to legal challenges.

SB 208 says that a manufacturer may not prohibit a dealer from advertising a “purchase price” on its website. The problem is that SB 208 goes beyond that. It says that a manufacturer may

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<sup>1</sup> The Alliance for Automotive Innovation is the singular, authoritative and respected voice of the automotive industry. Focused on creating a safe and transformative path for sustainable industry growth, the Alliance for Automotive Innovation represents the manufacturers producing nearly 99 percent of cars and light trucks sold in the U.S. The organization, a combination of the Association of Global Automakers and the Alliance of Automobile Manufacturers, is directly involved in regulatory and policy matters impacting the light-duty vehicle market across the country. Members include motor vehicle manufacturers, original equipment suppliers, technology and other automotive-related companies and trade associations. The Alliance for Automotive Innovation is headquartered in Washington, DC, with offices in Detroit, MI and Sacramento, CA. For more information, visit our website <http://www.autosinnovate.org>.

not “coerce” a dealer to list a different price on its website. § 15-207 is unusual in that it broadly defines “coerce” to include the loss of an incentive or benefit available to other dealers.<sup>2</sup> Thus SB 208 means that if manufacturers contribute money either directly to dealers or through a regional advertising association to advertise in a uniform way, the manufacturer will still have to pay even if a dealer refused to go along with the advertising program. Regional advertising associations that receive contributions from the manufacturer could not use an advertised price based around the traditional negotiation process of buying a car if one dealer wanted to advertise a final purchase price instead.

Similarly, SB 208 prohibits “adverse action” against a dealer that advertises a vehicle for sale at a particular price on its website. This term is needlessly broad. It raises the possibility that a manufacturer would violate Maryland law if it tried to enforce the terms of an incentive program that included an advertising component.

Advertising in the Mid-Atlantic can be expensive. Automobile manufacturers and dealers pooling their resources to jointly advertise their products is a well-established and commonly used practice that allows more advertising to reach more consumers in a competitive marketplace. SB 208 would make regional advertising associations difficult or even impossible to use and cause such advertising to contain less useful information.

The Alliance for Automotive Innovation respectfully asks the members of the Judicial Proceedings Committee to report the bill unfavorable. For more information, please contact our local representative, Bill Kress, at (410) 375-8548.

Sincerely,



Josh Fisher  
Director, State Affairs  
Alliance for Automotive Innovation

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<sup>2</sup> The definition of “coerce” can be found on Page 2, Line 1 of the bill.