



INTERIM GUIDANCE FOR VEHICLE SALES, LEASES, AND RENTALS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

When you have read this document, you can affirm at the bottom.

As of July 1, 2020

Purpose

This Interim Guidance for Vehicle Sales, Leases, and Rentals during the COVID-19 Public Health Emergency (“Interim COVID-19 Guidance for Vehicle Sales, Leases, and Rentals”) was created to provide owners/operators of vehicles sale, lease and/or rental businesses and their employees and contractors with precautions to help protect against the spread of COVID-19 as vehicle sale and rental businesses reopen or continue to operate.

These guidelines are minimum requirements only and any employer is free to provide additional precautions or increased restrictions. These guidelines are based on the best-known public health practices at the time of Phase II of the State’s reopening, and the documentation upon which these guidelines are based can and does change frequently. The Responsible Parties – as defined below – are accountable for adhering to all local, state and federal requirements relative to vehicle sale, lease and rental activities. The Responsible Parties are also accountable for staying current with any updates to these requirements, as well as incorporating same into any vehicle sale, lease and rental businesses and/or Site Safety Plan.

Background

On March 7, 2020, Governor Andrew M. Cuomo issued [Executive Order 202](#), declaring a state of emergency in response to COVID-19. Community transmission of COVID-19 has occurred throughout New York. To minimize further spread, social distancing of at least six feet must be maintained between individuals, where possible.

On March 20, 2020, Governor Cuomo issued [Executive Order 202.6](#), directing all non-essential businesses to close in-office personnel functions. Essential businesses, as defined by Empire State Development Corporation (ESD) [guidance](#), were not subject to the in-person restriction, but were, however, directed to comply with the guidance and directives for maintaining a clean and safe work environment issued by the New York State Department of Health (DOH), and were strongly urged to maintain social distancing measures to the extent possible.

On April 12, 2020, Governor Cuomo issued [Executive Order 202.16](#), directing essential businesses to provide employees, who are present in the workplace, with a face covering, at no-cost, that must be used when in direct contact with customers or members of the public during the course of their work. On April 15, 2020, Governor Cuomo issued [Executive Order 202.17](#), directing that any individual who is over age two and able to medically tolerate a face-covering must cover their nose and mouth with a mask or cloth face-covering when in a public place and unable to maintain, or when not maintaining, social distance. On April 16, 2020, Governor Cuomo issued [Executive Order 202.18](#), directing that everyone using public or private transportation carriers or other for-hire vehicles, who is over age two and able to medically tolerate a face covering, must wear a mask or face covering over the nose and mouth during any such trip. It also directed any operators or drivers of public or private transport to wear

a face covering or mask which covers the nose and mouth while there are any passengers in such a vehicle. On May 29, 2020, Governor Cuomo issued [Executive Order 202.34](#), authorizing business operators/owners with the discretion to deny admittance to individuals who fail to comply with the face covering or mask requirements.

On April 26, 2020, Governor Cuomo [announced](#) a phased approach to reopen industries and businesses in New York in phases based upon a data-driven, regional analysis. On May 4, 2020, the Governor [provided](#) that the regional analysis would consider several public health factors, including new COVID-19 infections, as well as health care system, diagnostic testing, and contact tracing capacity. On May 11, 2020, Governor Cuomo [announced](#) that the first phase of reopening would begin on May 15, 2020 in several regions of New York, based upon available regional metrics and indicators. On May 29, 2020, Governor Cuomo [announced](#) that the second phase of reopening would begin in several regions of the state, and announced the use of a new early warning dashboard that aggregates the state's expansive data collection efforts for New Yorkers, government officials, and experts to monitor and review how the virus is being contained to ensure a safe reopening.

In addition to the following standards, both essential and non-essential vehicle sales and rentals businesses must continue to comply with the guidance and directives for maintaining clean and safe work environments issued by the DOH.

Please note that where guidance in this document differs from other guidance documents issued by New York State, the more recent guidance shall apply.

Standards for Responsible Vehicle Sale, Lease, and Rental in New York State

No vehicle sale, lease or rental activity can occur without meeting the following minimum State standards, as well as applicable federal requirements, including but not limited to such minimum standards of the Americans with Disabilities Act (ADA), Centers for Disease Control and Prevention (CDC), Environmental Protection Agency (EPA), and United States Department of Labor's Occupational Safety and Health Administration (OSHA).

The State standards contained within this guidance apply to all vehicle sale, lease and rental activities in operation during the COVID-19 public health emergency until rescinded or amended by the State. The operator of the vehicle sale, lease or rental site, or another party as may be designated by the operator (in either case, "the Responsible Parties"), shall be responsible for meeting these standards.

The following guidance is organized around three distinct categories: people, places, and processes.

I. PEOPLE

A. Physical Distancing

- Responsible Parties must ensure that for any vehicle sale, lease, or rental activity, the workforce and customer presence is limited to 50% of the maximum occupancy for a particular area as set by the certificate of occupancy, inclusive of customers, who must maintain six feet of separation from others and, in all cases, must only be permitted entry into a store if they wear an acceptable face covering; provided, however, that the customer is over the age of two and able to medically tolerate such covering. Employees also must wear face coverings any time they interact with customers (e.g. ringing up a purchase), even if they are six or more feet apart; and

- Responsible Parties must ensure that a distance of at least six feet is maintained among all individuals (e.g. workers and customers) at all times, unless safety or the core activity requires closer distance (e.g. vehicle test drive). Employees must wear acceptable face coverings any time they interact with customers (e.g. ringing up a purchase) and any time employees are within six feet of another person. Employees must be prepared to don a face covering if another person unexpectedly comes within six feet.
 - Acceptable face coverings for COVID-19 include but are not limited to cloth-based face coverings and disposable masks that cover both the mouth and nose.
 - However, cloth, disposable, or other homemade face coverings are not acceptable face coverings for workplace activities that typically require a higher degree of protection for personal protective equipment (PPE) due to the nature of the work. For those activities, N95 respirators or other PPE used under existing industry standards should continue to be used, as is defined in accordance with [OSHA guidelines](#).
- Responsible Parties may modify the use and/or restrict the number of work stations and employee seating areas, so that workers are at least six feet apart in all directions (e.g. side-to-side and when facing one another) and are not sharing workstations without cleaning and disinfection between use. When distancing is not feasible between workstations, Responsible Parties must provide and require the use of face coverings or enact physical barriers, such as plastic shielding walls, in lieu of face coverings in areas where they would not affect air flow, heating, cooling, or ventilation.
 - If used, physical barriers should be put in place in accordance with [OSHA guidelines](#).
 - Physical barrier options may include: strip curtains, plexiglass or similar materials, or other impermeable dividers or partitions.
- Responsible Parties should encourage customers to conduct viewings, test drives, and/or rentals by appointment only.
- Showroom and retail layouts should be modified so that employees and customers are at least six feet apart in all directions when employees are working and customers are browsing, unless physical barriers are in place (e.g. plexiglass or partitions at cash registers).
 - Responsible Parties must require that employees use masks or cloth face coverings when interacting with customers. Responsible Parties shall not permit customers into the store without a face covering, if medically able to tolerate one, and are over age two.
 - Responsible Parties must reserve adequate space for employees and customers to work and shop, considering appropriate social distancing; Responsible Parties should consider creating one-way aisles, otherwise rearranging traffic flow, or using alternating cash registers
- Responsible Parties should prohibit the use of small spaces (e.g. elevators, storage closets) by more than one individual at a time, unless all employees in such space at the same time are wearing acceptable face coverings. However, even with face coverings in use, occupancy must never exceed 50% of the maximum capacity of the space or vehicle, unless it is designed for use by a single occupant. Responsible Parties should increase ventilation with outdoor air to the greatest extent possible (e.g. opening windows and doors in control rooms), while maintaining safety protocols. Responsible Parties should take additional measures to prevent congregation in waiting areas.
 - For test drivers of vehicles requiring more than one person, all individuals must wear a mask.

- Responsible Parties should put in place measures to reduce bi-directional foot traffic in common spaces (e.g. showroom, parking lot, garage) by using tape or signs with arrows in narrow aisles, between vehicles, or spaces.
 - Where possible, place markers for one directional traffic.
- Responsible Parties must post signs throughout the location, consistent with DOH COVID-19 signage. Responsible Parties can develop their own customized signage specific to their workplace or setting, provided that such signage is consistent with the Department’s signage. Signage should be used to remind employees to:
 - Cover their nose and mouth with a face covering.
 - Properly store and, when necessary, discard PPE.
 - Adhere to physical distancing instructions.
 - Report symptoms of or exposure to COVID-19, and how they should do so.
 - Follow hand hygiene and cleaning and disinfection guidelines.
 - Follow appropriate respiratory hygiene and cough etiquette.
- Responsible Parties should provide clearly designated entrances and separate exits.
 - Responsible Parties must be prepared to queue customers outside while still maintaining physical distance including through the use of visual cues.
- Responsible Parties should encourage customers to minimize touching vehicles unless on a test drive or renting the vehicle.

B. Gatherings in Enclosed Spaces

- Responsible Parties must limit in-person employee gatherings (e.g. team meetings) to the greatest extent possible and use other methods such as video or teleconferencing whenever possible, per CDC guidance “Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease 2019 (COVID-19)”. When videoconferencing or teleconferencing is not possible, Responsible Parties should hold meetings in open, well-ventilated spaces and ensure that individuals maintain six feet of social distance between one another (e.g. if there are chairs, leave space between chairs, have employees sit in alternating chairs).
- Responsible Parties must put in place practices for adequate social distancing in small areas, such as customer service waiting areas, restrooms and breakrooms, and should develop signage and systems (e.g. flagging when occupied) to restrict occupancy when social distancing cannot be maintained in such areas; and
- Responsible Parties should stagger schedules for employees to observe social distancing (i.e., six feet of space) for any gathering (e.g. coffee breaks, meals, and shift starts/stops).

C. Workplace Activity

- Responsible Parties must take measures to reduce interpersonal contact and congregation, through methods such as:
 - limiting in-person presence to only those staff who are necessary;
 - adjusting workplace hours;

- reducing on-site workforce to accommodate social distancing guidelines;
- shifting design (e.g. A/B teams, staggered arrival/departure times).
- Responsible Parties are encouraged to allow customers to conduct unaccompanied test drives.
 - If an employee accompanies the customer on a test drive, the employee must sit in the seat with the furthest possible distance from the customer(s) and wear an appropriate face covering.
 - Encourage customers to limit other individuals on the test drive, if possible (e.g. children).
- Responsible Parties should facilitate curbside pickup and drop-off, where possible (e.g. customer can return rental vehicle without human interaction).
- Responsible Parties must ensure that waiting areas allow customers to adhere to social distancing rules (e.g. space seating six feet apart).
- Responsible Parties are encouraged to limit the number of vehicles for viewing or renting in enclosed spaces (e.g. dealer showrooms, garages) and place vehicles in open air spaces (e.g. parking lot).
- Responsible Parties are encouraged to exchange paperwork via electronic transmission and to communicate with customers by phone, email, or videoconferencing when practicable.
- Where possible, Responsible Parties should avoid renting or issuing for test drive vehicles that may be difficult to clean and disinfect (e.g. fabric seats).
 - Where not practical, consider disposable protective covers that still allow for safe operation of the vehicle.

D. Movement and Commerce

- Responsible Parties must establish designated areas for pickups and deliveries, limiting contact to the extent possible.
- Responsible Parties should limit on-site interactions (e.g. designate an egress for workers leaving their shifts and a separate ingress for workers starting their shifts) and movements (e.g. employees should remain near their workstations as often as possible).
- Responsible Parties should encourage remote interaction as much as possible (e.g. online browsing, customization, ordering, paperwork).
- For any activities related to food services, Responsible Parties must operate in accordance with "Interim Guidance for Food Services during the COVID-19 Public Health Emergency."

II. PLACES

A. Protective Equipment

- Responsible Parties must ensure employees wear face coverings when they are within six feet of customers or coworkers. Employees also must wear face coverings any time they interact with customers (e.g. ringing up a purchase).

- Responsible Parties must ensure that customers are only permitted entry into the retail store if they wear an acceptable face covering; provided, however, that the customer is over the age of two and able to medically tolerate such covering.
- In addition to the necessary PPE as required for certain workplace activities, Responsible Parties must procure, fashion, or otherwise obtain acceptable face coverings and provide such coverings to their employees while at work at no cost to the employee. Responsible Parties should have an adequate supply of face coverings and other required PPE on hand should an employee need a replacement or should a visitor be in need. Acceptable face coverings include, but are not limited to, cloth (e.g. homemade sewn, quick cut, bandana), surgical masks, and face shields.
- Face coverings must be cleaned or replaced after use and may not be shared. Please consult the CDC [guidance](#) for additional information on cloth face coverings and other types of PPE, as well as instructions on use and cleaning.
 - Note that cloth face coverings or disposable masks shall not be considered acceptable face coverings for workplace activities that impose a higher degree of protection for face covering requirements. For example, if N95 respirators are traditionally required for specific vehicle sales or repairs, a cloth or homemade mask would not suffice. Responsible Parties must adhere to OSHA standards for such safety equipment.
- Responsible Parties must allow employees to use their own acceptable face coverings but cannot require employees to supply their own face coverings. Further, this guidance shall not prevent employees from wearing their personally owned additional protective coverings (e.g. surgical masks or face shields), or if the Responsible Parties otherwise requires employees to wear more protective PPE due to the nature of their work. Employers should comply with all applicable OSHA standards.
- Responsible Parties must put in place measures to limit the sharing of objects, such as tools, telephones, objects, and vehicles, as well as the touching of shared surfaces, such as electronics and keys; or, require workers to wear gloves (trade-appropriate or medical) when in contact with shared objects or frequently touched surfaces; or, require workers to perform hand hygiene before and after contact.
- Responsible Parties must train workers on how to adequately put on, take off, clean (as applicable), and discard PPE, including but not limited to, appropriate face coverings.

B. Hygiene, Cleaning, and Disinfection

- Responsible Parties must ensure adherence to hygiene and cleaning and disinfection requirements as advised by the CDC and DOH, including "[Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19](#)," and the "[STOP THE SPREAD](#)" poster, as applicable. Responsible Parties must maintain logs that include the date, time, and scope of cleaning and disinfection.
- Responsible Parties must provide and maintain hand hygiene stations on site, as follows:
 - For handwashing: soap, running warm water, and disposable paper towels.
 - For hand sanitizing: an alcohol-based hand sanitizer containing at least 60% alcohol for areas where handwashing facilities may not be available or practical.
 - Hand sanitizer must be placed throughout the location for use by employees and customers. It should be placed in convenient locations such as points of entrance and near showroom vehicles. Touch-free hand sanitizer dispensers should be installed in high touch areas, where possible.

- Responsible Parties should place signage near hand sanitizer stations indicating that visibly soiled hands should be washed with soap and water; hand sanitizer is not effective on visibly soiled hands.
- Responsible Parties should place receptacles around the location for disposal of soiled items, including PPE.
- Responsible Parties must provide appropriate cleaning and disinfection supplies for shared and frequently touched surfaces and encourage employees to use these supplies, following manufacturers' instructions, before and after use of these surfaces, followed by hand hygiene.
- Responsible Parties must conduct regular cleaning and disinfection of the site and more frequent cleaning and disinfection for high risk areas used by many individuals and for frequently touched surfaces. Cleaning and disinfection must be rigorous and ongoing and should occur at least after each shift, daily, or more frequently as needed. Please refer to DOH's "[Interim Guidance for Cleaning and Disinfection of Public and Private Facilities for COVID-19](#)" for detailed instructions on how to clean and disinfect facilities.
- Responsible Parties must ensure regular cleaning and disinfection of restrooms. Restrooms should be cleaned and disinfected more often depending on frequency of use.
 - Responsible Parties must ensure distancing rules are adhered to by using signage, occupied markers, or other methods to reduce restroom capacity where feasible.
 - Responsible Parties must ensure that vehicles, and tools are regularly cleaned and disinfected using registered disinfectants, including at least as often as workers change workstations or customers come into contact with vehicles. Refer to the Department of Environmental Conservation (DEC) [list of products](#) registered in New York State and identified by the EPA as effective against COVID-19.
 - If cleaning or disinfection products or the act of cleaning and disinfection causes safety hazards or degrades the material or vehicles, Responsible Parties must put in place hand hygiene stations between use and/or supply disposable gloves and/or limitations on the number of employees using such tools or vehicles.
 - Responsible Parties must provide for the cleaning and disinfection of exposed areas in the event of a worker is confirmed to have COVID-19, with such cleaning and disinfection to include, at a minimum, all heavy transit areas and high-touch surfaces (e.g. shared spaces, vehicles, electronics, keys, telephones, hand rails, and door handles).
- Responsible Parties must clean and disinfect every vehicle (interior and exterior) and keys prior to customer picking up or test driving and after the customer drops off the vehicle.
- CDC guidelines on "[Cleaning and Disinfecting Your Facility](#)" if someone is suspected or confirmed to have COVID-19 are as follows:
 - Close off areas used by the person suspected or confirmed to have COVID-19.
 - Responsible Parties do not necessarily need to close operations, if they can close off the affected areas.
 - Open outside doors and windows to increase air circulation in the area.
 - Wait 24 hours before you clean and disinfect. If 24 hours is not feasible, wait as long as possible.
- Clean and disinfect all areas used by the person suspected or confirmed to have COVID-19, such as offices, bathrooms, common areas, and shared equipment.
 - Once the area has been appropriately cleaned and disinfected, it can be reopened for use.

- Workers without close or proximate contact with the person suspected or confirmed to have COVID-19 can return to the work area immediately after cleaning and disinfection.
 - Refer to DOH’s [“Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure”](#) for information on “close or proximate” contacts.
- If more than seven days have passed since the person who is suspected or confirmed to have COVID-19 visited or used the facility, additional cleaning and disinfection is not necessary, but routine cleaning and disinfection should continue.
- Responsible Parties must prohibit shared food and beverages among employees (e.g. self-serve meals and beverages), encourage employees to bring lunch from home, and reserve adequate space for employees to observe social distancing while eating meals.

C. Phased Reopening

- Responsible Parties are encouraged to phase-in reopening activities so as to allow for operational issues to be resolved before production or work activities return to normal levels. Responsible Parties should consider limiting the number of employees, hours, and number of customers available to be served when first reopening so as to provide operations with the ability to adjust to the changes.

D. Communications Plan

- Responsible Parties must affirm that they have reviewed and understand the state-issued industry guidelines, and that they will implement them.
- Responsible Parties should develop a communications plan for employees, visitors, and customers that includes applicable instructions, training, signage, and a consistent means to provide employees with information. Responsible Parties may consider developing webpages, text and email groups, and social media.
- Responsible Parties should encourage customers to adhere to CDC and DOH guidance regarding the use of PPE, specifically face coverings, when a social distance of six feet cannot be maintained, through verbal communication and signage.
- Responsible Parties should post signage inside and outside of the building to remind employees and customers to adhere to proper hygiene, social distancing rules, appropriate use of PPE, and cleaning and disinfection protocols.

III. PROCESSES

A. Screening and Testing

- Responsible Parties must implement mandatory daily health screening practices.
 - Screening practices may be performed remotely (e.g. by telephone or electronic survey), before the employee reports to the site, to the extent possible; or may be performed on site.
 - Screening should be coordinated to prevent workers from intermingling in close or proximate contact with each other prior to completion of the screening.
 - At a minimum, screening must be required of all workers and visitors and completed using a questionnaire that determines whether the worker or visitor has:

- (a) knowingly been in close or proximate contact in the past 14 days with anyone who has tested positive for COVID-19 or who has or had symptoms of COVID-19;
 - (b) tested positive for COVID-19 in the past 14 days; and/or
 - (c) has experienced any symptoms of COVID-19 in the past 14 days.
- Refer to CDC guidance on "[Symptoms of Coronavirus](#)" for the most up to date information on symptoms associated with COVID-19.
- Responsible Parties must require employees to immediately disclose if and when their responses to any of the aforementioned questions changes, such as if they begin to experience symptoms, including during or outside of work hours.
- In addition to the screening questionnaire, temperature checks may also be conducted per U.S. Equal Employment Opportunity Commission or DOH guidelines. Responsible Parties are prohibited from keeping records of employee health data (e.g. the specific temperature data of an individual), but are permitted to maintain records that confirm individuals were screened and the result of such screening (e.g. pass/fail, cleared/not cleared).
- Responsible Parties must ensure that any personnel performing screening activities, including temperature checks, are appropriately protected from exposure to potentially infectious workers or visitors entering the site. Personnel performing screening activities should be trained by employer-identified individuals who are familiar with CDC, DOH, and OSHA protocols.
- Screeners should be provided and use PPE, including at a minimum, a face mask, and may include gloves, a gown, and/or a face shield.
- An individual who screens positive for COVID-19 symptoms must not be allowed to enter the worksite and must be sent home with instructions to contact their healthcare provider for assessment and testing.
 - Responsible Parties should provide such individuals with information on healthcare and testing resources.
 - Responsible Parties must immediately notify the state and local health department about the case if test results are positive for COVID-19.
- Responsible Parties should refer to DOH's "[Interim Guidance for Public and Private Employees Returning to Work Following COVID-19 Infection or Exposure](#)" regarding protocols and policies for employees seeking to return to work after a suspected or confirmed case of COVID-19 or after the employee had close or proximate contact with a person with COVID-19.
- Responsible Parties must designate a central point of contact, which may vary by activity, location, shift or day, responsible for receiving and attesting to having reviewed all questionnaires, with such contact also identified as the party for individuals to inform if they later are experiencing COVID-19-related symptoms, as noted on the questionnaire.
- Responsible Parties must designate a site safety monitor whose responsibilities include continuous compliance with all aspects of the site safety plan.
- To the extent possible, Responsible Parties should maintain a log of every person, including workers and visitors, who may have close or proximate contact with other individuals at the work site or area; excluding deliveries that are performed with appropriate PPE or through contactless means. The log

should contain contact information, such that all contacts may be identified, traced and notified in the event an employee is diagnosed with COVID-19. Responsible Parties must cooperate with state and local health department contact tracing efforts.

- Responsible Parties cannot mandate that customers complete a health screen or provide contact information but may encourage customers to do so. Responsible Parties may provide an option for customers to provide contact information so they can be logged and contacted for contact tracing, if necessary.

B. Tracing and Tracking

- Responsible Parties must notify the state and local health department immediately upon being informed of any positive COVID-19 test result by a worker at their site.
- In the case of a worker or visitor testing positive, the Responsible Parties must cooperate with the state and local health department to trace all contacts in the workplace and notify the state and local health department of all workers and visitors who entered the site dating back 48 hours before the worker first experienced COVID-19 symptoms or tested positive, whichever is earlier, but maintain confidentiality as required by federal and state law and regulations.
- State and local health departments will implement monitoring and movement restrictions of infected or exposed persons including home isolation or quarantine.
- Individuals who are alerted that they have come into close or proximate contact with a person with COVID-19, and have been alerted via tracing, tracking or other mechanism, are required to self-report to their employer at the time of alert and shall follow the protocol referenced above.

IV. EMPLOYER PLANS

Responsible Parties must conspicuously post completed safety plans on site. The State has made available a business reopening safety plan template to guide business owners and operators in developing plans to protect against the spread of COVID-19.

Additional safety information, guidelines, and resources are available at:

New York State Department of Health Novel Coronavirus (COVID-19) Website
<https://coronavirus.health.ny.gov/>

Centers for Disease Control and Prevention Coronavirus (COVID-19) Website
<https://www.cdc.gov/coronavirus/2019-ncov/index.html>

Occupational Safety and Health Administration COVID-19 Website
<https://www.osha.gov/SLTC/covid-19/>

[At the link below, affirm that you have read and understand your obligation to operate in accordance with this guidance:](https://forms.ny.gov/s3/ny-forward-affirmation)

<https://forms.ny.gov/s3/ny-forward-affirmation>