

# **VALVE CHATTER**



NOVEMBER 2024, Newsletter Volume 29, Issue 011

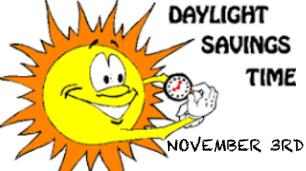
Regional Group #148 of the Early Ford

V-8 Club of America, Inc





NOTES FROM THE PRESIDENT DAN CASTELLINI



On Saturday, Oct 26th, twenty-three club members participated in the annual Milkcan Dinner Tour. The days events started with a 25 mile drive through the Temecula Wine Country, ending at the Bouris Ranch in Menifee. At the ranch we were treated to a personal tour of the grounds, to include a vintage tractor collection and antique farm tool and automotive memorabilia collection. The tour concluded at Bob & Sharon's home in Menifee, where we all enjoyed a Milk can dinner complete with delicious desserts provided by some of our members. Peggy Petrucci graciously shared her dessert recipes with some of our lady V8'ers to be enjoyed during the upcoming holiday season. Thank you to all who participated, making this a memorable tour. Special thanks to Bob & Sharon for opening their home up and hosting the Milkcan Dinner for the second year.

At our next meeting, on November 12th, we will be voting on the slate of officers for 2025. Thanks to Peggy Petrucci, Steve Wells and Jerome Mueller for serving on the Nomination Committee. Officers for 2025 will be sworn in at the Christmas Luncheon on December 10th.

As we roll into the holiday season take time to give thanks for family, friends and the freedoms we enjoy as Americans. Pray for our first responders and troops who will not be with their loved ones, so we can be with ours.

Happy Thanksgiving!

Dan



### LINDA LOWRY SECRETARY



## Board of Director's & Business Meeting of the Members of The Palomar Mountain V-8's Regional Group of the Early Ford V-8 Club of America, Inc.

A California Non-Profit Public Benefit Corporation

A regularly scheduled business meeting of the Board of Directors and Members of the Palomar Mountain V-8's Regional Group of the Early Ford V-8 Club of America, Inc., and a California Non-Profit Public Benefit Corporation was held on October 8, 2024 at the meeting place of the members: Richie's Diner, 40651 Murrieta Hot Springs Road, Murietta, California.

**Directors Present:** Dan Castellini, Steve Wells, Gregg Lowry, Linda Lowry, Bob McClelland **Members Present & Cars Driven:** Roger & Bonnie Bell, Jim Brown (1940 Ford), Dan Castellini (1941 2 Door), Bob Davis, Cliff Gustin, Tom & Patsy Hamlin, Don & Sylvia Harwick, Gregg & Linda Lowry, Bob & Sharon McClelland, Jerry & Roxie Otteson, Bob Payne, Peggy Petrucci, Ron Shedd, Steve Wells

Guests: Mark Vinyard

The meeting was called to order at 9:02 a.m. President Dan opened the meeting and asked Tom Hamlin to lead us in the Pledge of Allegiance and Bob McClelland to lead us in Prayer.

#### Officer & Committee Reports were accepted:

**President:** Dan Castellini- Reminded us that National is offering a free year's digital membership with their membership drive. He also gave an update on the recent car show he and Bob McClelland attended.

**Vice President:** Steve Wells – No report

**Treasurer:** Gregg Lowry- Reported a club balance.

Secretary: Linda Lowry - Presented the September minutes. Motion to accept made by Roxie Otteson and seconded by Peggy Petrucci. Motion passed. She announced and congratulated those members who celebrated birthdays and anniversaries in October.

**Director:** Bob McClelland – Gave an update on the Milk Can Supper & Tour on October 26<sup>th</sup>. For the tour we will meet at the Flagpole at 9:30 and drive to Bouris Ranch for a tour of antique tractors. The Milk Can Supper will take place at noon at the McClelland's home. Please RSVP to Bob or Sharon by October 21<sup>st</sup> if you plan to come. Optional to bring a salad or dessert to share. Cost is \$10 and please bring chairs if you wish.

**Accessories:** Janet Harris – No report

**Advertising:** Don Harwick – Don announced our newest advertiser – Schmidt Bros Insurance Service, LLC.

**Membership & Club Badges:** Bob Davis - Thanked those that have already renewed their memberships for next year. He reminded us that renewals are due by January 1, 2025. If you would like a new photo in the Roster, please submit it to Bob. As a note, Bob McClelland will be taking photos at our Christmas Luncheon.

Sunshine: Jackie Ouellette – No report

**Tours:** Octoberfest Milk Can Supper – 10/26. Please see details above in Director's report.

Vintage Helicopter Museum joint tour – 10/11 Please contact Ray Brock for details.

Dan reviewed upcoming tours and shows in the area.

Newsletter & Website: Bob McClelland – Welcomes any articles for the *Valve Chatter*.

**Old Business:** Linda Lowry gave an update on the Christmas Luncheon to be held December 10<sup>th</sup> at the Bear Creek Golf Club. Please see invitation in the *Valve Chatter* for details.

#### (CONT FRM PG

#### **New Business:**

Nominating Committee: Peggy Petrucci, Jerome Mueller & Steve Wells. Chairman Peggy Petrucci read the proposed slate of officers for the 2025 Board of Directors - Dan Castellini, President; Steve Wells, Vice President; Gregg Lowry, Treasurer; Linda Lowry, Secretary; Bob McClelland, Director. She asked for any nominations from the floor. None heard she announced that nominations are now closed. Members will vote at the November meeting.

Announcements: None

Program: Dan Castellini presented a video on McPherson College

Auto Restoration program Gregg followed up with additional information on the college and the programming they offer.

Tom's trivia Question: What was the first year Ford used a voltage regulator? Tom gave us the correct answer–1939 –and a bit of history behind it.

**Special Drawing:** – Tom Hamlin announced \$90 was collected with \$45 going to the club and \$45 won by Dan Castellini.

Being no further business to come before the meeting and on motion duly made by Peggy Petrucci and seconded by Patsy Hamlin the meeting adjourned at 9:50 a.m. It is directed that this action be filed in the Minute Book of the Corporation.

This action is executed pursuant to the Corporation Code of the state of California, which requires accurate minutes of any meeting of the Board be maintained.

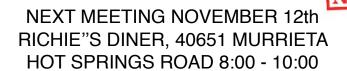
Dated: October 8, 2024 Respectfully submitted,

Linda Lowry, Secretary

**Corporate Minutes** 







#### A NOTE FROM THE EDITOR



We're **STILL** looking for your stories. What travel's have you done, what restorations have you done on your car? We would love to feature your story in the Valve Chatter! You can also send sale or wanted ads for future Valve Chatters! Notify me if your item has sold.

# ACCESSORIES 2024

All prices include embroidery and tax. Sizes S-2XL

Women's Polo \$21 Men's Polo \$24 Cap \$10.80

Long sleeved denim shirt \$21 Short sleeved denim shirt \$19.75

Long sleeved tee shirt with or without pocket \$16.31

Short sleeved tee shirt with or without pocket \$13.05=

Nylon jacket \$27



A club member can also go on SanMar.com web sight and look under **Port Authority** brand. It is a wholesale web sight so *you* can not buy from them. But, if you see something you wish to purchase, note the order number, color and product and Tim will give us the price with embroidery and tax. This is actually the best way to pick out the color you want.

Feel free to call me if you need help,

Janet

#### **Accessory Chair report**

#### **Jackets**

You can go online to S&S Active Ware website and pick out any jacket. Email me the product name and number and I will get the price for you. It will be less than stated in the catalogue. The club emblem will be attached to the left chest.

All other products go to **SanMar** website. Look under "Port Authority" brand. You can pick anything you want. Just email me the product name and number and I will get a price for you. Price will include having our logo sewed on. When you order, make a check payable to Palomar V-8 Club and send to Janet Harris:

3088 Skycrest Dr Fallbrook, 92028

Turnaround time is approximately 2 weeks. I will pick up your order and bring it to the next meeting.

#### **FOR SALE**

1939 Ford flathead stock bore, adjustable lifters, new clutch and pressure plate, 35' aluminum intake, 94 carburetor, late model crab distributor with new plug wires. Good compression with 120 pounds in every hole 40 pounds of oil pressure. Comes with everything minus the generator. Come hear it run on the stand. \$3000.00 Tim (619) 933-5701



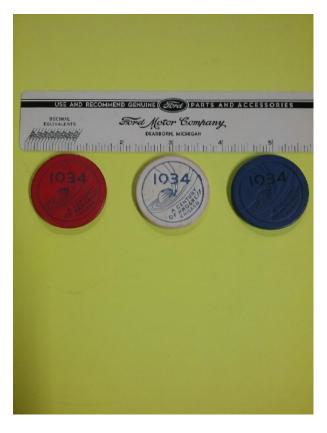


#### FOR SALE/WANTED

Items from the 1933/34 **Ford CENTURY OF PROGRESS** asking price for all \$150. (Does not include ruler). **Gary Walcher 619-916-8817** 









# FOR SALE



1941 Ford SEDAN DELIVERY STREET ROD - \$55,000. CALL JERRY AT 909-518-5496
PLEASE LEAVE A MESSAGE. I WILL CALL YOU BACK!



1919 MODEL T FORD, OLDER RESTORATION, PAINT IN GOOD SHAPE, NICE UPHOLSTERY & TOP. FOR MORE INFORMATION CONTACT DAVID BJORKLUND (961) 862-2166

# Christmas Luncheon Installation of Board of Directors

\*Optional Gift Exchange Game

Tuesday, December 10th ~ 11:30 to 3:00 pm

#### **Bear Creek Golf Club**

22640 Bear Creek Drive North, Murrieta, CA 951-200-7275

11:30 – 12:15 Social Hour & Photos 12:30 Buffet Lunch



#### Mexican Buffet Includes:

Carne Asada, Pollo Asada, Tortillas, Cheese Enchiladas

· Chips, Pico De Gallo, Guacamole, Refried Beans,

Spanish Rice, Olives, Lettuce, Sour Cream, Jalapeños, Mixed Cheeses

· Choice of Cheesecake, Carrot Cake, or Chocolate Cake

#### \$45.00 per person

Cash Bar is Available
Parking Pass Required/Check In at Gate

#### Deadline to Sign Up: November 22th

Please make checks out to the club and hand deliver to Linda Lowry or mail to: 2617 Via Del Robles, Fallbrook, CA 92028

·No Refunds After November 22th·

\*If you would like to participate in the Gift Exchange Game bring <u>one wrapped</u>
<u>gift per couple \$25 minimum value.</u> Suggested gifts include: Gift Cards, Car

Memorabilia, or Consumables (i.e. food or drink)

No White Elephants please!

#### **NOTE from Bob Davis, Membership Chairman:**

The time for membership renewal for 2025 has arrived. Please, renew your membership with the enclosed Renewal Membership form as soon as possible. The form with the \$25 renewal fee must be received by 31 January 2025. Otherwise your membership will not be renewed. The instructions for renewal are included in the renewal form. In addition if you have any recent digital photo image of yourself and associate member to include in the 2025 roster, please send them to me at robertidavis179@msn.com. For 2024 we have 43 paid memberships which include 13 single and 30 dual memberships. We would like to maintain your membership and gain any new members whom you might recommend for 2025. If for any reason you cannot renew your membership, please let me know at robertidavis179@msn.com. A membership in National is required for our Regional #148 membership.



# The Palomar Mountain V-8's Regional Group of the



Early Ford V-8 Club of America, Inc.

A Non-Profit Public Benefit Charitable California Corporation, Incorporated August 7, 2001

Regular Monthly Meeting for Members is the 2<sup>nd</sup> Tuesday each month except for December. December is the Annual Meeting and Installation of Officers at a location, time, and date to be determined.

2025 RENEWAL of Membership

(Due on January 1, 2020 Delinquent in the	ot I ald by I coldary 1, 2020)
Member Name:	
Any Changes to your Address, phone or email? Please here:	e look at current roster and list changes
<u></u>	
Any Changes to your Early Ford V-8's? Please look at	current roster and list changes here
Please direct any membership questions to Membershi	p Chair: Bob Davis (909) 815-3626
cell	
Current Renewal Dues: \$25 Make checks payable to Palomar Mo	ountain V-8's RG 148.
Mail check & renewal form to: Gregg Lowry 2617 Via del Robles	
Fallbrook, CA 92028	
The current ROSTER data is correct as currently publi	
My payment of annual RG#148 dues serves as my	•
member of the National club in good standing. Your	National # does not change.
Member Signature	Dated
	Form Revised 11/1/2023

8

#### THE IN-N-OUT STORY GOES ON!



2023

#### 75th Anniversary

In-N-Out celebrates three quarters of a century with 394 restaurants open throughout California, Nevada, Arizona, Utah, Texas, Oregon and Colorado. In its 75th year, the In-N-Out Burger family reaches over 38,000 dedicated Associates. The family-owned company carries the founding philosophy forward with a rigorous commitment to quality and freshness.



#### **November Birthdays**

- 6 Bob Payne
- 16 Jack Kay
- 22 Dan Castellini
- 25 Irene Griffin
- 29 Dave Huhn
- 30 Bonnie Krehbiel





#### 2023

#### **400th Store Opens**

On December 12, In-N-Out Burger celebrates a milestone as it opens its 400th location in its eighth state, welcoming guests in Meridian, Idaho. Our family of Associates now serves quality burgers, fries and shakes to Customers in the states of California, Nevada, Arizona, Utah, Texas, Oregon, Colorado and Idaho.



#### **November Anniversaries**

1 – Dan & Gloria Castellini





SUNSHINE REPORT
THINKING OF OUR MEMBERS STRUGGLING
PLEASE KEEP ALL MEMBERS IN YOUR
THOUGHTS & PRAYERS

#### FOR SALE/WANTED





1934 cowl lights \$100. pair GARY WALCHER 619-916-8817

Palomar Mountain V-8's Regional Group of the Early Ford V-8 Club of America, Inc., Temecula, CA Organized November 8, 1996 Chartered January 18, 1997 RG #148 Incorporated August 7, 2001 2024 Board of Directors & Officers Dan Castellini President Vice President Steve Wells Treasurer Gregg Lowry Secretary Linda Lowry Bob McClelland Director 2024 Committee Chairpersons **ACCESSORIES Janet Harris AUDIT COMMITTEE** Officers & Member at Large per Bylaws ADVERTISING Don Harwick www.valvechatter.org **NEWSLETTER EDITOR** Robert McClelland Email: remac278@msn.com DEADLINE: 20th of Each Month \*Opportunity drawing CHAIR Tom Hamlin SUNSHINE CHAIR Jackie Ouellette **TOUR LEADERS** Vacant Volunteers on Monthly Basis WEBSITE CHAIR: BOARD AdHoc committees: President is Ex-Officio member on all committees **MEMBERSHIP Bob Davis** On-line: www.valvechatter.org Initiation Fee: \$40.00 (includes two Regional Group Name Tags to wear to meetings & events.) Annual dues: \$25 per year (Jan. thru December 31) Nat'l Membership also required Nat'l Dues: \$35/yr + \$3 spouse Or optional \$10/yr no magazine

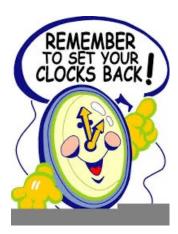
# "AND WE MEET AGAIN"

PHOTO'S BY PATSY HAMLIN















### TOUR - BOURIS RANCH - MILK CAN DINNER



# WHO DESIGNED THE FORD V-8 ENGINE By Dave Cole (CONT. FROM OCT VC)

the distributor off the end of the camshaft wouldn't work. Zoerlein's *Reminiscences* filed in the Ford Archives run 256 pages, much of which has to do with matters other than the development of the V-8, but includes what must be the first detailed information concerning that project to be put into print.

But detailed though his account is, Zoerlein told mostly about what he himself had done, mentioning only what he could remember about work that others did. Twenty years or more had passed since those days, and who can recall all the details of one's job after so long a time?

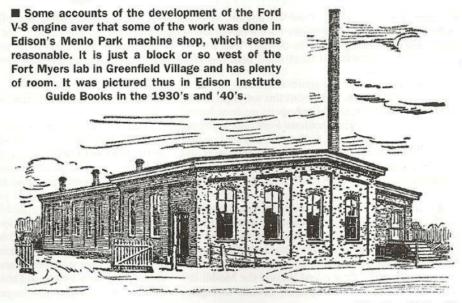
t appears that the first authors to make use of these reminiscences by Fred Thoms and Emil Zoerlein were Allan Nevins and Frank Ernest Hill, who wrote the detailed history of the Ford Motor Company in three volumes that are still highly regarded as giving the best coverage up to 1962. The second volume in the set is titled Ford: Expansion and Challenge, 1915-1933, and was published in 1957. Pages 594 and 595 in that book tell about the development of the Ford V-8, but only briefly. They tell how "under Ford's direction, Carl Schultz and other engineers working in the Edison laboratory had laid out the first V-8 engine in May, 1930 . . . ", another in November, then 25 to 30 more, always trying to simplify the design and reduce the cost. Footnotes in the back of the book tell about the Reminiscences of Zoerlein and Thoms the authors had consulted.

But the Nevins and Hill trilogy was a scholarly work, and few car guys bought the set, and fewer still waded through the 1,910 pages of small print, so not very many V-8 enthusiasts learned about how and where our favorite engine was designed from that source. Thus, when the late Lorin Sorensen, former editor of *The V-8 Times*, discovered in 1972 that Emil Zoerlein was still living in retirement in San

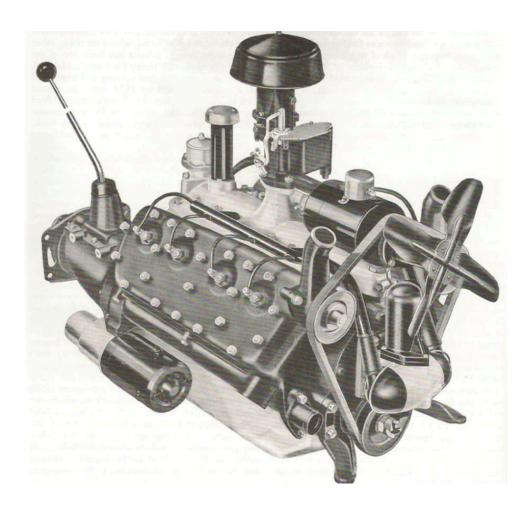
Marcos, California, he went to visit the former Ford engineer, and wrote a series of three articles for Ford Life magazine that he was then publishing. Most serious V-8'ers subscribed to Ford Life, so Lorin's articles gave them the first detailed description of the development of the Ford V-8 engine that they had ever read. Zoerlein recounted how he had been told to report to the old Fort Myers lab that had been relocated to Greenfield Village, and work with engineers Carl Schultz and Ray Laird, who were doing other phases of the design. Schultz had been one of the men who worked with Henry Ford on the Model A engine; Laird was a distant relative of Henry Ford and a trusted engineer by 1930, when he started work on the V-8. In fact, Ray Laird's career at Ford was such that he was among the 35 top assistants whose biographical sketches appear in the book, *Henry's Lieutenants*, by Ford R. Bryan, published in 1993.

Sorensen's three *Ford Life* articles about Zoerlein, which appeared in Volume 2, Numbers 5 and 6 and Volume 3, Number 1, in 1972 and '73, seem to have been the primary reference material used by Jim Norris in writing his four-page article, "Developing the First V-8," which appeared in the 4th Edition of *Petersen's Complete Ford Book* in 1976. Like Lorin, Jim names only Schultz, Laird and Zoerlein as engineers who worked on designing the Ford V-8 engine.

ne would suppose that Edward P. Francis and George De Angelis, both of them longtime Ford Motor Company supervisors with a passion for early Ford cars and the company's resources to draw upon, would have something to say about the development of the Ford V-8 engine in their book, The Early Ford V-8 as Henry Built It, described as a "Production facts book, 1932-38," which was published in 1982. Indeed they did. These meticulous researchers and writers tell how in 1928, Ford had one C.J. Smith design a V-8, which was a failure, and how he had another engineer, Arnold Soth, attempt another one, a 60-degree V-8 of 299 cubic inches, which was not successful either. Then they go right into the Schultz and Laird collaboration in the Fort Myers Edison lab in Greenfield Village, and mention some of Zoerlein's Reminiscences



(CONT ON PG 14)



■ There it is, the famous Ford V-8 engine, with features that made it unlike any other V-8 engine made before or since. It's full of Henry Ford's clever ideas (and some not so good, too!), but who put his plans on paper and created this specific design? That's what we're trying to figure out here, and it's not as easy as you'd think! Illustration from the 1932 folder, "Features of the New Ford V-8."

about Ford's ideas for the ignition system. But there are only a few paragraphs about this on page 9, following which Francis and De Angelis go on at length about the solving of the problems Ford had in getting the V-8 into production. Suffice it here to say that they name only Schultz, Laird and Zoerlein as the engineers who designed the V-8 that was ultimately successful.

Ithough Francis and De Angelis cover this subject well, if you want the most detailed treatise on the development of the Ford V-8 engine, you have to read Tony Thacker's 1984 book, '32 Ford: The Deuce, described as "A formal and sporting history of Ford's first V8 and the Model B." Thacker devotes all of Chapter 3, "'Make an Eight,'

says Ford," to this subject. It is six full pages long, and in addition, there is more on this topic in other chapters.

This is the most extensive coverage yet on the design phase of the V-8. It tells how Henry Ford instructed Fred Thoms to go out and buy examples of all the V-8 engines he could find, so they could be studied. Thoms got nine old V-8's of assorted makes, cleaned them up and presented them for inspection. The Ford V-8 would be like none of them, but it was useful to have them so Henry Ford and his engineers could see first-hand how others had solved the problems they would face in designing their own V-8. Many other writers we have mentioned here included this vignette about Thoms and the nine V-8's in their own stories.

(CONT ON PG 15)

But for all its elaborate detailed history on the 1932 Ford V-8, Thacker's book cites only Carl Schultz, Ray Laird and Emil Zoerlein as the design engineers who worked on it, besides Thoms.

Perhaps the most unusual aspect of Thacker's '32 Ford book is that he, his book, and its publisher are all British, not American! At the time he wrote the book, Thacker was the editor of an English monthly magazine called *Custom Car*, yet so steeped was he in Ford V-8 lore—'32's in particular—that this seminal tome was the result.

wo years after Thacker's '32 book came out, another Brit wrote a one-volume history book titled, *Ford: The Men and the Machine*. This was Robert Lacey, whose half-dozen earlier books were about British subjects, so it is something of a mystery how he became so interested in Henry Ford, his company and his descendants as to write a 778-page book detailing it, but that's what he did. He even moved his family to Detroit and lived in the area for the two years it took to gather the material and write the book.

Needless to say, the episode concerning the development of the Ford V-8 is just a small part of the eighty-odd year Ford history that Lacey crammed into those 778 pages, but it's in the book—pages 309 and 310—but only Fred Thoms is identified by name.

Perhaps the most recent book to cover the development of the Ford V-8 is Robert Genat's **Deuce:** 75 Years of the '32 Ford, which was published in 2006, just in time to be available for purchase all during 2007, the 75th anniversary year of the '32 Ford. The book is largely devoted to hot rods, since a huge proportion of surviving '32 Fords have been modified in that fashion (and a lot more built to look like them out of newly-made parts), but there is plenty about stock '32 Fords, too, including about four pages on the development of the original V-8 engine.

Like many of the other books we have cited, Genat's tells about Fred Thoms going out to buy as many V-8's as he could so they could be studied; it runs through the story about the earliest attempts at designing a V-8 which failed for one reason or another, but gives the names only of those engineers who worked on the last design that ultimately went into production. As usual, we read about Carl Schultz, Ray Laird and Emil Zoerlein, working secretly in the Edison laboratory from Fort Myers, Florida, which was in Greenfield Village by the time this work was done.

t's hard to think of *Automobile Quarterly* as a magazine, as it certainly looks like a book, with book-like hard binding, end papers and so on, but the title page assures the reader that it is indeed "The Connoisseur's Magazine of Motoring Today, Yesterday and Tomorrow." It has been published

every quarter since the spring of 1962, and in all the years since, the early Ford V-8 has been featured at least twice.

In AQ, Volume 12, Number 3, 1974, a well-illustrated 34-page article entitled "Last Act: The V-8 Years of Henry Ford" appeared, but its author, the late Beverly Rae Kimes, skipped through the V-8 engine development in a single paragraph that names no names or places.

Twenty-two years later, Automobile Quarterly revisited the history of the Ford V-8 in an article by Mike Mueller called "8 for the price of a 4: Ford's Fabulous Flathead." This story ran only half the length of the earlier one but with fewer illustrations, and it touched on bits of V-8 history that the first one missed. In recounting how the V-8 was brought about, Mueller tells again how Fred Thoms gathered nine V-8's of other makes so they could be studied-the same story so many others had included in their books and articles. He mentions the early attempts at designing a Ford V-8, including the one C.J. "Jimmy" Smith worked on, which was not successful. Then he goes on to tell about the team headed by Carl Schultz in the old Fort Myers Lab in Greenfield Village. Eventually working with Schultz, according to Mueller, were Ray Laird, Emil Zoerlein and Fred Thoms . . . and Jimmy Smith, Lew Walters, Bob Heime, and Don Sullivan.

Thoms we know about, because they have been named in nearly every article and book on the subject since the Nevins and Hill book came out in 1957, and we have seen a reference or two concerning C.J. "Jimmy" Smith, but what about Lew Walters, Bob Heime and Don Sullivan? What had Mike Mueller consulted that all the others had missed? Where did he dig up these mysterious guys? Alas, AQ is not a scholarly journal with extensive footnotes and references; it is meant to be read for pleasure, so no sources are listed at the bottom of the page or in the back of the book, as they are in the Nevins and Hill trilogy.

But it turns out that Mike Mueller is not alone in citing these other guys as having been in on the design of the Ford V-8. We have yet to find anything else in print that tells how Lew Walters or Bob Heime contributed to the design of the Ford V-8, but there are references to what Don Sullivan did. One says, "When Henry Ford needed a V-8, Don Sullivan gave it to him"; another says in the subtitle, "Don Sullivan helped build Ford's first V-8," and a third one claims that "master designer Don Sullivan has had his hand in every Ford V-8 for more than fifty years."

Well, it seems there is more to this story than one would expect from reading all the usual books on the subject. But we're out of space here, so we'll have to try to dig to the bottom of all this in the next article. It does seem that Schultz, Laird, Zoerlein and Thoms should not get all the credit for helping Henry Ford design his famous flathead V-8 after all!





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#### New California Surcharge Laws – Updated For 2024 By Matt Rej

#### Let's look at an example from Ticketmaster.

On July 1 (the first day of the new law), I went online to purchase tickets to a San Diego Padres game. When I selected the next available home game (which takes place in California), Ticketmaster instantly presented a popup that references "all-in pricing."

The wording here is compliant with the new surcharging law. Ticketmaster is still charging fees, but those fees are included in the price displayed.

But that's not the case when I attempted to purchase seats to a Padres game in another state. For example, when I browsed for tickets to watch the Padres play the Rangers in Texas, the fee listed was not the fee I saw at checkout.

The fees aren't illegal. But what makes this illegal in California now is the fact that the price of \$37 was listed as the ticket price.

Then when the customer gets to the checkout page they discover a "service fee" and an "order processing fee."

But for the game in California, the price was fully transparent and didn't have any surprise fees. The customer knows exactly how much each item costs (excluding taxes).

It's also worth noting that nothing is stopping businesses from simply raising their prices beyond what the surcharge previously covered. CA SB 478 does not limit price hikes—it just requires complete transparency for all listed prices.

#### Major Industries Affected by California's New Surcharge Laws

Since the initial signing of SB 478 in California, its impact on different industries has dominated the news.

Here are some industry-specific examples and changes that need to be made in order to comply with SB 478:

- Hotels must include any mandatory resort fees in the advertised price to provide customers with a more transparent picture of the total cost.
- Hotel parking fees must be included in the nightly rate or clearly displayed during the booking process.
- Hotels need to clearly disclose minibar prices or charge a flat fee to use the minibar upfront with the booking.
- Airlines must clearly disclose all baggage fees when the initial fare is displayed (instead of later in the checkout).
- Concert, sport, and event ticketing must include all fees in the upfront price of the ticket displayed to the customer.
- Gyms must clearly disclose all membership fees, initiation fees, monthly closets, cancellation fees, and other charges.

Simply put, California is really cracking down on any surcharge that's not included in the listed price of an item or service.

#### **Restaurants Are Exempt From SB 478**

In a stunning decision, Governor Gavin Newsom signed SB 1524 on June 29, just two days before SB 478 went into effect. This separate bill essentially exempts restaurants from California's new surcharge law.

Restaurants will still be allowed to charge service fees, credit card connivence fees, and mandatory gratuities to customers. However, the fee must be clearly disclosed on the restaurant's menu alongside the other prices of food and drinks.

So a customer cannot be surprised when the bill comes that contains additional fees.

#### How California's New Surcharge Laws Are Impacting Other States

Within a month of California Governor Gavin Newsom signing SB 478, the FTC proposed a separate rule with some overlapping themes. The "Rules on Unfair or Deceptive Fees" could potentially regulate surcharges and hidden fees on a national level.

While the proposal itself hasn't been signed into law just yet, the FTC document would prohibit businesses from omitting mandatory fees from advertised prices (which is exactly what California is doing).

#### (CONT. FRM PG 16)

If it goes into law, the FTC proposal could also prevent hotels from adding things like "resort fees" or "cleaning fees" to stays.

We'll keep you updated on any progress here, and you can always refer to our State-by-State Guide to Credit Card Surcharging for more information.

#### **History of California Surcharge Laws**

California has gone through three major changes to its surcharging laws within the past 40 years. Here's a summary of that timeline.

#### 1985

California Civil Code Section 1748.1 was passed in 1985—prohibiting businesses from imposing a surcharge fee to customers paying with a credit card in lieu of cash.

The law allows merchants to offer cash discounts, debit card discounts, and check discounts, as long as there wasn't an additional fee added to customers paying with a credit card.

#### 2018

Federal ruling overturned California's 1985 surcharging law, which made it legal to surcharge credit card transactions. This ruling did stipulate that surcharing was legal as long as lower prices weren't falsely advertised in an attempt to mislead the customer.

#### 2024

Effective July 1, 2024, surcharging is once again illegal in California. CA Senate Bill 478 was signed by Governor Gavin Newsom on October 7, 2023 to amend the Consumer Legal Remedies Act (CLRA), essentially banning all junk fees and drip pricing. Surcharging is included in this bill. On June 29, 2024, Newsom signed SB 1524 which exempts restaurants from SB 478.

### Final Thoughts on California's New Surcharge Rules

I've spent over 60 hours analyzing the different credit card surcharge laws in each state. California's law is by far the most interesting but also the most complex.

There is one key takeaway from all of this that I think a lot of people are overlooking. California's new surcharge rule is not a price control law; it's a transparency and consumer protections law. Businesses are still in total control over their pricing.

But the price listed needs to be the price charged—without adding extra fees.

I'm anticipating some pushback from businesses and maybe even some lawsuits over the new ruling. But it's way too early to tell if those efforts will lead to any changes. Instead, I think other states will start to follow California's lead in an effort to make pricing more transparent and protect consumers from surprise charges at checkout.

#### AND THAT IS THE REST OF THE STORY





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#### MONTHLY CLUB BUSINESS & BOARD OF DIRECTOR MEETINGS

Second Tuesday Monthly

(January thru November) Breakfast @ 8:00 am Meeting @ 9:00 a.m. Richies Real American Diner 40651 Murrieta Hot Springs Road Murrieta, Ca. 92562

Nov 12th
Christmas Luncheon Dec 10tH
January 14th

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http://www.socalcarculture.com/events.html

NOV 3RD Valley Center - Annual Bates Nut Farm Car Show & Toy Drive - 15954 Woods Valley Rd. - 9AM - 2PM
NOV 3RD Perris\* - Sky Dive Perris Airport Cruise-In Car Show - 2091 Goetz Rd. -



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