



February, 2010

# Dateline: NH

www.nhada.com

a publication of the New Hampshire Automobile Dealers Association

## State House Update

Peter J. McNamara, President

The State House has been humming now for a few weeks with several lengthy floor debates on bills coming over from 2009 and more debates to come. The House and Senate committees have opened with a flurry of hearings on proposed legislation which keeps us running around the state house complex. We are tracking over 150 bills or bills to be filed and some of them are doozies. I'll list a few of the "highlights."

**Disclosure of all fees in advertising and window stickers.** House Bill 1656 would make it a consumer fraud violation to make a customer pay any fee that was not disclosed during negotiating, not included in advertising and not on the window sticker. Dealers must also itemize all charges included in the fee.

**No as-is sales.** HB 1650 prohibits sellers and manufacturers from excluding implied warranties.

**Establishing a NH sales tax.** HB 1611 is a gem, and I think the title to this paragraph summarizes the bill well. I had fun writing the testimony on the bill as it brought back



many memories of when I worked for dealers in Illinois where the taxation and the tax auditors were rampant.

**Business taxes.** I won't cover the specific bills here as there are several,

*State House – continued on page 3*

www.BiddingForGood.com/NHADA

## Online Auction Benefits Automotive Education

Register, Donate, Bid, Pass the Word!

Peter J. McNamara, President

The NHADA Online Auction to benefit the New Hampshire Automotive Education Foundation (NHAEF) runs for the month of February 2010. We encourage all NHADA members to go online and check it out – see what fellow members have donated.

**Register:** When you go to the Web site, www.BiddingForGood.com/NHADA, you are highly encouraged to register, if you haven't already. Then, if you see something that catches your interest, you'll be ready to bid. *All NHADA members and their employees who register from the above link through February 2010 will be entered into a \$50 drawing.*

**Donate:** The sky is pretty much the limit when it comes to what can be donated, and it is not too late to include your donation. Please either donate your item through the Web site or contact Jean Conlon at 800-852-3372 for assistance. *Donors and sponsors will be listed in the next issue of Dateline: NH and on the our Web site, www.nhada.com.*

**Bid:** As of the deadline for this article, we have received an eclectic assortment of auction items. Sports fans will be pleased to note that we have Red Sox tickets, an entire suite for a Manchester Monarchs game (with parking passes), ski lift tickets, an Amazon kindle, a camera, and an Upper Deck, authenticated, hand-signed Jeff Gordon collectible. Dining enthusi-



asts will be interested in the restaurant gift certificates. A number of members have donated automotive-related services and goods.

**Pass the Word:** Tell your employees. Tell your friends. Tell your family. Tell your customers. Call, e-mail, and post the notice in this issue of *Dateline: NH*.

We have a real opportunity to make money for the education foundation and to do our organization proud. Please do your part to make it successful.

If you have any questions, please feel free to contact either Jean Conlon or Nat Stout at 800-852-3372 or at their respective e-mails, jconlon@nhada.com or nstout@nhada.com. ▲



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## Welcome New Members

**Autonorth Pre-Owned Superstore Inc.**

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Gorham, NH 03581  
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**Exeter Motor Works**

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Exeter, NH 03833  
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Owner: Daniel Gill

**Kinetic Motor Works LLC**

313 Kent Farm Road, Unit 3  
Hampstead, NH 03841  
329-6083  
Owners: Michael Jackle  
and Keith Dupont

**– Save the Dates –**

- March 23 Understanding ADA, FMLA, and WC (Devine Milimet)
- April 7 Six Principles for Sales and F&I Success in the New Economy And Today's Hot Legal Topics (Zurich)
- April 8 Hazardous Materials Three-Year Certification Training
- April 13 Hiring Guidelines (Cook, Little, Rosenblatt & Manson, p.l.l.c.)

As seminars are added, they will be listed in the Calendar of Events at [www.nhada.com](http://www.nhada.com). For information, contact Jean Conlon at 800-852-3372 or at [jconlon@nhada.com](mailto:jconlon@nhada.com).

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and the critical ones either are going to be amended shortly or have yet to be filed. The key bills will relate to the LLC tax and “reasonable compensation.” To boil it down to a simple explanation, the DRA has been auditing business for a few years now claiming the compensation paid to owners was unreasonable and therefore the excess income was actually profit needed to be taxed under the business taxes. Now there is a bill that sets reasonable compensation at \$50,000!

**Motorcycle, OHRV, and body shops aren’t left out of the mix.** HB 1261 would essentially prohibit most aftermarket exhaust systems. HB 1162 would mandate helmets. Both bills were to be heard on January 28 at 9:30 a.m. in the House of Representatives Hall at the State House. There are several bills relating to OHRV registration (HB 1175 - duplicate registration), OHRV operation (HB 1269 operating adjacent to public highways) and size of OHRVs (SB 366). For body shops there is a proposal to establish a commission to study licensing of motor vehicle appraisers (HB 1365), of which NHADA has been named to appoint three spots.

**License plate brackets.** HB 1498

modifies current law which prohibits anything from obscuring license plates. The bill would include the requirement that the plates must be unreadable before a ticket is issued. This essentially weakens

the law. I make note of this bill because the sponsor had many pictures of license plate brackets much like the one on her son’s car when he got a ticket. Most of the brackets were those of advertising dealerships. ▲

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**9**  
WMUR-TV  
NEW HAMPSHIRE



Mike Taffaro

### OSHA Reminder

The OSHA 300A Log (Summary of Occupational Injuries and Illnesses for 2009) is required to be posted February 1 through April 30. This form can be found at [www.osha.gov/recordkeeping/new-osa300form1-1-04.pdf](http://www.osha.gov/recordkeeping/new-osa300form1-1-04.pdf). Contact a member of the Loss Prevention staff for additional questions or concerns. (New and used car dealers as well as motorcycle dealers are exempt from this requirement.)

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## From Your NADA Director



Jack Tulley



### President Obama Signs 2010 Spending Bill with Dealer Rights Provision

On Dec. 17, President Obama signed the 2010 Spending Bill, which contains a provision granting certain GM and Chrysler dealerships and former dealerships the right to demand binding arbitration with GM or Chrysler to determine whether that manufacturer must be required to restore the dealership to the manufacturer's dealer network.

Congressional passage of the bill and the subsequent signing by the president was the culmination of months of work by NADA and other dealer groups to obtain a fair and meaningful arbitration process for affected dealers. NADA praised members of Congress, including Majority Leader Richard Durbin (D-IL); Sen. Chuck Grassley, R-IA, the lead sponsor of the legislation in the Senate; Sen. John D. Rockefeller (D-WV), chairman of the Senate Commerce Committee; and Sen. Kay Bailey Hutchison (R-TX) for their efforts to gain a fair resolution for dealers.

"NADA commends the Senate and House leaders who fought to keep the dealer rights amendment in the spending bill," NADA said in a statement. "The dealer rights provision will provide affected General Motors and Chrysler dealers and their respective automakers with a

fair arbitration process to resolve ongoing concerns about recent dealership closures."

Copies of the new law and the Conference Report that accompanied the legislation are available at [www.nada.org](http://www.nada.org) under the "Dealer Rights" tab. NADA also issued a memo to all GM and Chrysler dealer members with important points about the arbitration process. Further information can also be found at [www.adr.org](http://www.adr.org). Your state association, NHADA, held a conference call for dealer members about the arbitration process with legal counsel from Wiggin & Nourie, P.A. and hosted by NHADA President Pete McNamara.

### NADA Protects Auto Dealer Exclusion In House Financial Reform Bill

Led by NADA's strong grassroots efforts, auto dealers would be exempt from oversight by a new Consumer Financial Protection Agency (CFPA) under a sweeping overhaul of the nation's financial regulatory system passed by the U.S. House of Representatives on Dec. 11.

An amendment supported by NADA and sponsored by Rep. John Campbell (R-CA) to exclude auto dealers from CFPA jurisdiction gained broad, bipartisan support, while a separate amendment that would have included auto dealers under the jurisdiction of CFPA was withdrawn by its sponsor, Rep. Mel Watt (D-NC). The 1,279-page bill passed by a vote of 223-202.

To address concerns from Rep. Watt and other committee members, NADA worked with Rep. Campbell to clarify the scope of the exemption. Under the bill, banks and finance companies that fund and service auto loans arranged by dealers for their customers would be regulated by CFPA, including dealerships that operate

## NADA Update

"buy here, pay here" lots.

The financial reform legislation now heads to the Senate Banking Committee, which will consider it in early 2010.

### In other legislative and regulatory news...

#### Notification for Body Shop Air Emissions Rule Due Jan. 11

The Environmental Protection Agency's (EPA) rule governing hazardous air pollutants (HAPs) required existing body shops to file an Initial Notification Form by Jan. 11, 2010. Full compliance, due by Jan. 11, 2011, requires that dealership body shops:

1. Paint only inside filtered, ventilated paint booths or prep stations.
2. Use high transfer efficiency application equipment.
3. Clean guns with non-hazardous solvents, in gun-enclosed washers, or using a method that does not involve atomized spraying to the open air.
4. Have painters trained and certified every five years.
5. Keep basic records demonstrating compliance.

The rule also:

1. Allows a shop to petition for an exemption if it does not spray coatings with any of the above-listed HAPs of concern.
2. Excludes the spraying of coatings from hand-held guns with paint cups of 3.0 fluid ounces or less.

Also, paint stripping involving methylene chloride (MeCl) is significantly regulated for shops using more than one ton of MeCl per year. Where possible, body shops should avoid the use of strippers containing MeCl. For more information, please see the bulletin and forms found at [www.nada.org/bodyshop](http://www.nada.org/bodyshop)

(login required). Additional info will be available from NADA University in early January. Questions about the new rule may be directed to Regulatory Affairs at [regulatoryaffairs@nada.org](mailto:regulatoryaffairs@nada.org) or 703-821-7040.

NHADA has participated and hosted four seminars with the NH Department of Environmental Services on the regulation thus far and has three more scheduled in the upcoming months.

In addition, NHADA is developing a painter certification and HAP rule compliance class to be rolled out to all body shop members for the summer of 2010.

For information, dealers may contact NHADA Environmental Specialist Dan Bennett, at 800-852-3372 or e-mail him at [dbennett@nhada.com](mailto:dbennett@nhada.com).

**FTC Issues New ‘Optional’ Model Privacy Notice**

As part of a statutory mandate to develop a more understandable template for privacy notices issued by dealers and other financial institutions, the Federal Trade Commission and the federal banking regulatory agencies have jointly issued a new model privacy notice that, beginning Dec. 31, 2009 will serve as a safe harbor for the language used in the notice for financial institutions that choose to adopt it. Dealers who continue to provide their finance and lease customers with a privacy notice that uses language from the sample clauses contained in Appendix A to the text of the original privacy rule (which required compliance by July 1, 2001) will lose safe harbor protection for the language used in those notices after Dec. 31, 2010. Accordingly, dealers should consider transitioning to the new notices before the end of 2010.

For additional information, see NADA’s announcement of this amendment to the FTC Privacy Rule at [www.nada.org/regulations](http://www.nada.org/regulations) (click on “Search Regulatory Topics by Government Agency” and then click on “GLB Act: Privacy Rule” under Federal Trade Commission).

**In NADA news...**

**• NADA Enhances Convention Experience Through Social Media**

To enhance the experience for attendees, NADA – for the first time – has launched a social media campaign using the popular LinkedIn, Facebook, Twitter and YouTube platforms. “By using these social media sites, dealers and exhibitors can get a head start on what to expect at the convention,” says Steve Pitt, NADA vice president of conventions and exposi-

*NADA – continued on page 6*

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tions. “Attendees will receive breaking news announcements. Dealers and their managers will also be able to interact online with instructors before workshops begin and get a jump-start on reviewing exhibitor products and services that can improve their businesses.” To follow convention developments on the social media sites, visit [www.nada.org/convention](http://www.nada.org/convention) and click on the icons.

- **NADA University Partners With LightSpeed VT**

NADA University has partnered with LightSpeed VT, a global leader in interactive-based training systems for the auto industry, to deliver NADA University to users in a convenient, one-source format combining both online and classroom-based solutions. The NADA University launch will take place at the NADA Convention in Orlando, Feb. 13-15. Demos and member access credentials will be provided on site at the NADA University booth (#1801) and the NADA University studio at the convention center. At the studio, dealers can record messages of welcome that their employees will see when they log on to NADA University. This month, NADA will announce Preferred Partners, the leading industry trainers who will offer their online programs through the NADA University Learning Hub. The Learning Hub will also provide substantial complimentary training for NADA and ATD members.

- **NADA Compensation Study 2009 Mailed to Members**

Employee compensation and benefits are among dealers’ most significant expenses, and a motivated and skilled staff is critical to dealers’ business success. NADA

Compensation Study 2009 serves as a resource to help dealers assess their situation and balance those needs. This year’s guide contains two valuable additions: NADA Chief Economist Paul Taylor has significantly expanded the introductory analysis section to provide greater insight into the data, and an entirely new section is provided on pay plans.

- **Future NADA Management Guides to be Delivered Online**

With the February launch of NADA University, member publications will no longer be printed and mailed; they’ll be available online only at NADA University’s Resource Toolbox. With a new, easier-to-use format, you’ll have an executive summary, electronic routing to the staff you choose, and online tracking to ensure the material was reviewed and understood. NADA University includes significant new training, resources, and technology – much of which will be provided free to NADA and ATD members and their staffs. Please go to [www.nada.org/membership](http://www.nada.org/membership) now to update your profile and make sure we have your correct e-mail address.

- **New Executive Track Workshops Offered at Convention**

Ever wish there were a super workshop every day of the convention? This year there will be! The new executive track targets the interests of executive level managers – business growth, organizational change, financial outlook, and generational challenges – and presents four special workshops along with our standard sessions. On Friday, Feb. 12 at 3:15 p.m., *Inc.* magazine senior consultant and author Steve Little will discuss “The Irrefutable Rules of Growth: Seeing the Future of Your Opportunity.” On

Saturday, Feb. 13, at 11 a.m., Tulane University’s “funny economist” Peter Ricchiuti will tell “How Uncertainty Brings Opportunity.” Dan Coughlin, author and organizational change expert, will show you how to “Accelerate Through the Storm” with “Practical Approaches to Improve Business Momentum” on Sunday, Feb. 14, at 11 a.m. Wrapping up the executive track on Monday, Feb. 15, at 8:30 a.m., Eric Chester, premier expert on Generation Why – and recruiting, training, managing, motivating, and retaining them – will discuss “Dealers Dealing with Generation Y: How to Drive Service, Performance, and Productivity Through Your Young Employees.”

- **Most Businesses May Take Advantage of Expanded Loss Carryback Option Under New IRS Procedure**

Most businesses may use losses incurred during the economic downturn to reduce income from prior tax years, under a revenue procedure issued Nov. 20, 2009, by the Internal Revenue Service. Taxpayers under the procedure may elect to carry back a net operating loss (NOL) for a period of three, four, or five years, or a loss from operations for four or five years, to offset taxable income in those preceding taxable years. A NOL or loss from operations carried back five years may offset no more than 50 percent of a taxpayer’s taxable income in that fifth preceding year. Dealers are reminded to review these recent changes with their tax professional.

- **National TIME Magazine Dealer of The Year to be Named at NADA Convention in Orlando**

Forty-five new-car dealers from around the country have been nominated for the

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# Education Corner

Jean Conlon, NHAEF Programs Administrator

The New Hampshire Automotive Education Foundation (NHAEF) offers scholarships to deserving students who pursue careers in the automotive industry at one of the five campuses that offer automotive-related degrees within the Community College System of New Hampshire (CCSNH).

This month we are highlighting one of those students: Adam Minihan of Rindge graduated from Conant High School and the automotive technology program at Mascenic Automotive Career Center in New Ipswich last spring. As a senior, he was on the winning team of the 2009 Ford/AAA Auto Skills contest, winning both the written and hands-on skills competition with his partner, Mike Lenox. Adam also placed second in the 2009 SkillsUSA automotive technology contest.

This year, Adam is attending Lakes Region Community College (LRCC), where he is pursuing a degree through the GM ASAP program. He has made the President's list at LRCC as a result of his academic performance. Adam spends his spare time playing hockey and helping

## The Go-To Guy



Adam Minihan of Rindge

Photo by Michael Parker

his friends and family with their auto repair needs.

Michael Parker, LRCC automotive department chair, is thrilled to have Adam as a student. Mike explains, "Adam is the type of individual who will become a technician's technician, the go-to guy. He is very open to learning and demonstrates a quick and thorough understanding of the theory and of the processes underlying professional automotive service, diagnostics, and repair on today's vehicles. He has demonstrated the characteristics of a lifelong learner, which will enable his technical skills to evolve with the future

technologies entering his service bay. I am very pleased that NHADA and NHAEF recognizes such promising technicians."

If you know of a deserving high school student interested in applying for a scholarship through NHAEF, please direct them to the NHADA Web site, [www.nhada.com](http://www.nhada.com), to download an application.

We will periodically highlight NHAEF scholarship recipients. Please let us know if you have one of these students working in your shop whom you would like to see recognized. You may contact me at 800-852-3372 or e-mail me at [jconlon@nhada.com](mailto:jconlon@nhada.com). ▲

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national TIME Magazine Dealer of the Year Award. The award is presented by TIME in partnership with Goodyear. This is the 41st annual TIME award recognizing dealers who exhibit exceptional business performance combined with distinguished community service. It will be presented during the opening session of the NADA Convention & Expo in Orlando on Saturday, Feb 13. A panel of faculty members from the University of Michigan's Graduate School of Business

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# Benefits Corner

## Shelter from the Group Medical Insurance "Storm"

Susan Manning, Account Producer/Field Representative

The NHADA's employee benefits umbrella continues to help protect against the raining down of increasing health insurance costs.

As the monthly premiums charged by the health insurance carriers continue to rise, we here at NHADA's insurance division have worked hard to offer a wide range of benefit options in 2010 and to keep them affordable. Our medical plans range from those that have very little out-of-pocket cost with widespread access to medical providers to those more

affordable plans with higher deductibles and co-insurances and strictly limited Primary Care Provider (PCP) networks.

Our medical insurance plan monthly premium rates are consistently several percentage points lower than those of Anthem, plan-for-plan, through the broker community and are competitive in the industry. We handle billing and free COBRA continuation coverage administration. Our dedicated and knowledgeable customer service staff is available to handle employee changes and to act as liaisons

between insured employees and Anthem as needed.

Now that the annual renewal has been completed and the choices have been made, it is time for employees to think about how to best take advantage of the medical insurance.

The payroll deduction is usually coming out of the paycheck every week. Most medical plans have some 100-percent-paid-for benefits, even if the plan has a high deductible and a co-insurance. All employees should take advantage of these preventive care benefits.

**Routine Physicals:** Routine physicals are covered at 100 percent on some plans and with just a PCP co-pay on others. Most plans cover the accompanying lab work, x-rays, and ultrasounds at 100 percent.

**Screenings:** Immunizations, lead screening, prostate screenings, mammograms, and pap smears are all covered at 100 percent.

**Medications:** Many group medical plans include \$10 co-pays for generic medications. If you are currently using brand name medications, talk to your doctor about the possibility of selecting generic alternatives. In addition, get access to the list of generic medications – available for \$4 through Walmart, Hannaford, and some other pharmacies. Some merchants even offer *free* generic antibiotic medications to customers who purchase medications at that location.

**Wellness Benefits:** Become familiar with the support available through your health plan to aid you in your pursuit of good health. Reimbursements for gym memberships and discounts on health-

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# Buyers Beware: Have You Received Faxes That Look Like These?

NH consumers should be skeptical if they see offers for any of the following:

- Health care coverage with no mention of an insurance company on the advertising,
- Plans that want you to enroll by a specific deadline,
- Plans that cannot tell you who is insuring the plan until after you enroll and make payment, and
- Plans that only enroll you using automatic debit from your account or by credit card, not by check.

### Questions to ask

Ask the name of the company and name of the individual selling the coverage and confirm with the NH Insurance Department that they are licensed to sell these products. If they don't provide it – don't buy it!

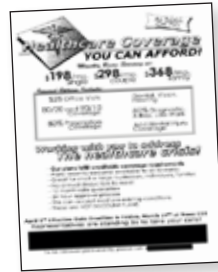
Ask the name of the insurance company that underwrites the health insurance coverage, and confirm with the NH Insurance Department that they are licensed to offer these products. If they don't provide it – don't buy it!

Ask who is in the network of doctors, if they are advertising a network, or offering a PPO network. Confirm that they have a variety of physicians to choose from in your area.

Request a copy of the provider booklet

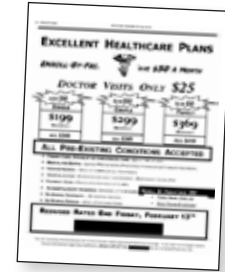
before purchasing coverage. Contact the providers to confirm they participate and accept this insurance plan. If they don't provide it – don't buy it!

Never provide your credit or debit card and/or personal information over the telephone. Contact your local insurance agency for information on individual and group health insurance coverage available for sale in New Hampshire. ▲



Faxed Health Care Insurance Offers

Too Good to be True?



"Storm – continued from previous page

enhancing classes, including nutrition, smoking cessation, and weight loss programs are provided under many group health insurance products. Be aware of benefits available to you, and use those benefits.

NHADA has its own Wellness Educator, who provides programs and clinics throughout the year for those who are insured through Anthem and NHADA.

Please take the time to see what benefits, other than for sickness or accident coverage, are available through your group health insurance plan. Take advantage of those benefits; you are paying for them, whether you use them or not! ▲

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## Seacoast Volkswagen Installs First Wind Turbine

Seacoast Volkswagen of Greenland is the first dealer in New Hampshire to install a wind turbine.

The helix wind turbine replaces an existing Volkswagen light tower. The lighting was re-installed on the wind turbine pole.

Not only is Seacoast Volkswagen aesthetically enhancing their building location, but they will be reducing their carbon footprint, and demonstrating their commitment to the environment.

In addition to the recent wind power project at the dealership, Seacoast Volkswagen's service shop has taken all available steps to minimize and halt its hazardous waste generation.

Seacoast Volkswagen Inc. has been a family-owned business since 1960, and participates in NHADA's Energy Star program and the environmental initiative "A Road Map to Sustainability," taking the Energy Star Challenge to continually reduce their energy usage by at least 10 percent.

"Seacoast Volkswagen has a long history of supporting clean and renewable resources from recycling our wash bay water to participating in the Energy Star program," said Doug Miles, Seacoast Volkswagen owner.

"We are proud to be the first automotive application of wind turbine technology in the state, and look forward to increasing our use of renewable clean energy sources," said Doug, who also is chairman of NHADA affiliate NHAD Services, Inc.

Waterline Alternative Energies licensed electricians installed the ground-mounted 2.5KW vertical axis Helix Wind(tm) turbine

"Waterline is thrilled to be part of this project. The initiative taken by Doug

Miles is one that we hope other area business owners will adopt," said Jeff Haydock, director of sales at Waterline Alternative Energies

"This proves that renewable energy is feasible. It provides multiple levels of benefits significantly outweighing the cost. Seacoast Volkswagen is well-known as an environmentally conscious organization. This will further emphasize that dedication.

"Our hats are off to Doug for having the foresight to make this decision, and

for showing his commitment to the local environment and economy," Jeff said.

Waterline Alternative Energies is a New England-based designer, distributor and installer of renewable energy solutions, serving the demand that is generated from homeowners, municipalities, and businesses. Committed to providing renewable energies that are proven and cost effective, Waterline Alternative Energies offers renewable solutions including solar, wind, and hydro systems. ▲



## February 5, 2010 is National Wear Red Day



One day a year, what you wear speaks volumes.

Too many women die each year because they are unaware that heart disease is their No. 1 killer. One in three women suffers in silence, and almost one woman dies every minute from this largely preventable disease.

The American Heart Association is calling on everyone to wear red on National Wear Red Day – Friday, February 5, 2010. National Wear Red Day is part of the Go Red for Women campaign – the American Heart Association’s national movement to make women aware of their risk for heart disease.

“Going Red” is as easy as putting on a red dress, a red tie, or a red dress pin – just wear red to show your support! Everything you and your company needs to host a Wear Red Day event or just make a statement by wearing red can be found online at [www.GoRedForWomen.org/WearRedDay](http://www.GoRedForWomen.org/WearRedDay).

NHADA staff participates in National Wear Red Day – how about your business?

## Compliance Corner

# Making Safety Committee and Compliance Your Facility’s New Year’s Resolution

Brian Duplessis, Loss Prevention Coordinator

A safety committee is an essential part of a successful business and is mandatory for any business in New Hampshire with five or more employees. The main goal of a safety committee is to prevent injuries and reduce risk. The committee must meet quarterly and produce minutes during the meeting. The meetings should be kept relatively brief, focusing on the most pressing hazards and needed procedures.

NHADA’s Workers’ Compensation Trust (WCT) Loss Prevention department currently works with approximately 150 to 160 safety committees. The department streamlines

- Benefits**
- Environmental health and safety compliance,
  - Reduction in injuries,
  - Lower workers’ compensation costs,
  - Accident investigation,
  - Developing of a safety policy and procedures,
  - Safety training,
  - Addressing of employee concerns and improving morale,
  - Safety awareness and communication, and
  - Implementation of hiring.

the meetings to ensure they are an effective use of time. It facilitates meetings by sharing safety and environmental expertise and providing overall guidance to the members of the committee.

The WCT Loss Prevention department would like to assist any of its members in establishing a safety committee. It is proven that an effective safety committee can benefit the overall well-being of program members. For assistance developing or maintaining a committee,

please feel free to contact the NHADA WCT Loss Prevention department at 800-852-3372. ▲

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## FTC Issues New "Optional" Model Privacy Notice

The FTC and the federal banking agencies have amended the Privacy Rule to include a new model privacy notice that dealers and other financial institutions may use to describe their privacy policies to their finance and lease customers. Dealers who adopt the model notice consistent with its instructions will receive safe harbor protection for the language used in the notice beginning December 31, 2009. Dealers who continue to provide their finance and lease customers with a privacy notice that uses language from the sample clauses contained in Appendix A to the text of the original Privacy Rule (which required compliance by July 1, 2001) will lose safe harbor protection for the language used in those notices after December 31, 2010. *Accordingly, dealers should consider transitioning to the new model notice before the end of 2010.*

The new model notice stems from section 728 of the Financial Services Regulatory Relief Act of 2006, which directs the FTC and the federal banking agencies to jointly develop an optional model form for financial institutions to make the required Privacy Rule disclosures and to have the form serve as a safe harbor for financial institutions that elect to use it. The purpose of the law is to promote the use of a more understandable privacy notice that enables consumers to more easily compare the privacy practices of different financial institutions. The form accomplishes this in part by setting forth various types of information sharing with adjacent columns for the financial institution to indicate whether it engages in such sharing and whether the consumer has the right to limit such sharing. The

development of the final model notice follows extensive consumer testing and the agencies' review of numerous public comments. The agencies adopted several recommendations contained in NADA's comments, such as allowing financial institutions to include an Acknowledgment of Receipt on the form for consumers to sign without losing the model notice's safe harbor protection (see Footnote 14 in the Supplementary Information to the Final Rule).

There are a number of detailed rules that users of the new model privacy notice must follow. NADA will explain these rules in greater detail and provide a recap of the Privacy Rule (which involves many compliance considerations beyond the language used in the privacy notice) in an educational guide that will be sent to NADA members in advance of the December 31, 2010 safe harbor expiration date that applies to privacy notices using language from the sample clauses contained in the original Privacy Rule.

The final rule containing the new model privacy notice is available at <http://edocket.access.gpo.gov/2009/pdf/E9-27882.pdf> (the amendments to the FTC Privacy Rule begin on page 62,965).

For a refresher on the Privacy Rule's application to franchised dealers, see [www.ftc.gov/bcp/edu/pubs/business/autos/bus64.pdf](http://www.ftc.gov/bcp/edu/pubs/business/autos/bus64.pdf).

The foregoing announcement of the new model privacy notice is offered for informational purposes only and is not intended as legal advice. Consult an attorney who is familiar with applicable federal and state law and your operations for guidance on the full scope of your compliance obligations. ▲

### Breakfast Reception In Orlando



For NHADA Members Attending the NADA Convention

Once again, NHADA plans a breakfast reception for New Hampshire dealers and association partners attending the NADA Convention in Orlando, FL.

Held on Sunday, February 14, 2010 from 7 to 9 a.m., the reception takes place at the JW Marriott Orlando Grande Lakes Hotel, Cordova 5 & 6, 4040 Central Florida Parkway in Orlando.

Join us for coffee and camaraderie.

### NHADA WCT Staff Are Available During Weather-Related Emergencies

In the event the NHADA offices are closed due to weather, the WCT staff will still be available to you. We can assist with questions relating to medical care for work-related injuries. Please check our Web site for more information and/or e-mail [mrobbins@nhada.com](mailto:mrobbins@nhada.com).



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## Collision Repair Corner

This article will help you create a win-win situation for you and the field appraisers that come into your shop, specifically when insurance re-inspectors come into your shop.

Ask yourself “do these re-inspections benefit your shop, help the field appraiser write better estimates, or benefit the vehicle owner?”

If the answer is “No,” then why have them?

Some, though not all, re-inspectors come to your shop as a part of a system of checks and balances, designed to ensure the quality and fairness of the appraisals

written by the field appraiser representing their company.

The other type of re-inspector comes to negatively review or criticize their fellow appraiser. Whether it is to climb the corporate ladder, ego, disgruntlement, whatever, they make the original appraiser look incompetent or overly generous, usually making the original appraiser afraid to write a reasonable estimate for fear of this re-inspection reflecting negatively on them and jeopardizing their jobs.

The shop pays the price through incomplete appraisals that cause monetary damage, cycle-time losses, additional administration time, stress on your relationship with the field appraiser, and possibly a negative interaction or experience with your customer.

So stop this from happening!

Help yourself, your customer, and the insurance company by developing a company policy to prevent these situations from occurring.

Don't be afraid to discuss the issues with your field appraisers and get their support. Then, post a sign in your front office stating that policy clearly.

Here are some examples:

### Shop Policy

All vehicle re-inspections must have the original appraiser present.

### Shop Policy

No re-inspections will be allowed without the original appraiser present.

You are not denying the re-inspector access to the vehicle; you are keeping his intentions honest and helping to ensure a level playing field in the appraisal process.

Be sure that you enforce the policy fairly, without bias, and equally. ▲

*This article was provided by Dave Ludwig, owner of Prestige Autobody and a member of the New Hampshire Collision Repair Advisory Group.*

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## Lakes Region Community College Certified

Lakes Region Community College (LRCC) President, Dr. Mark Edelstein (Laconia-right), is shown with the new National Automotive Technicians Education Foundation (NATEF) and National Institute for Automotive Service Excellence (ASE) plaque on Prescott Hill. The plaque was presented to LRCC General Motors Automotive Service Education Program (GM-ASEP) Professor, Jamie Decato (Belmont-left). LRCC is once more certified in the instruction of Automatic Transmission & Transaxle, Brakes, Electrical/Electronic Systems, Engine Performance, Engine Repair, Heating and Air Conditioning, Manual Drive Train & Axles, and Suspension & Steering.



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## Wellness Corner

Lisa Marzoli, Wellness Educator

The human body is an amazing, fine-tuned machine comprised of many systems that all work very closely with each other. One of the most important systems in the body is the cardiovascular system, which makes up the network that delivers blood to the body's tissues. With each heartbeat, blood is sent throughout our bodies, carrying oxygen and nutrients to all of our cells. Let's take a closer at how this life-sustaining system works.

The circulatory system is composed of the heart and blood vessels, including arteries, veins, and capillaries. Our bodies actually have two circulatory systems: The pulmonary circulation is a short loop from the heart to the lungs and back again, and the systemic circulation sends blood from the heart to all the other parts of our bodies and back again.

### The Heart

The heart is the key organ in the circulatory system. As a hollow, muscular pump, its main function is to propel blood throughout the body. It usually beats from 60-100 times per minute, but can go much faster when there is a higher demand. It beats about 100,000 times a day, more than 30 million times per year, and about 2.5 billion times in a 70-year lifetime!

The heart has four chambers that are enclosed by thick, muscular walls. It lies between the lungs and just to the left of the middle of the chest cavity. The bottom part of the heart is divided into two chambers called the right and left ventricles, which pump blood out of the heart. A wall called the interventricular septum divides the ventricles.

The upper part is made up of the

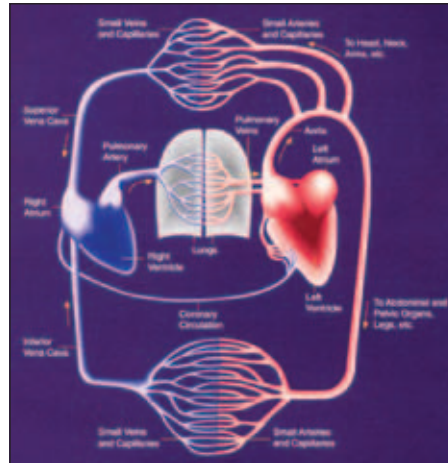
other two chambers of the heart, called the right and left atria. The right and left atria receive the blood entering the heart. A wall called the interatrial septum divides the atria, and they are separated from the ventricles by the atrioventricular valve. The tricuspid valve separates the right atrium from the right

ventricle, and the mitral valve separates the left atrium and the left ventricle. Two other heart valves separate the ventricles and the large blood vessels that carry blood leaving the heart. These valves are called the pulmonic valve, which separates the right ventricle from the pulmonary artery leading to the lungs, and the aortic valve, which separates the left ventricle from the aorta, the body's largest blood vessel.

### The Role of Blood Vessels

Blood vessels carrying blood away from the heart are called arteries. They are the thickest blood vessels, with muscular walls that contract to keep the blood moving away from the heart and through the body. In the systemic circulation, oxygen-rich blood is pumped from the heart into the aorta. This huge artery curves up and back from the left ventricle, then heads down in front of the spinal column into the abdomen. Two coronary arteries branch off at the beginning of the aorta and divide into a network of smaller arteries that provide oxygen and nourishment

## Getting to the Heart of the Matter, Part One



Source: Chung, M.K., and Rich, M.W. Introduction to the cardiovascular system. *Alcohol Health and Research World* 14(4):269-276, 1990

to the muscles of the heart.

Unlike the aorta, the body's other main artery, the pulmonary artery, carries oxygen-poor blood. From the right ventricle, the pulmonary artery divides into right and left branches, on the way to the lungs where blood picks up oxygen.

Arterial walls have three layers: the endothelium, the inside layer that provides a smooth lining for blood to flow over as it moves through the artery; the media is the middle part of the artery, made up of a layer of muscle and elastic tissue; and the adventitia, the tough covering that protects the outside of the artery. As they get farther from the heart, the arteries branch out into arterioles, which are smaller and less flexible.

Blood vessels that carry blood back to the heart are veins. They are not as muscular as arteries, but they contain valves that prevent blood from flowing backward or pooling. Veins have the same three layers that arteries do, but they are thinner and less flexible. The two largest veins are the superior and inferior vena cavae. The terms superior and inferior do not mean that one vein is better than the other, but that they are located above (superior) and below (inferior) the heart.

A network of tiny capillaries connects the arteries and veins. Even though they are tiny, the capillaries are one of the most important parts of the circulatory system

*Heart – continued on page 20*

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Heart – continued from previous page 18

because it is through them that nutrients and oxygen are delivered to the cells. In addition, waste products such as carbon dioxide are also removed by the capillaries.

### What Do the Heart and Circulatory System Do?

The circulatory system works closely with other systems in our bodies. It supplies oxygen and nutrients to our bodies by working with the respiratory system.

At the same time, the circulatory system helps carry waste and carbon dioxide out of the body. Hormones, produced by the endocrine system, are also transported through the blood in our circulatory system. As the body's chemical messengers, hormones transfer information and instructions from one set of cells to another.

Did you ever wonder about the process behind your beating heart, or what makes

it “tic”? A healthy heart makes a “lub-dub” sound with each beat. Here is what happens to make that sound: One complete heartbeat makes up a cardiac cycle, which consists of two phases. In the first phase, the ventricles contract (this is called the systole), sending blood into the pulmonary and systemic circulation. To prevent the flow of blood backwards into the atria during systole, the atrioventricular valves close, creating the first (“lub”) sound.

When the ventricles finish contracting, the aortic and pulmonic valves close to prevent blood from flowing back into the ventricles. This is what creates the second sound (the “dub”). Then the ventricles relax (this is called diastole) and fill with blood from the atria, which makes up the second phase of the cardiac cycle.

A unique electrical system in the heart causes it to beat in its regular rhythm. The sinoatrial or SA node, a small area of tissue in the wall of the right atrium, sends out an electrical signal to start the contracting of the heart muscle. These electrical impulses cause the atria to contract first; they then travel down to the atrioventricular or AV node, which acts as a kind of relay station. From here the electrical signal travels through the right and left ventricles, causing them to contract and force blood out into the major arteries.

In the systemic circulation, blood travels out of the left ventricle, to the aorta, to every organ and tissue in the body, and then back to the right atrium. The arteries, capillaries, and veins of the systemic circulatory system are the channels through which this long journey takes place. Once in the arteries, blood flows to smaller arterioles and then to capillaries.

While in the capillaries, the bloodstream delivers oxygen and nutrients to the body's cells and picks up waste



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materials. Blood then goes back through the capillaries into venules, and then to larger veins until it reaches the vena cavae. Blood from the head and arms returns to the heart through the superior vena cava, and blood from the lower parts of the body returns through the inferior vena cava. Both vena cavae deliver this oxygen-depleted blood into the right atrium. From here the blood exits to fill the right ventricle, ready to be pumped into the pulmonary circulation for more oxygen.

In the pulmonary circulation, blood low in oxygen but high in carbon dioxide is pumped out the right ventricle into the pulmonary artery, which branches off in two directions. The right branch goes to the right lung, and vice versa. In the lungs, the branches divide further into capillaries. Blood flows more slowly through these tiny vessels, allowing time for gases to be exchanged between capillary walls and the millions of alveoli, the tiny sacs in the lung.

During the process called oxygenation, oxygen is taken up by the bloodstream. Oxygen locks onto a molecule called hemoglobin in the red blood cells. The newly oxygenated blood leaves the lungs through the pulmonary veins and heads back to the heart. It enters the heart in the left atrium, and then fills the left ventricle so it can be pumped into the systemic circulation.

**Next month:** Part Two of the cardiovascular system: Things That Can Go Wrong with the Heart and Circulatory System and Heart Attack Symptoms and Warning Signs.

For more information, resources, or a presentation on heart health or other wellness-related topics at your business, contact me at [lmazoli@nhada.com](mailto:lmazoli@nhada.com) or call 800-852-3372. Also check out the American Heart Association Web site at [www.americanheart.org](http://www.americanheart.org).

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## Claims Corner

# To Call the Nurse or Not to Call the Nurse... That is the Question

J. Marta Robbins RN, BSN, CCM

As your Nurse Case Manager, I am part of the Workers' Compensation Trust (WCT) claims team. The managed care program requires injured employees to treat with medical providers within the comp mc managed care network. My role is to assist the employee and employer in the medical management of the claim to ensure that the injured employee receives the most appropriate treatment for the injury within the comp mc network. The NHADA claims team takes pride in educating our members on what to do when an employee is injured and how to manage the injury while and after it occurs.

The posters that we provide members

are intended to remind them of what to do after an injury occurs. Our telephone and fax numbers are provided, and we request that members contact me immediately after an injury occurs for assistance in navigating through the medical aspects of the workers' compensation system. Despite our education and the information available, we still are asked, "when should we call the nurse?"

The following scenarios are a guideline to assist with making the decision to call: **An employee presents to you stating they have been experiencing shoulder pain for several weeks or even months and they feel it is related to lifting at work.**

Call the nurse! I will be able to assist

the injured worker in accessing specialized care. In most cases, referral to an orthopedic shoulder specialist can occur that day or within several days.

**An employee presents to you with a cut on his hand from using a razor knife at work. The bleeding is controlled.**

Call the nurse! I will assist you with proper management of the laceration. Sutures may be needed to repair the cut, the injured workers' tetanus status may not be up to date, the wound may be dirty and at risk for infection; these are all concerns with this type of injury. I will assist you in determining if treatment is necessary, and if it is referred to an occupational medicine provider immediately. **An employee presents to you saying they just got something in their eye while working under a car.**

Call the nurse! I will assist with an immediate referral and access to an ophthalmologist or occupational medicine provider who can treat eye injuries.

**An employee presents to you stating they are experiencing a specific problem, but they are unable to tell you if it occurred at home or at work.**

Safety/OBD II Inspections Statistics				
Safety Inspection Results	Dec '09	% of Total	YTD '09	% of Total
Total *	93,675	100.00%	1,356,693	100.00%
Passed	70,089	74.80%	1,019,939	75.20%
Corrected	12,610	13.50%	181,860	13.40%
Rejected	5,592	6.00%	77,964	5.70%
Untested	5,384	5.70%	76,930	5.70%
OBD II Inspection Results (1996 and newer)				
Total	83,206	100.00%	1,174,216	100.00%
Passed	70,800	85.10%	1,003,701	85.50%
Rejected	8,855	10.60%	124,017	10.60%
Untested	3,551	4.30%	46,498	3.90%
<b>* Total numbers include OBD II Inspections</b>				
Statistics provided by Gordon-Darby				

2009 Unemployment Rates by Area			
	Sep	Oct	Nov
United States	9.5%	9.5%	9.4%
New England	8.8%	8.3%	8.2%
Connecticut	8.2%	8.3%	7.9%
Maine	7.8%	7.6%	7.9%
Massachusetts	9.3%	8.4%	8.3%
New Hampshire	7.0%	6.5%	6.5%
Rhode Island	12.3%	12.2%	11.9%
Vermont	6.4%	5.9%	6.2%

Call the nurse! During this call, I will gather additional information regarding the injury. If an injured worker is unable to determine if the problem is work-related, they may still need medical care. I will assist the injured worker with a referral for care with a provider who can bill either workers' compensation or health insurance. I will encourage the employee to share both workers' comp billing information as well as back up health insurance information. This will help them to be covered whether the injury is determined to be work-related or not.

**You are just made aware of an employee who has suffered a serious injury at work and 911 has been called.**

Call the nurse! In this case, a call is not required prior to accessing emergency medical care, but a call should still be made to alert us that a serious injury has occurred even if you have very limited information. Statistics show the earlier we are involved in a claim the better the outcome. Calling to alert us of the injury and letting us know the injured worker is in route for emergency medical care will start the communication between the

member and the claims team.

**An injured worker presents to you in the morning stating he was injured yesterday and did not think much of it but went to the emergency room in the night.**

Call the nurse! Contact with me after ER treatment allows me to gather information regarding the injury and treatment that has occurred. It also allows me to determine if follow up care is needed and if so I will be able to assist with referral within the managed care network.

**An injured worker presents to you stating he was hurt at work today and plans to see his primary care provider.**

Call the nurse! The primary care provider is there for personal medical issues and is most likely not a provider within the comp mc network. A specialist in occupational medicine best manages work-related injuries. If an injury requires specialized care from an orthopedic, ophthalmologist, or a general surgeon for example, the referrals will occur quickly with both a call to us and/or by prompt treatment with an occupational medicine provider.

In all these scenarios, the answer to the question "to call the nurse or not to call

the nurse" has been to *call the nurse!* So, when is the answer to not call the nurse? With this question, I will share an actual call I have received while being part of the NHADA WCT claims team:

A member called stating a customer was in their showroom looking at a vehicle with his family. While looking in and outside the vehicle the customer accidentally shut his 4-year-old daughter's hand in the car door. The member was calling us to ask, "What do I do?" Obviously, this was not a workers' comp injury, but the member was so well trained to call us when someone was hurt that they never stopped to think this was not a scenario to "call the nurse."

The claims team is here to assist you with all you questions and concerns. Even when everything seems in order, when an injury occurs and the call to the nurse seems to be unnecessary, please take the time to call so communication with the claims team starts early and we can all work together for a positive outcome. When the situation is not clear-cut or you have questions *always* give us a call. We can be reached at 800-852-3372. ▲



CHRIS HENFREDA  
ASSISTANT SALES MANAGER  
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OPPORTUNITIES PASSING YOU BY?

WE CAN HELP.

At *Manheim New England* we know that sometimes being in the right place at the right time can create opportunities. Why not make sure you're in the right place all the time. Here at *Manheim New England* our experienced and dedicated Dealer Sales team can help you position your dealership to be successful both in-lane and online.

With a state-of-the-art body shop, 12 auction lanes, online opportunities, transportation, and over 250 acres we have the tools to take your dealership to the next level.

Come to *Manheim New England* and experience all that our auction has to offer and stop letting opportunities pass you by.

WHERE EXPERIENCE  
MEETS INNOVATION.



508.977.4684 WWW.MANHEIMNE.COM

## 2010 ASSOCIATION PARTNERS

(as of January 19, 2010)

### PLATINUM

New England Dodge DAA  
WMUR-TV/WMUR.com NH  
Zurich

### GOLD

New Hampshire Union Leader  
Wiggin & Nourie, P.A.

### BRONZE

Aftermarket/Royal Administration  
AHC, Corp.  
Albin, Randall & Bennett  
AmSan  
Amy Martineau (American Hardware Insurance)  
Auto Auction of New England  
Auto/Mate® Dealership Systems  
Bank of America  
Bedford Cost Segregation, LLC  
Bellwether Community Credit Union  
BG Products/Warehouse Dist. of NE  
Clean Harbors Environmental Services  
CompPartners (BOAC, MVOH, SOAC,  
St. Joseph's B & H)  
Cook, Little, Rosenblatt & Manson, p.l.l.c.  
CUDL AutoSMART  
DealerTrack Inc.  
EM-Power Services, Inc.

### SILVER

American Fidelity Assurance Company  
Anthem Blue Cross and Blue Shield in NH  
AutoTrader.com  
Cars.com  
Devine Millimet  
Enterprise Holdings  
Manheim New England  
New England Chrysler-Jeep DAA  
Northeast Delta Dental  
Southern Auto Auction  
St. Mary's Bank  
Tyler, Simms & St. Sauveur, CPAs, P.C.  
Windward Petroleum/Exxon Mobil

### BRONZE

Environmental Equipment of New England, LLC  
F & I Resources  
G&K Services  
Geolnsight, Inc.  
Jewett Construction Co., Inc.  
Lift Works Corp. / Sullivan Tire Inc.®  
Liftech Automotive Equipment  
Lynnway Auto Auction  
Macdonald Page & Co LLC  
Nancy Phillips Associates, Inc.  
Protective  
Rath, Young and Pignatelli, P.C.  
Robbins Auto Parts, Inc.  
TD Bank  
Third Party Administrators, Inc.  
Tire Warehouse  
Trivantus, Inc.  
Willis of Northern New England

**Information on the 2010 Association  
Partnership Program is available.  
To become an Association Partner,  
please call Jean at 800-852-3372.**

## New Hampshire Department of Safety, Division of Motor Vehicles

*Title Statistics Report Ending: December 31, 2010*

	Dec '09	Dec '08	'09 YTD	'08 YTD
Titles Issued for New and Demo Vehicles:	6,231	5,849	84,329	105,480
Titles Issued for Used Vehicles:	16,790	15,393	216,138	228,770
<b>TOTAL TITLES ISSUED:</b>	<b>23,021</b>	<b>21,242</b>	<b>300,467</b>	<b>334,250</b>
Titles Issued with a Lien:	8,744	8,675	114,699	140,894
Titles Issued with no Lien:	14,277	12,567	185,768	193,356
Salvage Titles Issued:	859	791	10,749	9,442
Salvage Tags Issued:	177	130	2,715	2,352
Titles Issued for Heavy Trucks More than 15 Years Old:	23	20	358	386
Titles Issued for Heavy Trucks 15 Years Old or Less:	99	89	1,364	1,621
Titles Issued for Trailers:	481	367	8,721	9,750
Titles Issued for Motorcycles:	392	312	13,747	16,703
Titles Issued for Motor Homes:	44	43	640	727