

April, 2010

Dateline: NH

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a publication of the New Hampshire Automobile Dealers Association

NHADA in D.C.

Peter J. McNamara, President

Though you may be hearing more about NHADA's activities at the State Capital, your association is also busy at the Capitol in D.C. on issues that affect all members: franchised and non-franchised.

In March, NHADA Vice-Chairman Roger Groux and I visited the offices of Senator Jeanne Shaheen, Congressman Paul Hodes, and Congresswoman Carol Shea-Porter. The primary purpose of the visit was to meet Sen. Shaheen's legal counsel, Judy Reardon, to begin the process of pushing for changes to the Small Business Administration's floor-plan loan guarantee program.

As you know, because of Senator Shaheen's push in 2008, the SBA was able to guarantee wholesale loans given to dealerships. Before that change, such guarantees were prohibited. Unfortunately, only 55 loans have been guaranteed nationwide. Clearly changes are needed, and it is only natural that we start with Sen. Shaheen. Bailey Wood, National Automobile Dealers Association (NADA) lobbyist, and Rachel Robinson, American International Automobile Dealers Association (AIADA) lobbyist, were present along with the following on our conference call:

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Jean Conlan, NHAEF Programs Administrator

The first NHADA Online Auction to benefit the New Hampshire Automotive Education Foundation (NHAEF) raised over \$7,000.

We had 44 donors giving 68 items including Red Sox, Bruins, and Celtics tickets; collectibles; dining gift cards; automotive-related services; ski lift tickets; a camera; a Kindle; and a guitar signed by Steven Tyler of AeroSmith.

This is a great start, but it is just the tip of the iceberg.

Imagine the impact we could have if everyone pitched in and donated?

Please consider participating in our next online auction! It's fun, it's easy, and it may be tax deductible.

NHAEF, the not-for-profit arm of NHADA, is dedicated to promoting excellence in the retail automotive industry through excellence in education. The education foundation provides

NHADA First Annual Online Auction Tip of the Iceberg



Photo by Lisa Marzoli

Silver Partner Enterprise Holdings won distinction as a donor to the NHADA Online Auction. Pictured left to right, front row: Brian Ducharme, Rick Moore, Chris Dellas, and Bill Fridlington; back row: Clay Viasengo, Russ Williams, and Jeff Corriveau.

scholarships, offers training, and works with New Hampshire's high schools and

Auction – continued on page 12

OBD II Tampering: A Serious Violation

Daniel Bennett, Vice President of Government Relations, and Peter J. McNamara, President

The NH Department of Safety (NH DOS) is alerting customers who have purchased vehicles that were switched for another vehicle during the OBD II inspection process.

At the State Police, from top to bottom, OBD II tampering is a major concern. Department of Safety Commissioner John Barthelmes informed NHADA President Pete McNamara that OBD II tampering cases are still coming across his desk; State Police troopers on the ground are telling NHADA that the tampering continues.

What could OBD II tampering mean to you and your technicians? The tech loses his inspection license. The shop loses its inspection license. Fines and penalties are levied. A possible federal criminal offense looms. And a dealership buys back every vehicle it tampered with and then sold.

OBD II – continued on page 4

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STAFF

Publisher Joseph "Jay" R. Alosa, Jr.
Editorial Director Peter J. McNamara
Managing Editor/ Nathaniel Stout
Design and Layout
Advertising Coordinator Lisa Lavoie
Photographers Michael Rosenblum

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Annual Spring Business Meeting and Networking Reception

C. R. Sparks, Bedford, NH, Tuesday, May 18

— Save the Dates —

- 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.)
- April 21 Driving Your Web Traffic and Building Your Business through Search Engine Marketing and Social Media (Darcy Knapp, Leapfrog Marketing)
- May 12 NH Title Regulations

As seminars are added, they will be listed in the Calendar of Events at www.nhada.com. For information, contact Jean Conlon at 800-852-3372 or at jconlon@nhada.com.

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Bylaw Changes Bring In Non-Franchised Directors

Members of the NHADA confirmed proposed bylaw changes in elections this past month – by a margin of 118-6, agreeing to measures to increase representation on the NHADA Board of Directors.

The changes increase the number of non-franchised directors from one to three; reduce the number of franchised directors from nine to six, and clarify which franchised positions represent auto dealers.

Additionally, the changes provide that two board members can be elected at large from either the non-franchised or franchised category; one non-franchised director must be a used auto dealer; and one non-franchised director must be an automobile service facility.

If a board member of the American International Automobile Dealers Association (AIADA) or the American Truck Dealers (ATD) is a NH dealer, said AIADA/ATD board member shall automatically become an NHADA member (this currently happens with the NADA director from NH). At present current Director Peggy Proko (whose elected

term ends in April 2011) serves also on the AIADA.

Non-franchised members represent more than half of the membership though they are scattered into different categories (used sales, repair shops, collision repair, etc). The NHADA Board of Directors recommended that the bylaws be modified to reflect this change in membership.

NHADA is unique among other state automobile dealer associations. Only a select few have such a broad base of franchised and non-franchised members. ▲

2009–10 Unemployment Rates by Area

	Nov	Dec	Jan
United States	9.4%	9.7%	10.6%
New England	8.2%	8.7%	10.0%
Connecticut	8.0%	8.5%	9.8%
Maine	7.9%	8.2%	9.3%
Massachusetts	8.3%	9.1%	10.4%
New Hampshire	6.5%	6.7%	7.7%
Rhode Island	11.9%	12.3%	13.4%
Vermont	6.2%	6.6%	7.5%

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OBD II – continued from page 1

The State Police and DMV are hauling shops and techs in for hearings and getting convictions. In 2009, 100 percent of OBD II tampering cases ended in convictions. All tampering is easily tracked by the DMV. Even before a hearing is scheduled, DOS officers now are alerting customers who have purchased tampered vehicles about that tampering and informing them of their rights under RSA 266:59-b.

This RSA is a doozy! If the owner fails to inform the purchaser of the OBD II failure and no repair is made, the purchaser shall be entitled to a refund of the purchase price and reasonable attorney’s fees. Imagine buying back 90-plus vehicles – a situation faced by at least one NH dealer.

For purposes of this article, OBD II tampering means a vehicle has failed its emissions inspection and the inspection station has used a different vehicle to gain a passing result on the NHOST unit and a sticker, all without repairing the vehicle.

How to Spot and Stop Tampering

As inspection station owners and managers, you need to take action even if you think your techs are angels. This is a crime of opportunity; if you are watching it won’t happen.

We encourage you to:

- Self police your vehicle inspection process.
- Make aware and train all of your technicians on the proper process and seriousness of this issue and violation. Meet with your techs eye-to-eye.
- Offer a training session on the issue that includes having your technicians sign a disclaimer that states they are acknowledging the illegality of, and that they will not engage in, OBD II tampering.



- Let your techs know that all tampering cases are easily tracked by the police.
- Track your techs: it is all about *timing*.
- Run history reports from the NHOST units or have duplicate reports printed for each vehicle.
- Look for the time stamps: if a car fails the OBD II test and then passes the test a few minutes later, you have a problem.
- Record in writing all of these steps you take in case you are called into a hearing.

There is a video on the NHOST unit under 'Information and Training > Admin Menu Functions > History Inquiry Video' that explains how to use the History Inquiry function on the NHOST unit.

OBD II emissions system tampering is serious business. Don't put your inspection station license or dealership at risk by allowing it to occur!

For information call Dan Bennett at NHADA at 800-852-3372 or e-mail dbennett@nhada.com. You may reach the DMV, OBD program at 603-271-8800, or at www.nhostservices.com. ▲

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From Your NADA Director



Dealer Ed Tonkin Takes the Wheel As NADA's New Chairman

Oregon dealer Ed Tonkin started his term as 2010 NADA chairman at the association's convention and exposition in Orlando Feb. 15.

With the industry expected to make modest improvements in 2010, Tonkin says NADA must help ensure that the recovery is unencumbered so dealers can get back to business. That means keeping a close eye on federal legislation and regulations affecting the auto industry, making sure credit is flowing, and fostering open communications with members and manufacturers.

Tonkin is the second chairman in as many years to follow in his father's footsteps as NADA chairman. Tonkin's father,

Ron Tonkin, led the organization in 1989. Outgoing chairman John McEleney's father, Warren McEleney, was the leader of NADA in 1971.

Customer Safety Is Paramount to Dealers, NADA Says to Congress

The nation's Toyota dealers are playing a crucial role in remedying Toyota's unintended acceleration recall situation, NADA stated to the House Subcommittee on Oversight and Investigations in written testimony. NADA pointed out to the subcommittee, which is part of the House Energy and Commerce Committee, that as soon as Toyota began providing service directives and the parts necessary to address the problem, dealers nationwide moved forward as quickly and conveniently as possible to make the necessary repairs, working overtime and, in many cases, seven days a week to fix the problems.

The nation's 1,468 Toyota dealers employ 116,575 people across the country. "We urge the subcommittee to carefully examine the facts related to this recall and, in doing so, help diminish any unsubstantiated rhetoric or shrill alarmism regarding

the Toyota brand," NADA said in the statement.

In legislative and regulatory news...

Congressional Hearing Highlights Need for Greater Lending in Wholesale Auto Credit Market

WASHINGTON – Lending to the nation's 17,000 franchised auto dealers to purchase new- and used-vehicle inventory continues to lag, making it a top NADA issue. A Feb. 25 Congressional Oversight Panel hearing on the Troubled Asset Relief Program (TARP) highlights the ongoing need to provide more liquidity for auto business lending.

During the hearing, Ron Bloom, from the President's Automotive Task Force, emphasized the need for action, saying that the future of the U.S. auto industry hinges on the ability of policy makers to restore the free flow of credit to auto retailers and car buyers.

In a Feb. 24 meeting with the Federal Reserve Bank of New York, NADA outlined the need to continue TALF for wholesale or floor-plan loans past the program's March deadline. TALF has been successful in getting consumer credit transactions moving again. Credit cards, consumer vehicle loans and home mortgages, among others, have rebounded. Yet, wholesale credit for dealers is still "stymied" for some reason. The Fed meeting is part of a two-pronged approach by NADA: In addition to its TALF efforts, the other is to boost lender interest in government-backed loans. Already successful in lifting an outdated ban on floor-plan lending guarantees by the Small Business Administration, NADA is urging Congress to increase the

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amount of funds that the government will guarantee.

In other NADA news...

• **NADA Launches New Online Magazine**

NADA has launched an ambitious new online magazine, NADA Front Page, featuring comprehensive and timely coverage of the automotive industry. NADAFrontPage.com is designed as a one-stop source for all the latest news affecting the auto industry.

Taylor: New-Car Sales to Trend Up

U.S. light-vehicle sales will reach just short of 12 million units in 2010 as credit becomes more available and consumer confidence improves with rising employment, said Paul Taylor, NADA chief economist. Speaking at the NADA Convention & Exposition in Orlando, Taylor reported that sales of crossover utilities and small and midsize cars improved in January compared to the same month last year. January sales of crossovers, the only vehicle segment whose sales improved in 2009, were up about 14 percent compared to January 2009, Taylor said. Jonathan Banks, senior director of editorial and data services for NADA Used Car Guide,

reported that all used-vehicle segments posted double-digit percentage increases year-over-year in January, compared to the low points experienced during 2009. He said that values on most segments are in line or above pre-recessionary levels. Looking ahead, Banks said the economic fundamentals point to a strong used-car market in 2010.

• **NADA University Launch Draws Huge Interest, Enrollments**

NADA University, unveiled exclusively to attendees of the NADA convention in Orlando, was the subject of vast interest and enthusiasm as dealers, allied industry and manufacturer reps and other convention attendees flocked to the NADA University booths. With enrollment limited initially to NADA and ATD members, dealers activated their complimentary accounts, obtained their Access ID cards, and toured the NADA U Web site. At the NADA University Studio booth members could record personalized welcome messages for employees and testimonials about their experience with the Academy and 20 Group programs. Dealers who did not enroll during convention are encouraged to visit www.NADAUniversity.com to enroll and begin taking advantage of

the six free online courses, new online Driven publications and the many other member benefits available exclusively at NADA University.

• **NADA Convention Workshops Attract 12,000 Attendees**

Convention-goers showed a keen interest in a number of workshops, particularly social media and used vehicle operations workshops. There was a strong international presence in selected workshops. Recordings of NADA convention workshops are available for purchase at www.NADAUniversity.com as online courses or in DVD/CD delivery formats. ▲

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Dealer Plates, Dictionaries, and Domiciles

By Scott W. Ellison, Esq.

It is common to see automobiles with dealer plates on them just about anywhere that automobiles are present. Indeed, it is so common that there is perhaps a popular misconception amongst people not affiliated with car dealerships that using dealer plates is an unregulated perk of the dealership world.

Contrary to such misconception, in fact the use of dealer plates is strictly regulated both in New Hampshire's statutes and in regulations issued by the Division of Motor Vehicles. Similarly, the use of "junk dealer" license plates is regulated by the state of New Hampshire. A recent case issued by the New Hampshire Supreme Court interpreted the statute regulating the use of junk dealer license plates, and an examination of the court's interpretation of that statute in such case might add to an understanding of the statute regulating dealer plates.

In *Appeal of Jean-Guy's Used Cars and Parts*, issued in June 2009, the New Hampshire Supreme Court examined when the use of special plates issued to junk motor vehicle dealers was appropriate. The applicable statute states that such

plates may be used for "demonstration purposes or service in connection with (the dealer's) business."

In this dispute, a junk motor vehicle dealer had a towing contract with the Town of Pelham, and used its junk dealer plates on its tow trucks. The NH Department of Safety ruled that this use of the plates for towing operations was a violation of the statute. The dealer argued that the towing was a service in connection with the junk motor vehicle business.

In interpreting the statute and the meaning of the word "connection," the state Supreme Court was forced to do what every grammar school student is told to do by his or her teachers, and "look it up" by turning to a source no less authoritative than *Webster's International Dictionary*. Having done so, the Court concluded that there must be a "practical commercial relationship" between the use of the plates and the junk motor vehicle business, which it then found present, and ruled in favor of the junk motor vehicle dealer.

The statute regulating the use of plates issued to retail motor vehicle dealers is a little more specific, but a literal reading of the statute still could be read to contain

certain ambiguities. There are a number of "safeharbors" set forth in the statute detailing permissible plate use. For example, a dealer and a member of his or her family if domiciled in the same household, may use dealer plates on vehicles owned by the dealer for personal use. So a family member with a different domicile would not be permitted under that safeharbor.

Dealer's employees who are employed full-time in the retail motor vehicle business may use dealer plates on motor vehicles owned by the dealer, for personal use (if the vehicle is in saleable condition and bears the legally required window stickers); the statute specifies this use is permitted only for dealer's employees and no other person may operate such vehicles. This then would seem to exclude employees who are not engaged in the retail business, or who are employed on a part-time basis, and the family members of any employee regardless.

The statute goes on to state that vehicles shall not be otherwise used except for "demonstration purposes." Returning to the Webster's dictionary used by the NH Supreme Court to define the word "connection," we find "demonstration" to mean "a showing of the merits of a product or service to a prospective consumer," and "an outward expression or display."

It is a guideline of interpreting statutes that a provision giving something specific attention trumps a provision affording general treatment. Thus, the explicit prohibition that only employees may operate a dealer's vehicle lent to a full-time retail employee "and no other person shall operate such motor vehicles" would likely prevail over an argument that the use of such automobile by a member of the

Plate – continued on page 10

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Education Corner

Lakes Region Community College Offers Automotive Service Management Course

Jean Conlon, Education Coordinator

Lakes Region Community College in Laconia is offering a new course, Automotive Service Management. The three-credit course will run on Wednesday evenings for a period of 15 weeks, from May 19 to August, 5:30 to 9 p.m. for \$564.

This course is designed for service advisors and technicians looking for advancement opportunities as well as current service managers looking to improve their skills and performance. All are welcome.

The curriculum will cover a comprehensive overview of the many different

facets of managing an automotive repair facility. In addition to the text and classroom conference, there will be opportunities to review realistic scenarios applicable to the subject matter. Some of the topics covered include: personnel management; conflict resolution; organizational and operational management for both yourself and your business; utilization of technical, administrative, and legal resources; financial management; customer satisfaction; quality control; legal considerations; and marketing. The course will be interactive and fast-paced, with various guest speakers from the industry.

Course instructor Richard Gauthier is service director at a major metropolitan dealership where he has honed his leadership and management skills for 22 years. His duties include management in personnel, customer satisfaction, financial accountability, warranty administration, hazardous waste, marketing, facility man-

agement, purchasing, quality control, and inventory. He also has served four years as a warranty administrator for National Auto Dealers Service of New England, where he processed claims for thirteen different General Motors dealerships. He is a 1990 graduate of General Motors College of Service Management through the University of Delaware.

The course number is LAUT 2300, the CRN is 30650, and registration for new students begins on April 12. Students may register by calling the registrar's office at 603-524-3207 or by downloading a registration form from the following link: www.lrcc.edu/documents/Registration-Form-2010.pdf, and either faxing to 603-524-8084 or mailing to: LRCC, 379 Belmont Road, Laconia, NH 03246.


If you have any questions, please contact Automotive Technology Department Chair Michael Parker by e-mailing mparker@ccsnh.edu or call 603-524-3207. ▲

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Tom Phoenix




Plate – continued from page 8

employee's family was for "demonstration." It is less clear however as to whether the usage of a dealer-owned vehicle by a part-time employee or an employee not in the business of retail sales would be permitted if such usage was one that on occasion showed the merits of the vehicle to prospective customers, but you can envision a plausible argument that such use is acceptable.

In the *Jean-Guy's Used Cars* case, the junk dealer was only successful in furthering its business "on occasion," which was sufficient, so the same standard might be found to apply to the frequency with which prospective customers view the merits of an automobile.

Somewhere in between the two preceding examples is the situation of the use of a dealer-owned vehicle by a member of the dealer's family who has a different domicile but whose usage arguably is "demonstration." But if a dealer is looking for certainty with respect to the appropriateness of the use of his or her vehicles, he or she would be well advised to stick to the safe harbors in the statute. ▲

Scott W. Ellison, Esq. is a member of the business law firm of Cook Little Rosenblatt & Manson pllc. Atty. Ellison can be reached at 603-621-7122 or by e-mail at s.ellison@clrm.com

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Auction – continued from page 1

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Thank you to everyone who bid and to everyone who forwarded the auction site's e-mail link to friends and family. 📌



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Roger Groux of Honda Barn/Nissan of Stratham

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Stephen Talarico of DIRICO Motorcycles USA, Manchester

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Steve Plante of Tri-City Dodge

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Tiffany Elquist

Todd Berkowitz of Manchester Subaru, Ocean Subaru Corp.,

and Stanley Mitsubishi

Victoria Marcinkevich of Team Nissan



NHADA members who registered with the online auction, BiddingForGood.com/NHADA, were entered into a \$50 drawing. Johanna St. Germaine of Team Nissan was the lucky raffle winner.

In Appreciation

Special thanks to the Association Partners who donated to the NHADA Online Auction, (including Russell Williams of Enterprise Holdings, featured on page one).

Derek LaChance



Andrew Gunning



THIRD PARTY ADMINISTRATORS

Don Boyd



Northeast Delta Dental

NHADA member Stephen Talarico very generously donated a custom DIRICO Motorcycle guitar (lower left) signed by Steven Tyler of AeroSmith to the NHADA Online Auction. Other popular auction items included tickets for sporting events such as the Bruins tickets donated by Mark Lore of Ride-Away Handicap Equipment Corporation (right) and keepsakes such as the diecast car donated by Larry Foss of Foss Motors, Inc. (right).



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Environmental Corner

LED Lighting Installed at AutoFair Honda

Daniel Bennett, Environmental Affairs Specialist

AutoFair Honda is the first new Hampshire automobile dealership to install LED lighting in its entire parking area in a move estimated to reduce carbon dioxide emissions by 756,000 pounds.

AutoFair is expected to reduce its lot lighting energy use on its three store

locations by 88 percent annually (based on kilowatt-hour usage.)

The conversion also will result in annual cost savings and reduction of polluting emissions.

Specifically, the lighting manufacturer, who led the AutoFair conversion, estimates that this will reduce polluting

air emissions by:

- 756,000 pounds of carbon dioxide,
- 25,900 pounds of methane,
- 3,100 pounds of nitrous oxide, and
- 22,700 pounds of sulfur hexafluoride.

These environmental impact figures are equivalent to 36 households reducing their annual consumption of gasoline by a total of 35,580 gallons.

“We are proud we have been able to achieve this total outdoor lighting conversion, and we feel good that the results will have such a real and deep impact on helping reduce pollutants to our environment,” said Jason Lacroix, general manager of AutoFair’s Honda dealership.

All AutoFair stores take part in the EPA Energy Star program, tracking their energy usage through the Energy Star portfolio manager. They each have a company-wide Energy Star purchase policy, and have taken the NADA-EPA Energy Star challenge to continually reduce their energy consumption by 10 percent.

The three dealerships, located across from the Mall of New Hampshire in Manchester, also are now using non-toxic green-cleaning chemicals, and AutoFair Honda has begun a single-stream recycling pilot project that it hopes will be followed in each store.

“We commend AutoFair for their continued leadership example of taking charge and really doing something to reduce their pollution with this major lighting conversion, utilizing a progressive and emerging lot lighting technology for its Manchester campus,” said Dan Bennett, environmental affairs specialist. “We expect more New Hampshire dealerships to follow their lead as a real way to



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Financial Planning in an Uncertain World

Doug Ross, EM-Power President

Do you ever imagine a future free of financial worries? Have you thought about slowing down to enjoy a hobby, play golf, or do whatever makes you happy? With the economic uncertainty that exists today new planning challenges are coming to light and it's wise to revisit your financial plan.

Americans save money to build a nest egg that will provide a comfortable life when they retire. But things have changed since the U.S. economy was at the edge of a total meltdown. Savings have shrunk while an often overlooked planning issue is rearing its head as baby boomers begin reaching retirement age. I'm talking about the possibility of needing long-term care. It's very expensive and it is not covered by traditional health insurance or Medicare once you turn 65.

While most people think of nursing homes and senior citizens when they hear the words "long-term care," many are now

beginning to recognize that planning for long-term care needs to be included with their other financial planning while they are young and healthy. Premiums that are tied to your age result in the lowest lifetime cost, and pre-existing medical conditions are less likely to prevent you from being medically underwritten.

Long-term care insurance closes a hole

in your retirement plan by putting money in place that, in effect, acts as a firewall to protect the savings you've accumulated for your future.

What is Long-Term Care?

There is much confusion when it comes to people actually understanding exactly

Financial Planning—continued on page 16

LED Lighting—continued from previous page


reduce annual operating costs, harmful emissions, and reduce their environmental impact."


Public Service Company of New Hampshire also worked with AutoFair on the outdoor lighting conversion.

"Working with AutoFair on an outdoor lighting conversion of this size certainly was a rewarding experience, and we salute their vision," said Craig Trottier of PSNH. "This move not only will lower their energy costs but will help our environment in a measurable way. We look forward to more New Hampshire companies following their lead."

For more information on AutoFair go to AutoFair.com, 

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NHADA Non-Franchised Member Town Meeting A Great Success

And It Shows – There’s Some Work For Us To Do!

On Tuesday March 16th NHADA held its annual town meeting of non-franchised members. A larger than expected turnout made up of independent dealers, service shops, recyclers, body shops, NHADA staff, and board of directors members all participated.

The meeting discussion included a

variety of topics: OBD II, 2009 & 2010 legislation, NHADA non-franchised member board of directors’ representation, and dealership wholesale and retail financing.

NHADA staff and an ad-hoc finance committee left the meeting having listened to everyone’s concerns and

tasked with work to do on your behalf: Stay tuned!

NHADA would like to thank all members who attended and participated for representing the interests of your important segment of our membership. It is only through your involvement that we can continue to *Serve You Every Day!*

Financial Planning – continued from page 15

what long-term care is and who pays for it. It is the type of help you need if you were unable to care for yourself because of a prolonged illness, disability, or for simply becoming old and frail. It is referred to as custodial care, and it includes help with every day activities such as bathing, dressing, eating, going to the bathroom, and just moving around.

Long-term care is provided by home care agencies, adult day care centers, nursing homes, and in the assisted-living facilities that are opening in almost every community. However, because most people have neglected long-term care planning, outside services are often unaffordable, leaving family members the burden of providing the care required.

What Are the Chances of Needing Long-Term Care?

The risk of needing long-term care (LTC) is greater than most people imagine. More than 60 percent of people over age of 65 will require some form of long-term care during their lifetime. However, LTC isn’t only for seniors – 40 percent of people currently receiving long-term care services due to accident or illness are under age 65.

Who Pays the Bill?

Since traditional health insurance, and Medicare – when you reach age 65 – specifically exclude long-term care, you must pay for it yourself. Medicaid, a welfare program, will pay the bill, but you must first impoverish yourself to qualify, and your care choices will be limited.

Many Americans believe they can pay for care themselves, but most do not have the discipline or means to save systematically given the competing demands of every day expenses. In the Northeast the average cost of a nursing home exceeds \$100,000 per year, while moving into an assisted living facility will cost about \$40,000 a year. Combined with stock market volatility, even the most successful portfolios will be challenged to cover long-term care costs without owning insurance protection. ▲

NHADA members are entitled to a no-obligation consultation from EM-Power Services to learn more about long-term care and planning options available to them personally or through their business. Please contact Doug Ross at 800-483-1115, ext. 223, or by e-mail at dross@empowerltdci.com.

NHADA in DC – continued from page 1

Peggy Proko, Paul Holloway, Donna Hosmer, Marshall Jespersen, and a Laconia Savings Bank representative.

We are seeking six changes to the law and/or rules including increasing the cap to \$5 million (from \$2 million) and extending the program three more years. (It is set to expire this September.) NHADA, NADA, and AIADA will get specific language changes to Shaheen’s office to address lender concerns. Our next collective effort will be to activate our nationwide grassroots to get a favorable bill moving.

After that visit, Roger Groux and I met with Lauren Oppenheimer, deputy chief of staff for Rep. Hodes, and Rob Moller, deputy chief of staff for Rep. Shea-Porter. During the later meeting Rep. Shea-Porter visited with us for about 15 minutes. The focus of those meetings was the above-mentioned SBA changes, amending the death tax law, concerns about potential overreactions by the government to the Toyota recall issues, and a few others. Though lasting just a few hours, I believe that the in-person visits will result in positive changes. ▲

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Claims Corner

Prompt Investigations Can Control Claims Costs

Pete Sheffer, Workers' Compensation Director

The New Hampshire Workers' Compensation Statute RSA 281-A:42 and LAB 506.01(e) allows carriers or self-insured's 21 days to investigate workers' compensation claims and either pay or deny a claim during that time period. During the 21-day period, the workers' compensation staff investigates the claim, obtains the medical records, and makes a decision on the claim. Workers' compensation claims may be denied pending additional information, usually medical documentation. However, regardless of the reason for the denial, the injured employee has eighteen months from the date of the original denial to request a hearing with the NH Department of Labor (NH DOL) to contest the denial.

The prompt reporting of claims allows us to meet with the injured employee and witnesses while the evidence is fresh. It also helps us ensure that the injured employee is receiving the best and most appropriate in-network medical treatment. National studies have found that the longer it takes to report a claim, the more expensive that claim will be. To ensure that employees understand the importance of prompt reporting of injuries, NHADA members should have policies in their employee handbook requiring immediate reporting of injuries, with disciplinary action tied to delayed reporting of injuries.

The initial 21-day investigation is critical to the outcome of the case. If the claim is accepted and disability benefits paid and additional information is revealed calling into question the compensability of the

claim, then we must request a hearing with the NH DOL on the issue of causal relationship. The weekly disability benefits must continue until the NH DOL terminates benefits. From the date of the hearing request to the NH DOL hearing could be 60 to 90 days and then the hearing officer has 30 days from the date of the hearing to issue a decision. If we were to erroneously accept a claim we could pay 90 days of benefits unnecessarily before termination would be granted.

For that reason, the NHADA WCT carefully investigates claims. NHADA Claims Consultant Deborah Handrahan is out on the road investigating claims in person. She meets with the injured employee, takes a recorded interview, meets with the supervisor, the member-claims contact and any witnesses to the event. Her job is to determine whether the incident as reported by the employee meets the definition of injury in the NH Workers' Compensation Statute. Injury is defined in RSA 281-A:2, X1 as "an accidental injury arising out of and in the course of the employment." In other words, did the injury occur as a result of a risk or hazard created by the employment *and* did it occur within the boundaries of time and space created by the terms of employment?

Once this legal determination is made, the medical evidence must support that the injury is causally related to the employment activity. Deborah also investigates whether a third party was responsible for the injury so that the NHADA WCT can recover payments made on behalf of the injured employee, and she looks for

information to help with claims against the Second Injury Fund.

It is critical that our members assist us with the initial investigation. Prompt reporting of the claim allows us to investigate the claim while the facts are still fresh in everyone's mind. But no matter how promptly the claim is reported, the member is present at the time of the incident and can preserve evidence immediately. It is very helpful if video surveillance tapes showing the incident can be preserved. As with still photographs, it is important to have a time and date stamp for the video. (Most digital cameras provide this "meta" data.) If a slip and fall occurs, photos of the scene can be very helpful proving or disproving that an incident occurs. If co-employees have knowledge of the injured employee's activities, or injuries outside of work, then they should be encouraged to share that information with NHADA. In order to prevail at the NH DOL hearing, witnesses must have first-hand knowledge of facts. Rumors and innuendos will not be allowed to be entered as evidence.

The claims staff strives to promptly pay the legitimate claims and aggressively defend claims that do not meet the criteria for a compensable claim under the NH Workers' Compensation statute.

Our investigation is only as good as the information we obtain from the membership – please take the time from your busy schedules to share your knowledge about injuries with us. Remember to promptly report injuries, call the NHADA nurse prior to treatment to ensure treatment is within the comp mc network of providers, preserve evidence, and communicate information and concerns with us. Together we can help control claims costs. 📌

It is very helpful if video surveillance tapes showing the incident can be preserved.

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Wellness Corner

Lisa Marzoli, Wellness Educator

“How do you catch a unique rabbit?”
 “Unique up on him!”
 “How do you catch a tame rabbit?”
 “The tame way... unique up on him!”

April is not only Stress Awareness Month, but also National Humor Month. So, what do these two topics have in common? Believe it or not, humor especially laughter, can potentially be the best medicine. Research has shown health benefits of laughter, ranging from strengthening the immune system to reducing food cravings and heart disease to increasing one’s threshold for pain. There is even an emerging therapeutic field known as humor therapy to help people heal more quickly, among other things. Humor also has several important stress-relieving benefits.

Laughter reduces emotional and physical tension by producing an “internal massage.” Laughing stimulates your circulatory, respiratory, vascular, and nervous systems. When the internal spasms of laughter subside, the release of pressure reduces muscle tension and creates a feeling of well-being. In his book *Anatomy of an Illness (2005)*, Norman Cousins describes how he used laughter to overcome a rare and painful illness. Cousins says that a good belly laugh is “kind of internal jogging” and is a good source of cardio exercise, which is great for your heart health.

After years of controversy about the physiological benefits of humor in one’s

Laugh Your Way to Good Health!

lifestyle, researchers have concluded that incorporating humor into one’s day-to-day responses to events reduces the risk of heart disease, heart attack, and premature death. Based on research conducted during a ten-year period from 2000 to 2010, it has been established that individuals who employ humor as a “serious” part of their everyday lives have fewer physical complaints (associated with heart disease), less arterial blockage, fewer angioplasties, fewer heart attacks, and greater longevity when compared to subjects who exhibited a depressive, anxious, or angry lifestyle. It appears that the experience of “pleasant” or positive emotions counteracts the deleterious, long-term physical effects of distressing emotions.

Responding humorously to everyday life situations through laughter can help relieve mental stress that is associated with impairment of the endothelium, the protective barrier that lines the blood vessels. An inflamed endothelium could lead to build up of fat and cholesterol in the coronary arteries and eventually lead to a heart attack. Laughing also burns 50 calories in 10 to 15 minutes. However, do not give up your gym membership just yet! It would take twelve hours of concentrated laughing to lose one pound.

Hard laughter can raise the heart and respiratory rates while increasing oxygen consumption, which is similar to the body’s reaction during an aerobic workout. It exercises the diaphragm, contracts abdominal muscles, and even works out the shoulders, leaving the body more relaxed afterwards. Relaxation after

laughter can last up to 45 minutes.

Laughter reduces the level of stress hormones like cortisol, epinephrine (adrenaline), dopamine, and growth hormone. It also increases the level of health-enhancing hormones like endorphins, and neurotransmitters. Laughter increases the number of antibody producing cells and enhances the effectiveness of T-cells. All this means a stronger immune system as well as fewer physical effects of stress.

Laughter takes your attention off yourself and your situation. It provides you with the distance necessary to gain perspective on a situation that you may be taking too seriously. Humor is infectious. The sound of roaring laughter is far more contagious than any cough, snuffle, or sneeze. When laughter is shared, it binds people together and increases happiness and intimacy. Laughter is a powerful antidote to stress, pain, and conflict. Nothing works faster or more dependably to bring your mind and body back into balance than a good laugh. Humor lightens your burdens, inspires hope, connects us to others, and keeps us grounded, focused, and alert.

With so much power to heal and renew, the ability to laugh easily and frequently is a tremendous resource for surmounting problems, enhancing relationships, and supporting both physical and emotional health.

For more information, resources, or a presentation on humor, or other health-related topic, contact Lisa Marzoli at lmarzoli@nhada.com or 800-852-3372, ext. 308. 📌

References: www.helpguide.org/life/humor_laughter_health.htm
www.natural-humor-medicine.com/heart-health.html
www.stress.about.com/od/stresshealth/a/laughter.htm



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The NHADA Spring Business Meeting and Networking Reception

Tuesday, May 18, noon - 6:30 p.m., C.R. Sparks, Bedford

It is important for NHADA members to get together to learn, share ideas, and enjoy each other's company. The NHADA Spring Business Meeting and Networking Reception is the place to do all that and more, Tuesday, May 18.

Save the date for a full afternoon, including: a luncheon, the NHADA annual meeting, a keynote presentation by NADA President Phillip D. Brady, a legislative update, and a report from an automotive economist.

The meeting will be rounded out

with a panel of state officials from the Department of Motor Vehicles, the Department of Labor, the Attorney General's office, the Banking Commission, and Fish and Game. Governor Lynch has also been invited to speak.

NHADA partners and guests will display materials and be available to answer your questions.

Following the business meeting, the reception will feature heavy hors d'oeuvres, cash prize drawings, as well as the traditional distribution of the

Workers' Compensation rebate checks.

Registration information has been sent. You may also register online at www.nhada.com under the Calendar of Events link.

Be a "super" early bird. For each day that you register in advance, you will receive one raffle ticket for the cash prizes. For example, if you register 45 days in advance, you receive 45 tickets.

If you have any questions, please contact Jean Conlon at 800-852-3372 or by e-mail at jconlon@nhada.com.

Safety/OBD II Inspections Statistics

Safety Inspection Results	Feb '10	% of Total	YTD '10	% of Total
Total *	100,487	100.00%	201,468	100.00%
Passed	73,897	73.50%	148,791	73.90%
Corrected	14,070	14.00%	27,787	13.80%
Rejected	6,454	6.50%	12,810	6.30%
Untested	6,066	6.00%	12,080	6.00%
OBD II Inspection Results (1996 and newer)				
Total	89,237	100.00%	179,045	100.00%
Passed	75,468	84.60%	151,541	84.60%
Rejected	9,827	11.00%	19,718	11.00%
Untested	3,942	4.40%	7,786	4.40%

*** Total numbers include OBD II Inspections**

Statistics provided by Gordon-Darby



- * DEAC raised \$1.72 million for 2009 ending with 386 Presidents Club members, of which eight are from New Hampshire.
- * In 2009, nearly 2,500 NADA members contributed to DEAC.
- * DEAC contributed a total of \$2.9 million to candidates in the 2007–2008 election cycle.
- * Thus far, during the 2009–2010 election cycle, DEAC has contributed \$800,000 to House and Senate candidates.

Compliance Corner

Ryan Hale, Loss Prevention Consultant

Poor housekeeping continues to be cited in the biannual evaluations performed by the Workers' Compensation Trust Loss Prevention Department. It has also been a contributing factor in many costly workplace injuries, which could have been prevented if housekeeping had been managed better.

I recently received a call from a member I work closely with notifying me of an incident that occurred the previous night. A fire had broken out in the shop. The quick response of the fire department limited losses to a homemade toolbox accessory, a couple shop rags, and a bumper cover.

Though this shop is very proactive when it comes to safety, their initial assumption was that better housekeeping practices could have prevented the fire. The fire department has since concluded there wasn't enough clearance between the

ceiling-mounted radiant heater and the top of a wooden tool box cover.

Even though the fire wasn't caused by poor housekeeping practices, it forced the dealership to take a closer look at shop housekeeping and to take aggressive action towards preventing another incident of this nature from occurring in the future.

They have put together a short and concise end-of-day checklist that employees must complete prior to leaving. The hope is to minimize any and all fire-related hazards. This checklist entails:

- Clean up spills and sweep up absorbent material,
- Empty all five-gallon buckets,
- Empty trash,
- Place all dirty shop rags in the appropriate receptacle with a self-closing lid,
- Cap all containers, and
- Roll up air hoses and extension cords.

In the scenario cited above, no one was hurt, nothing major was lost, and action has been taken to ensure that an incident such as this does not occur again.

Unfortunately, most of the time it takes more than just a small fire for a business to change its ways, and in many cases poor housekeeping is partially to blame.

By addressing and improving workplace housekeeping practices, facilities can substantially minimize their risk of work-related injuries and incidents. More often than not, these incidents are costly, and significantly impact the bottom line. In today's economic state, it's a risk most companies just cannot take.

If you would like assistance in addressing housekeeping-related issues at your facility or assistance with any other safety related issue(s), feel free to contact me by e-mail at rhale@nhada.com or call me at 800-852-3372. ▲

A Simple Way to Reduce Workplace Injuries... Proper Housekeeping

New Hampshire Department of Safety, Division of Motor Vehicles				
Title Statistics Report Ending: February 28, 2010				
	Feb '10	Feb '09	'10 YTD	'09 YTD
Titles Issued for New and Demo Vehicles:	5,141	5,050	10,598	10,695
Titles Issued for Used Vehicles:	14,852	15,164	28,810	30,582
TOTAL TITLES ISSUED:	19,993	20,214	39,408	41,277
Titles Issued with a Lien:	7,633	8,023	15,199	16,552
Titles Issued with no Lien:	12,360	12,191	24,209	24,725
Salvage Titles Issued:	864	1,166	1,696	2,158
Salvage Tags Issued:	208	175	404	277
Titles Issued for Heavy Trucks More than 15 Years Old:	27	24	55	45
Titles Issued for Heavy Trucks 15 Years Old or Less:	92	105	229	194
Titles Issued for Trailers:	367	330	678	670
Titles Issued for Motorcycles:	403	361	665	717
Titles Issued for Motor Homes:	33	26	58	54

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(as of March 22, 2010)

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Bellwether Community Credit Union
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Information on the 2010 Association Partnership Program is available.

To become an Association Partner, please call Jean at 800-852-3372.