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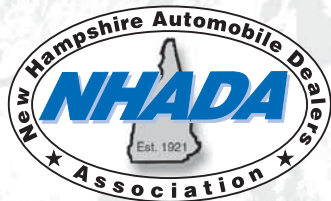
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## Show Up for the Dealer Bill of Rights Hearing

Peter McNamara, President

**H**ouse Commerce Committee Hearing on the Dealer Bill of Rights Amendment (SB153), May 5, 10 a.m., Rm. 302-304, Legislative Office Building: Show your support. Show yourself!

Unanimous. That strange looking word sure looks good when you read about the Dealer Bill of Rights legislation. The Senate unanimously passed SB153. This was no accident. The overwhelming support for the bill was because many of you collectively worked writing letters and emails, making phone calls, visiting your senators and standing shoulder-to-shoulder in a stuffy hearing room in Concord.

Now I am asking you do it again. Get out your to-do list and your calendar!

Here is what to do: The bill is now in the

House chamber and the manufacturers are still fighting us. I need you to call or write your state representative and urge them to vote for SB153. Visit our special webpage at [www.nhada.com/dbr](http://www.nhada.com/dbr) for sample letters and the contact information.

Now the calendar: The bill is set to be heard on May 5 at 10 a.m., room 302-304 in the Legislative Office Building, just across from the State House. Over 100 dealers and employees were shoe-horned into that room for the Senate Commerce Committee hearing. I can't tell you how many senators, representatives, legislative employees, lobbyists, other dealers, reporters and even guards chattered about that mob.

Don't be anonymous. Come to Concord on May 5. Join our unanimous front.▲

## Working Together at the Spring Business Meeting

Peter J. McNamara, President

NHADA members have come together in many ways during the past few months. The grassroots efforts of members and their employees on a number of key legislative issues have been unprecedented and extremely effective; New Hampshire is fortunate to have a strong automotive association with an eclectic and involved membership.

Together - Continued on page 6

## Senator Shaheen: Expand Dealer Credit

Peter McNamara, President

**T**he fight to stabilize dealership floor plan is multi-facted. On the state level, we have Governor John Lynch and his administration working to cajole banks currently doing business with dealers to stay in the market and attempting to get others to enter the market. On the national level, NH Senator Jeanne Shaheen

Shaheen - Continued on page 3

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**NADA DIRECTOR**

Jack Tulley

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**Recruiters Par Excellence**

Stratham Tire, Inc. has been in business for nearly five decades, but it wasn't until one of NHADA's members, **DIRECTOR ROGER GROUX**, persuaded his friend Lionel Labonte to join that the company became an association member. Beginning as Stratham Sunoco in 1961, the business has thrived over the years and now has 15 stores equally dispersed between New Hampshire and Maine. Welcome to the NHADA Stratham Tire, and thank you Roger!

Also noteworthy was **DIRECTOR H. ANDY CREWS'** influence in finding new NHADA Associate Member WZID WMLL WFEA Hot Hits. Thank you WZID for becoming an associate member and Andy, particularly for this success story as well as for many others in the recent past. (Andy is running for a five-year term on the board of directors and currently serves on the board for the remaining portion of Paul Gladstone's franchised director's term.)

**Save the Dates! (Watch for Additional Information)**

- May 13** **NHADA Spring Business Meeting & Networking Reception**  
 (see pages 1, 6, & 8) The Radisson Hotel Manchester, Manchester, NH
- September 18** **NHADA Golf Tournament**  
 Lochmere Country Club, Tilton, NH
- November 17** **NHADA Fall Business Meeting & Partner Expo**  
 Grappone Conference Center, Concord, NH

**NHAEF Center for Automotive Education and Training**

**Upcoming Seminars – REGISTER ON-LINE ([www.nhada.com](http://www.nhada.com))**

May 14 NH Title Regulations

*As seminars are added, they will be listed in the Events Calendar at [www.nhada.com](http://www.nhada.com). Please contact Jean Conlon at 800-852-3372 if you have questions.*

Shaheen - Continued from page 1

is leading the charge among her fellow senators to have the dealer credit market expanded.

Sen. Shaheen convinced 32 other senators of both parties to send a clear message to President Barack Obama that he should focus his attention on the credit crisis that has engulfed auto retailing and the importance of expanding dealer access to credit.

The focus of the letter is to urge the Obama administration to expand access to Small Business Administration (SBA) lending for auto dealers and restore liquidity for retail auto and floorplan lenders. Currently the SBA guarantees do not apply to floor finance loans. Shaheen wants that changed.

Monday, March 30, a large group of dealers, including several NHADA board members and I, met with Sen. Shaheen at Dover Auto World to discuss the floorplan crisis. Sen. Shaheen has been very active in working to resolve this crisis and wanted to hear more about the issue from local dealers.

She certainly heard a great deal of concern about banks exiting the marketplace, the tightening of loan terms, and the unwillingness of banks to write new business and otherwise refusing to enter the marketplace. She also heard how difficult it is to obtain new floor plans for all types of dealers.

**Media and Public Outreach**

Finally, at every appropriate chance, NHADA has been educating the public, our elected officials, and the media about the floorplan crisis. For updates or more information, please visit [www.NHADA.com](http://www.NHADA.com).

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## From Your NADA Director



Jack Tulley



*NADA Working Hard to Stabilize  
Auto Industry*

*In March alone, NADA sent a letter to President Obama and met with his auto task force, and held meetings with the Federal Reserve Board, the Treasury Department and the Federal Reserve Bank of New York.*

NADA, along with the American International Auto Dealers Association and the National Association of Minority Auto Dealers, co-signed a March 2 letter to President Barack Obama, urging him to “immediately revitalize the asset-backed securities market for wholesale and retail auto loans and expand the Small Business Administration loan guaranty program to provide floor-planning and working capital for auto dealers.” An unprecedented drop in consumer confidence, credit market chaos, and a steep drop in lending have created an unsustainable business climate for thousands of the nation’s new-car dealers and their employees. “Without floorplan financing, an auto dealership will close within a matter of days, triggering additional unemployment and further erosion of the local tax base,” the dealer groups stated. They asked the Obama administration to work with the Federal Reserve Board and the

Treasury Department to refine the Term Asset-Backed Securities Loan Facility (TALF) and undertake any other options necessary to restore retail and floorplan lending. To read the letter, follow this link: [www.magnetmail.net/images/clients/NADA/attach/LtrtoPresObama030209.pdf](http://www.magnetmail.net/images/clients/NADA/attach/LtrtoPresObama030209.pdf).

In meetings with the Federal Reserve Bank of New York, NADA discussed TALF, which recently opened to revitalize the market for several types of securities. Because asset-backed securities (ABS) must be AAA-rated to be included and the ABS of many floorplan finance sources have been downgraded, auto floorplan loans haven’t been included. NADA highlighted the several layers of protection against a default that would threaten funds provided by the New York Fed for floorplan ABS, including dealers’ ability to repay their floorplan loans and the strength of the new-vehicle collateral that backs those loans. For more on the status of NADA’s advocacy efforts, please contact Andy Koblenz or Paul Metrey in the NADA Legal and Regulatory office at 703-821-7040.

- President Barack Obama and Treasury Secretary Timothy Geithner recently announced several measures to jumpstart credit flows for Small Business Administration 7(a) loan applicants, and reviewed small-business tax incentives found in the American Recovery and Reinvestment Act (ARRA). Dealers eligible and interested in SBA 7(a) guaranteed loans are urged to contact one or more lender. New Hampshire Senator Jeanne Shaheen was a catalyst in getting 32 other senators to sign a letter urging the Obama administration to modify the

## NADA Update

SBA loan guarantees. Visit [www.magnetmail.net/images/clients/NADA/attach/sbafactsheet.pdf](http://www.magnetmail.net/images/clients/NADA/attach/sbafactsheet.pdf) for more information.

- **Bob Cockerham, owner of an import dealership in New Mexico, testified before the Senate Committee on Small Business and Entrepreneurship on March 19.** Due to the collapse of the lending industry, Cockerham said he may lose his business. “Despite the fact that we have never been late on a payment and have stellar credit, our inventory financing lender simply said that they could no longer provide us a loan to cover our entire inventory,” he said. With more than 1,000 dealerships closing last year, Cockerham’s story is not unique. These mostly small, family-run businesses are facing the incredibly difficult decision to cease operations due to a lack of affordable credit. On average, a dealer requires \$5 million of inventory financing, or “floorplan” loans. Cockerham and his wife Mary, Kia dealers in Santa Fe, N.M., have already made the difficult decision to downsize their dealership, making significant cuts in operations, staffing, and reducing the number of vehicles on their lot.

- **The Department of Justice has issued final rules to help deter auto fraud by connecting motor vehicle agencies in states throughout the country** and requiring more insurance companies to disclose totaled vehicles. NADA strongly supports the National Motor Vehicle Title Information System (NMVTIS) rule, which will improve the ability of auto dealers and consumers to track potentially dangerous salvage vehicles. NADA is seeking enhancements to the rule, so the used-car resale market can

*Director’s Report - continued on page 6*



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*Together - Continued from page 1*

With the many issues facing all members, in the economy and in the legislature, the NHADA Spring Business Meeting and Networking Reception on May 13 at the Radisson Hotel in Manchester is the perfect opportunity for NHADA membership to come together, and I encourage *all* members to attend and to bring their key managers. The more we work together to learn and understand the issues, the stronger and more effective we will be.

Please review our agenda. I am sure that you will see the value in attending this half-day business meeting and networking reception.

- |                   |  |
|-------------------|--|
| 12:30 – 1:00 p.m. | Registration<br>Partners will have handouts on display.<br>(Please note that lunch will not be served.)  |
| 1:00 – 1:30 p.m.  | Annual Meeting<br>Find out where your association stands and vote on leadership.<br>Legislative update – key legislation will be reviewed.   |
| 1:30 – 2:45 p.m.  | “Best Ideas of 20 Groups,” presented by NADA 20 Group Assistant Director Brad Lawson<br>Ideas will be beneficial to both franchised and non-franchised members.  |
| 2:45 – 3:00 p.m.  | Break, light refreshments<br>Partners will have handouts on display.   |
| 3:00 – 4:30 p.m.  | The following state officials will discuss issues that matter most to you:<br>Director of Motor Vehicles Virginia Beecher,<br>Labor Commissioner George N. Copadis,<br>Banking Commissioner Peter Hildreth, and<br>Sr. Assistant Attorney General Richard W. Head. |
| 4:30 – 5:30 p.m.  | Networking Reception<br>Hors d’oeuvres (cash bar), raffle prizes,<br>Distribution of WCT rebate checks   |

In addition, Governor Lynch has been invited to speak.

Registration fees are: \$39 for the first registrant, \$35 for the second, \$30 for the third, and \$25 for the fourth. You may register on-line at [www.nhada.com](http://www.nhada.com); there is a link on the main page. You may also register by contacting Meetings Coordinator Jean Conlon at 800-852-3372 or by e-mail at [jconlon@nhada.com](mailto:jconlon@nhada.com).

I hope to see you on May 13 at the Radisson Hotel, Manchester.

*Director's Report - continued from page 4*

access this information. NADA is also seeking to modernize the rule, which was based on a 17-year-old law. The NMVTIS rule is significant because it closes several loopholes and dealers can track the VINs of total-loss vehicles through multiple VIN lookups and searches.

#### In NADA news...

- **NADA AppraisalPRO, a new product from NADA Used Car Guide, provides dealers with the most complete view of their used-car market ever available in a single, affordable online tool.** NADA AppraisalPRO incorporates the latest information and data from six industry leaders: NADA Used Car Guide (guide values); AutoTrader.com (retail asking prices); J.D. Power and Associates/Power Information Network (retail sales transactions); Manheim Market Report (auction sales transactions); vAuto (used-vehicle market days supply); and Experian-AutoCheck (vehicle history reports). NADA AppraisalPRO is available exclusively to dealer members of NADA and the National Independent Automobile Dealers Association at an annual subscription rate of \$150 per month for unlimited lookups per site. It can be billed annually or monthly. The product doesn't require software, system integration, or long-term commitments. For more, visit [www.nada.com/appraisal](http://www.nada.com/appraisal), and place orders by calling 866-974-6232.

- **NADA Management Education's new training DVD, *Accessorizing Your Way to Additional Profits*, is designed to help dealers tap into car owners' passion for accessorizing and add dollars to every sale.** Dealers and managers can learn how to launch an accessories operation from dealers who have actually done it, examining staffing, displays, marketing,



warranties, and more. The Specialty Equipment Market Association (SEMA) estimates that dealerships capture just 10 to 15 percent of the \$38 billion accessories market. If this percentage were to increase significantly, U.S. dealerships as a whole could see billions in additional profits and build customer loyalty. Consumers who accessorize their vehicles spend, on average, up to \$3,500 annually on accessories. This training package includes a four-part DVD and a 22-page study guide, complete with an accessories quiz

and lists of established parts vendors. To order, visit [www.nada.org/accessorizing](http://www.nada.org/accessorizing) or call 800.252.6232, Ext. 2. Order online to watch a free video preview.

- **The charter class of NADA's Dealer Executive Education partnership with Babson College, located outside Boston, is slated to graduate in July.** The new MBA-like program focuses on leadership, management, and entrepreneurship and offers dealers and managers information to help survive the current challenging times. Babson is a leading provider of executive

education and management-development programs. Its MBA program has been ranked No. 1 in entrepreneurship for 13 consecutive years by *U.S. News & World Report*. The charter class began in March 2008. Upon completion of the sixth session in July, the students will become the program's first graduating class. NADA is now accepting applications for the next class which is set to begin in July. New details about the program, along with the current brochure and application form, are available at [www.DealerExecEd.org](http://www.DealerExecEd.org).

**Deadline is Here for Enforcement of FTC Red Flags Rule**

The Federal Trade Commission (FTC) suspended enforcement of the new "Red Flags Rule" until May 1, 2009, to give creditors and financial institutions additional time in which to develop and implement written identity theft prevention programs.

For your convenience, the FTC Red Flags Rule Compliance Chart from *NADA's A Dealer Guide to the FTC Red Flags and Address Discrepancy Rules: Protecting Against Identity Theft* is enclosed in this issue of *Dateline: NH* (see pages 12-13.) The chart is published here by NHADA by permission from the National Automobile Dealers Association. It may not be recopied without express permission from the NADA.

If you have any questions regarding the Red Flags Rule, please contact either Pete McNamara or Dan Bennett at 800-852-3372 or at their respective e-mail addresses, [pmcnamara@nhada.com](mailto:pmcnamara@nhada.com) or [dbennett@nhada.com](mailto:dbennett@nhada.com).

**2009 Unemployment Rates by Area**

	<u>Dec.</u>	<u>Jan.</u>	<u>Feb.</u>
United States	7.1%	8.5%	8.9%
New England	6.6%	8.1%	8.3%
Connecticut	6.6%	7.9%	8.0%
Maine	7.0%	8.8%	9.1%
Massachusetts	6.5%	8.1%	8.3%
<b>New Hampshire</b>	<b>4.3%</b>	<b>5.7%</b>	<b>5.9%</b>
Rhode Island	9.6%	11.4%	11.4%
Vermont	6.0%	7.6%	7.7%



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# Rebate Checks To Be Distributed At Spring Business Meeting, May 13

Peter Sheffer, Director of NHADA WCT

The actuarial for the NHADA Workers' Compensation Trust (WCT) is currently reviewing claims data in order to determine the amount of money available to return to WCT members in the way of rebates.

The overall rebate is initially calculated trust-wide by the actuary. Administrative expenses and total incurred claims costs are subtracted from the total premium to determine the available balance. The available balance-by-member is determined in the same manner, and is then multiplied by the individual member's pro-rated share of the total eligible balance. Previous returned rebates are deducted, thereby yielding the current balance, per individual member. The individual member's rebate is essentially based on the performance of the trust for the years of return, as well as the individual member's performance for the same period. Return-of-premium for a particular fund year will be paid out over the course of several subsequent years.

This year's rebate will include money

from the fund years from 2003 through 2008. As money from previous years is distributed, less money is available to return. The most recent year's claims are still developing, so a small percentage of money is returned from that fund year. Members must have a positive fund balance for any given year to be entitled to a rebate for that fund year. For instance, if a member pays a premium of \$10,000 and has a compensable claim, which costs over \$10,000, the member would have a negative balance and thus would not be entitled to a rebate for that fund year. That same member, though, would still be eligible for returns from other years that showed a positive balance. If the claims department is able to successfully recover payments, either through subrogation or second injury fund on a claim, that money is returned to the member's fund account for the fund year of the date of injury. If that recovery results in a positive balance for that fund year, the money will be returned to the member as part of a future rebate. Subrogation and Second Injury Fund recoveries take years to receive but ultimately, the money is returned to the member's claims account. If the return does not result in a positive balance for the members, it still improves the overall balance of the fund by reducing the amount that the fund as a whole has to cover for an individual member who has a bad year.

We recognize how important rebates are to our members in these challenging economic times. Members must continue to focus on proven loss prevention and claims management practices to reduce claims costs and increase rebates. It is short-sighted to stop adhering to these basic principles to save money on a daily

### Best Practices For the Highest Rebate

- Provide a safe workplace.
- Have regular safety committee meetings.
- Implement safety committee recommendations.
- Train new hires, focusing on safety.
- Inform new hires about Workers' Compensation Managed Care.
- Document new hires' pre-existing condition(s) on the Second Injury Fund form.
- Perform pre-placement drug testing and do not hire non-negative testers.
- Call NHADA immediately after an injury occurs to obtain assistance from the nurse case manager with a comp mc network referral.
- Promptly file the "Employer's First Report of Injury." The first report is on our web site in form-fillable format. It does need to be printed and faxed to us at 224-8126.
- Communicate any concerns you or your staff has about the claim.
- Provide temporary alternate duty. Temporary alternate duty remains the single most effective way to control workers' compensation costs. Employers who have implemented a temporary alternate duty program have reduced their medical costs by 35 percent and lost-time days by 30 percent.

2003	\$2,772,202
2004	\$3,252,543
2005	\$4,279,826
2006	\$2,551,897
2007	\$4,406,478
2008	\$4,433,116

basis. Failure to adhere to these principles will result in increased claims costs resulting in increased premium and decreased rebates, which no one can afford in this economy.

Please allow the NHADA Workers' Compensation Trust claims staff to assist you with your claims issues. Contact us when a claim arises, and we will successfully manage it together to control costs and increase your rebate. ▲



## Claims Corner

Brian Duplessis, Loss Prevention Coordinator

**A** tradition will continue on May 13 at the NHADA Spring Business Meeting, when WCT members receive rebate checks. Since its inception in the early '80s, the NHADA WCT has returned over \$50 million dollars to the membership in the form of a rebate on the unspent workers' compensation premium. On average, members have received rebates totaling nearly 40 percent of all the premiums paid.

Historically, the premiums paid by members have been both competitive and consistent. Members today pay only 4 percent more to insure service department employees than they did in 1983; this does not factor in inflation. On top of that, members are eligible to receive up to 30 percent in up-front premium discounts, meaning members today are paying considerably less than they did a quarter century ago.

Cost savings are certainly a driving force in the success of this program, but other important benefits set it apart from traditional insurance. Loss prevention and claims management programs offer members no cost assistance in efforts to eliminate injuries and reduce claims costs. The loss prevention program for instance, has expanded to offer over 25 different trainings, over a dozen written programs and policies, and guidance in human resource areas such as hiring and drug testing. The loss prevention staff provides comprehensive environmental compliance and safety committee consultation.

The claims department assists members in reducing the financial impact of a workplace injury. This lowers what members

## Membership in the NHADA Workers' Compensation Trust Makes \$ense

pay for workers' compensation and saves thousands of dollars in the indirect costs associated with claims. The claims department developed a state-wide managed care network of occupational health providers that minimizes what members pay in medical expenses. Also incorporated into the claims management program is assistance with return-to-work programs

and second injury fund recovery efforts that, again, drastically impact claim cost.

The NHADA's loss prevention and claims services are unique in the industry and offer added value that traditional insurance programs do not. If history is any measure, the WCT program is sure to improve from both a cost and quality standpoint. ▲

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## NHADA Receives Record Reimbursement for Second Injury Fund

Peter Sheffer, Director of NHADA WCT

**N**HADA received a record reimbursement from the Second Injury Fund (SIF) this year in the amount of \$396,276, bringing our total Second Injury Fund recovery since 1995 to \$2,293,017.72.

This year's recovery is based on payments made on accepted cases in 2007. In 2008, the NHADA Workers' Compensation Trust (WCT) paid assessments to the NH Department of Labor (NH DOL) in the amount of \$120,264 for the 2007 obligations to the fund. We have again recovered more than we paid into the fund.

WCT members documenting pre-existing conditions of newly hired em-

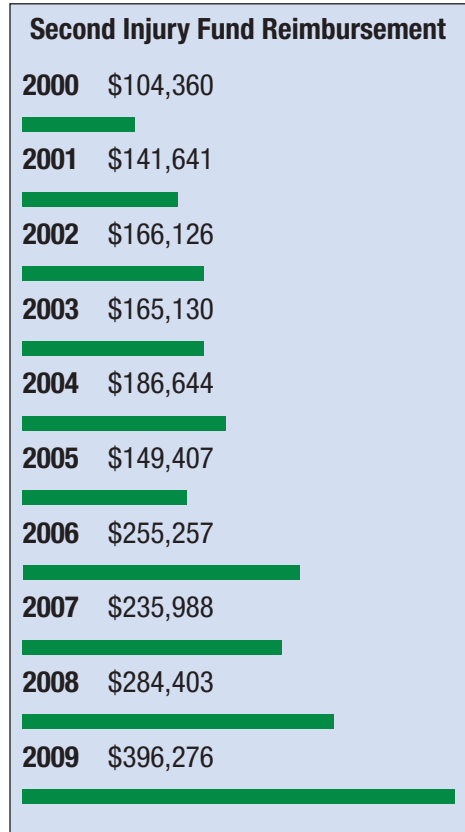
ployees on the "Post Conditional Offer of Employment" SIF Form make this recovery possible. Several auditors have commented on the excellent documentation provided to us by you, our members, in support of SIF claims.

The employer's documentation at the time of hire or retention of their knowledge of the employee's permanent physical or mental impairment is the first step in a successful SIF claim. The NH DOL has tightened up the purse strings of the special fund making it more difficult for cases to be accepted. The NH Workers' Compensation statute and case law requires that the employers' documentation at the time of the subsequent work-related injury, clearly record the permanent nature of an employee's pre-existing condition. Also recorded must be any physical restrictions or limitations caused by the condition.

The SIF reimburses accepted claims – 50 percent of all medical and disability payments after the first \$10,000 is paid out. After 104 weeks of disability, the fund reimburses 100 percent of medical and disability benefits. There is about a two-year lag on reimbursement.

In this time of double-digit annual medical inflation, every dollar of reimbursement helps to keep our the WCT strong.

The latest SIF "Post Conditional Employment Offer Medical Form" is available in the workers' compensation claims forms section of the NHADA web site. Please take the time to carefully review and complete this form with all employees who have been made a conditional offer of employment. The employee should understand that the



forthright documentation of pre-existing conditions will not be used against them, but also that the falsification of the form could lead to disciplinary action including termination. Whenever possible, employers should elicit from the new hire as much information as possible regarding any pre-existing condition including the type of injury or illness, treatment for it, and limitations caused by it. If the employee uses a handicap plate or placard, that should be documented on the form as well as any other restrictions in their activities. The form must be retained in the employee's medical file, which must be kept confidential, in a locked filing cabinet separate from the employees personnel file.

If an existing employee suffers a work-related or non-work-related injury, which

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## Understand Temporary Licenses to Comply with Red Flags Rule

Jean Conlon, NHAEF Programs Administrator

In May 2008, the New Hampshire Division of Motor Vehicles began issuing new secure driver licenses to protect New Hampshire citizens from identity theft. While awaiting the issuance of the permanent licenses, customers are now issued temporary licenses.

Since there continues to be some confusion regarding the look of these new licenses, and with the added focus on identity theft protection under the Red Flags Rule, it is a good time to review the look of New Hampshire's permanent and temporary driver licenses with your employees who either take payments or credit applications.

These temporary licenses are very different looking, which has caused some confusion. If you have not yet encountered one, the card is made of flexible polyester, tear-resistant security paper with a black-

and-white digital image. All pertinent licensing data that was previously on the driver license is on the temporary version. The temporary driver license is valid for 60 days from the date of issue.

Though the temporary driver license is valid for driving purposes as a stand-alone document, the NH DMV recommends that those using it for identification pur-

poses carry a second form of identification (passport, birth certificate, military ID, etc.) For renewals, the old license will be returned to the license holder to be used as backup identification.

In addition, both permanent and temporary driver licenses for those under 21 years of age will have a vertical orientation to make them readily identifiable.▲

*Continued from previous page*

results in a permanent condition requiring work limitations, that condition should be documented. A dated memo to the file, which includes the employee's name, the employer's name, the nature of the condition, and the restrictions, should be retained in the employee's medical file as well. Physicians' notes and Family Medical Leave Act (FMLA) documents all could be used to document an employer's knowledge of a pre-existing condition for SIF purposes.

If you have any questions pertaining to the SIF or any other aspect of workers' compensation, please call Pete Sheffer, director of workers' compensation, at 800-328-3110 or [psheffer@nhada.com](mailto:psheffer@nhada.com).▲

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# FTC RED FLAGS RULE COMPLIANCE CHART:

This chart may assist you in developing and implementing a written ITPP by the final date for complying with the Red Flags Rule (November 1, 2008). The chart highlights the general compliance steps you must take with cross-references to the Sample ITPP and the narrative portion of the guide.

## STEP 1

### Appoint an ITPP Compliance Officer and an ITPP Program Coordinator.

Appoint a senior manager to serve as the ITPP Compliance Officer who will be responsible for the Program's oversight, development, implementation, and administration. If necessary, appoint an ITPP Program Coordinator to manage and coordinate the Program under the supervision of the Compliance Officer.

See Section 3 and the final page of Sample ITPP (entitled "Appointments and Approval") and narrative discussion at pp. 4 - 5.

## STEP 2

### Determine the "covered accounts" that you offer or maintain.

Identify all of the "accounts" that you offer or maintain and determine which ones are "covered accounts" that must be addressed in your ITPP. Covered accounts generally consist of (1) all of your consumer transactions involving multiple payments (even if you immediately assign the contract to a third party) and (2) your other multiple payment accounts (including business accounts) where there is a reasonably foreseeable risk of identity theft to your dealership or your customers.

See Sections 4-6 and 9 of Sample ITPP and narrative discussion at pp. 5 - 7.

Use Account Identification and Risk Assessment Worksheets.

## STEP 3

### Identify relevant indicators of possible identity theft ("Red Flags") for each covered account.

For each of the covered accounts you identified, determine what patterns, practices, or activities may indicate a possible attempt at identity theft. Keep in mind that "relevant" Red Flags are reasonable (as opposed to theoretical) indicators of ID theft. You must consider several sources of Red Flags, such as vulnerabilities in how you open and maintain your covered accounts, your prior experiences with identity theft (consider also methods of identity theft at other dealerships that you have learned

about), and guidance from the FTC, including its list of 26 Example Red Flags.

The Worksheets to the Sample ITPP set forth the 26 Example Red Flags and other Red Flags that may apply to your covered accounts. Determine which of these, and other Red Flags that are not set forth in the Worksheets, are relevant to your covered accounts, and list them in your ITPP.

See Sections 7 and 10 of Sample ITPP and narrative discussion at pp. 7 - 10.

Use Red Flag Identification, Detection, and Response Worksheets.

## STEP 4

### Develop procedures for detecting those Red Flags.

For each relevant Red Flag that you have identified, determine what reasonable methods dealership personnel must follow to detect that Red Flag. Include procedures to verify the identity of a customer who wishes to open or access a covered account, **and** additional detection procedures for certain Red Flags that you identify.

See Sections 8 and 11 of Sample ITPP and narrative discussion at pp. 10 - 11.

Use Red Flag Identification, Detection, and Response Worksheets.

## STEP 5

### Develop procedures for responding to relevant Red Flags that you detect.

For each relevant Red Flag that you identify and detect, determine what reasonable response procedures dealership personnel must follow. The procedures should be flexible and should provide for a range of possible responses depending on the Red Flag detected and the specific facts and circumstances involved. The Sample ITPP sets forth "General Response Procedures" to be followed when any Red Flag is detected as well as additional "Specific Response Procedures" to be followed when certain Red Flags are detected.

See Section 12 of Sample ITPP and narrative discussion at pp. 11- 12

Use Red Flag Identification, Detection, and Response Worksheets.

# STEP BY STEP

*Editor's Note:* This chart is published by permission of the National Automobile Dealers Association (NADA), which holds the copyright thereto. This FTC Red Flags Rule Compliance Chart is part of the NADA's publication *A Dealer Guide to the FTC Red Flags and Address Discrepancy Rules: Protecting Against Identity Theft*.

"ITPP" refers to Identity Theft Prevention Program.

The official Red Flags Rule enforcement date changed from November 1, 2008 to May 1, 2009 following this chart's original publication date.

## STEP 6

### Train your employees.

Your ITPP should include policies for training all dealership personnel involved in opening or maintaining covered accounts or performing any duty set forth in your Program, including your procedures for complying with the Address Discrepancy Rule.

See Sections 13, 14 (if applicable), and 15 of Sample ITPP and narrative discussion at page 12.

## STEP 7

### Oversee your service providers.

If you outsource to a service provider any activity necessary for opening or maintaining covered accounts, or any duty under your ITPP (e.g., functions related to identifying, detecting, or responding to relevant Red Flags that exist with your covered accounts), ensure that your service provider has appropriate policies and procedures in place to perform these functions and agrees to do so contractually.

Note that the Sample ITPP assumes the dealership does *not* retain service providers for this purpose. If you retain service providers to which you have outsourced ITPP duties, ensure that your ITPP reflects that arrangement.

See Section 16 of Sample ITPP, narrative discussion at pp. 13 - 14, and Appendix A entitled "Sample Clauses to Include in Service Provider Agreements."

## STEP 8

### Draft an ITPP that details the procedures set forth above.

Consolidate the information gathered and produced to comply with each of these steps, including the information from the Sample ITPP Worksheets, and incorporate it into a formal written Program. Ensure that your ITPP is comprehensive and includes the procedures you will adopt to comply with the Address Discrepancy Rule. In addition, ensure that you document all of your compliance efforts.

## STEP 9

### Ensure that your board of directors or a committee of the board approves your ITPP by November 1, 2008.

Once your ITPP is drafted, it must be approved by the dealership's board of directors or an appropriate board committee by November 1, 2008. If your dealership does not have a board of directors, the ITPP must be approved by a designated senior management employee.

See Sections 1 and 3 and the "Appointments and Approval" page of Sample ITPP and narrative discussion at page 14.

## STEP 10

### Comply with the ongoing Program requirements.

Your compliance duties under the Red Flags Rule do not end on November 1, 2008. The Program must be continuously administered and you must adhere to a series of ongoing administrative requirements designed to ensure that your ITPP is responsive to the latest trends in identity theft.

The Program Coordinator (or staff responsible for administration of the ITPP) must submit compliance reports at least annually as detailed in the ITPP, while the Compliance Officer (or the board of directors, a board committee, or a designated senior management employee) must ensure the ITPP is updated periodically. The dealership should update its list of covered accounts, relevant Red Flags, and detection and response procedures as part of this process or sooner if warranted by the circumstances (such as if an identity theft incident occurs). The dealership also must stay current with its training obligations and service provider oversight responsibilities.

See Sections 17 and 18 of Sample ITPP, narrative discussion at page 14, and Appendix B entitled "Sample Compliance Report."

**This chart is offered for informational purposes only and is not intended as legal advice. Consult your legal counsel concerning the full range of your Red Flags Rule compliance responsibilities.**

## Wellness Corner

Lisa Duclos, Wellness Educator

**P**oor sleep habits are among the most common problems encountered in our society. We stay up too late and get up too early. We interrupt our sleep with drugs, chemicals, and work. And we over stimulate ourselves with late-night activities such as television and computer. But you can get a better night's sleep, feel refreshed when you awake, and remain alert throughout the day. It is called "sleep hygiene," or those practices, habits, and environmental factors that are critically important for sound sleep: most of these are under your control.

According to the National Institutes of Health (NIH) and the Institute of Medicine (IOM), approximately 30 million Americans are affected by chronic insomnia each year. It is important to realize that the lack of the proper amount of sleep and the best quality sleep may have serious short-term, and long-term consequences. Many studies have shown that sleep deprivation adversely affects performance and alertness. Reducing sleep by as little as one-and-a-half hours for just one night reduces daytime alertness by about one-third. Excessive daytime sleepiness impairs memory and the ability to think and process information. It carries a substantially increased risk of sustaining an occupational injury. While long-term sleep deprivation from sleep disorders such as apnea, has recently been implicated in high blood pressure, heart attack, and stroke.

We all have a day-night cycle of about 24 hours called the circadian rhythm. The circadian rhythm greatly influences when we sleep and the quantity and the

## Wake Up! Are You Getting Enough Sleep?

quality of our sleep. The more stable and consistent our circadian rhythm is, the better our sleep. This cycle may be altered by the timing of various factors, including naps, bedtime, exercise, and especially exposure to light (from traveling across time zones to staring at that laptop in bed at night).

Psychological stressors such as deadlines, the economy, marital conflict, and job crises may prevent us from falling asleep or wake us up from sleep throughout the night. It takes time to "turn off" all the noise from the day. If you work right up to the time you turn out the lights, or are reviewing all the day's event and planning tomorrow, it is virtually impossible to just "flip a switch" and drop off to a blissful night's sleep.

A pre-sleep ritual should be developed to break the connection between all the stress and bedtime. These rituals can be as short as ten minutes or as long as an hour. Some find relief in making a list of all the stressors or concerns of the day, along with a plan to deal with them. Combining this with a period of relaxation, perhaps by reading something light, meditating, or taking a hot bath can also help with better sleep. And, do not look at the clock when you are in bed. That activates the brain to start calculating time and wakes you even more.

Social or recreational drugs like caffeine, nicotine, and alcohol may have a larger impact on your sleep than you realize. Caffeine, which can stay in your system as long as 14 hours, increases the number of times you awaken at night and decreases the total amount of sleep time. This may subsequently affect daytime anxiety and

performance. The effects of nicotine are similar to those of caffeine, with a difference being that at low doses, nicotine tends to act as a sedative, while at high doses it causes arousals during sleep.

Alcohol may initially sedate you, making it easier to fall asleep. However, as it is metabolized and cleared from your system during sleep, it causes arousals that can last as long as two to three hours after it has been eliminated. These arousals disturb sleep, often causing intense dreaming, sweating, and headaches. Smoking, while drinking caffeine and alcohol, can interact to affect your sleep dramatically. These sleep disturbances may be most apparent upon awakening, feeling sleepy, groggy, or hung-over.

It is important to make an overall commitment to healthy, restorative sleep. Although many of the following sleep hygiene tips may seem like common sense, it is surprising how many points are ignored or forgotten by so many of us. Following these tips should help you relax, fall asleep, stay asleep, and get better sleep so that you wake up refreshed, and alert to take on the day:

- Try to go to bed and get up at the same time every day – even on weekends. This will help keep your biological clock or circadian rhythm in sync. If you sleep more on the weekends than during the week – and many of us do – this indicates that you have a "sleep debt." A sleep debt accumulates when you get too little sleep. The only way to reduce the debt is to sleep as much as your body needs every night.

*Sleep - continued on page 16*



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Sleep - continued from page 14

- Avoid napping during the day. But, if you do nap, make it no more than about 25 minutes about eight hours after you awake. If you have problems falling asleep, then avoid naps.
- Avoid alcohol 4-6 hours before bedtime. Although alcohol is a depressant and may help you fall asleep, the subsequent metabolism that clears it from your body when you are sleeping causes a withdrawal syndrome. This withdrawal causes awakenings and is often associated with nightmares and sweats.
- Avoid caffeine 4-6 hours before bedtime. Caffeine is also a stimulant and is present in coffee, soda, tea, and various over-the-counter medications.
- A light snack may be sleep-inducing, but a heavy meal too close to bedtime interferes with sleep. Stay away from protein and stick to carbohydrates or dairy products. Milk contains the amino acid L-tryptophan, which has

been shown in research to help people go to sleep.

- Exercise regularly, but not right before bed. Regular exercise, particularly in the afternoon, can help deepen sleep. Strenuous exercise within two hours of bedtime can decrease your ability to fall asleep.
- Minimize noise, light, and temperature extremes during sleep with ear plugs, window blinds, or an electric blanket or air conditioner. Even the slightest nighttime noises or luminescent lights (the digital alarm clock) can disrupt the quality of your sleep. Try to keep the bedroom at a comfortable temperature (55-75 degrees).
- Avoid watching television, eating, and discussing emotional issues in bed. The bed should not be used as an office, workroom, or recreation room. The bed should be used for sleep and sex only. It is difficult to fall asleep if the body associates the bed with any-

thing other than these two activities.

- Relax before bedtime. Stress not only can make you miserable, it can wreak havoc on your sleep. Develop some kind of pre-sleep calming ritual to break the connection between all the day's stress and bedtime.

Good sleep hygiene can have a tremendous impact upon getting better sleep. You should wake up feeling refreshed and alert, and you should generally not feel sleepy during the day. If this is not the case, poor sleep hygiene may be the culprit, but it is also very important to consider that you may have an unrecognized sleep disorder. Many sleep disorders go unrecognized for years, leading to unnecessary suffering, poor quality of life, accidents, and great expense. Since it is clear how critical sound sleep is to your health and well-being, if you are having prolonged periods of not sleeping well, see your doctor or a sleep specialist.

For more information, resources, or a presentation on sleep, sleep hygiene, or other wellness-related topics at your business, contact me at [lduclos@nhada.com](mailto:lduclos@nhada.com) or 800-852-3372, ext. 308.▲

**References**  
[www.bettersleep.org](http://www.bettersleep.org)  
[www.umm.edu/sleep](http://www.umm.edu/sleep)  
[www.sleepfoundation.org](http://www.sleepfoundation.org)  
[www.webmd.com/sleep-disorders](http://www.webmd.com/sleep-disorders)  
[www.sleepdisorders.about.com](http://www.sleepdisorders.about.com)

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## Automotive Students Compete At Skills USA

George Dykstra, AYES State Affiliate and NHAEF Director

Nineteen of our best high school automotive students met at Nashua Community College to demonstrate their automotive knowledge and technical skills in New Hampshire's Skills USA competition. Waiting for them was a series of hands-on activities as well as a comprehensive written exam. The activities ranged from simple tool identification to antilock brake diagnosis and repair.

For these automotive students, this was the climax of weeks of preparation and study, and for those who prepared well, the rewards were great. One of the rewards of participating in and winning the Skills USA automotive technology contest is the attainment of both scholarships and awards that are offered by industry partners. At the top of the list is a full, one-year tuition scholarship to one of our community colleges offering automotive education. This scholarship alone is worth more than \$5,000. Our Educational Foundation sweetens the pot with another \$1,000 for the first-place winner.

Other schools around the country also offer lucrative scholarships to the winners. The New Hampshire first-place

winner also receives a trip to Kansas City, Missouri, for a chance to prove his skills at the national level. This year, the Skills USA national leadership and skills conference will be held June 21 to June 26, 2009. This is Skills USA's 45th annual skills competition with more than 15,000 people in attendance including students, teachers, business partners, and vendors.

For students, the experience of competing in the 388,000 square foot Row Bartle Hall and Municipal Auditorium is awesome. The trip and competition are something they will remember for the rest of their lives. This year, national competitions will be held in 91 different occupational areas as students work against the clock and each other to prove their expertise in their occupational areas.

This year, Mike Lenox from Mascenic High School will represent New Hampshire. Fellow Mascenic High School student Adam Minihan placed second, and Paul Wainwright of Salem Regional Technical Center took third. We congratulate all the winners and participants and wish all the best to Mike as he attends this awesome event. ▲

## Benefits Corner

### A "Stimulating" Life for The Insurance Division

Susan Manning, Account Producer/Field Representative

NHADA's Insurance Division staff has certainly been affected by the economic stimulus package! The American Recovery and Reinvestment Act of 2009 (ARRA) has stimulated considerable work for those involved in managing COBRA for the membership companies and employees. In summary, each employee who lost benefit coverage due to an involuntary termination of employment from September 1, 2008 – December 31, 2009 is eligible for a federal premium subsidy for COBRA. The subsidy is 65 percent of the monthly premium for a period of up to nine months, beginning on or after March 1, 2009. Member businesses will need to pay the subsidy for each applicable employee and then take the amount as credit on employment taxes.

We've had many calls expressing concern and confusion from both our member company owners and their terminated employees. When callers realize we have things under control, that we will be handling all of the paperwork as part of our regular COBRA service, the relief heard from the other end of the phone line is palpable.

That's just what we do. We take the benefit issues of our member companies very seriously. We stay on top of state and federal laws, and follow through on those responsibilities quickly and efficiently.

As early as March 4, NHADA's Insurance Division sent memos to our members


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explaining the important new changes that would be coming, due to ARRA. It was a short informational “heads-up” concerning what the new act would mean to employees and to member businesses, and assuring them we would be establishing an administrative process and would be sending them further information and instruction over the next few weeks. The staff made many follow up calls to that mailing in order to obtain all of the information that was needed to proceed.

Four separate mailings were sent out from NHADA in order to encompass all eligible terminated employees.

*“When callers realize we have things under control... the relief heard from the other end of the phone line is palpable.”*

In each case, eligibility must be decided, billing must be split between the terminated employee (at 35 percent) and the business owner (65 at percent) and collected by NHADA. Meanwhile, our staff continually provides education to our business owners on how to collect their subsidy from the government.

I’m not sure if those who signed the economic stimulus plan realized the work involved in putting the plan into action in a thorough and accurate manner. However, NHADA’s Insurance Division staff stepped into that responsibility with determination to do just that. We take pride in our work and are committed to servicing our membership. This may be the best of many reasons for insuring your group employee benefit package through your association.

For further questions concerning ARRA or other employee benefits and related concerns, contact NHAD Insurance Division staff at 800-852-3372. ▲

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## Preparing for a Department of Labor Audit

Meredith P. Cook, Wiggin & Nourie, P.A

It's 9 a.m. on Monday, and it's already been a crazy week. Your controller fell off a ladder over the weekend and will be out for at least two weeks. A customer just called to yell at you about service performed last week. It snowed overnight, and all hands are on deck trying to move vehicles. Now the receptionist calls to tell you someone from the Department of Labor is here to see you. You walk out front and learn that your business has been selected for an audit. How do you respond?

### Take a Deep Breath

It may sound basic, but keeping your cool is crucial. If you respond to the investigator by refusing to cooperate or being rude, it only will appear as though you have something to hide. Treat the investigator with courtesy and respect at this initial meeting and throughout the audit.

The investigator likely will want to interview key management personnel, and this arguably is the most important part of the audit. The interview often sets the tone and direction for much of audit. If key management personnel demonstrate that they take their wage and hour obligations seriously, the auditor is less likely to "flag" the employer as a potential problem.

"But it's been a crazy morning. How can I possibly drop everything for this investigator?" Investigators work with businesses every day and understand that the unexpected happens; they also are experienced enough to know when an employer is looking for excuses to stall. If the controller is a person with primary access to your wage and hour information and that person will be unavailable, explain the situation to the

investigator and ask if it would be possible to reschedule when the Controller returns.

### Resist the Urge to Cry Out, "Why Me?"

Although the audit may be triggered by an employee complaint, employers also are randomly selected or may be part of a review of a specific industry or geographic area. Try to keep in mind that state and federal labor departments have the authority to audit businesses to insure compliance and put your focus on providing the requested information to the auditor as efficiently as possible.

### Understand the Process

Regardless of whether the investigator is from the United States Department of Labor (US DOL) or the New Hampshire Department of Labor (NH DOL), the audit process is similar. The investigator will ask to review payroll records, time cards, and personnel files to determine your company's compliance with various laws. Ideally, the investigator should have a seat at a desk or table to review documents without interruption. It is helpful to designate one person to be responsible for obtaining the documents requested by the investigator.

The investigator likely will interview employees from several job categories. The company is not allowed to have a representative in the room during the employee interviews. It is important to explain to employees that the audit is a regular process of the government and that the employee has not been singled out by either the employer or the government. It is critical that employees not be given the impression they will be expected to do anything other than tell the truth. Explain that the employee may be asked to sign documentation of the interview,

and the employee should review the documentation carefully to be certain it is accurate and correct any discrepancies the employee may find.

Once the auditor completes the review, the employer generally receives the results immediately. If the auditor believes that employees may be due back pay, he or she may ask the employer to agree to pay the amount the investigator believes to be due. Employers should not feel compelled or coerced into agreeing to a determination on the spot.

In New Hampshire, an investigator's finding of violations will be followed by a letter from the NH DOL setting forth a proposed fine. Assuming your business does not have a history of wage and hour violations, you will have the opportunity to meet with a representative of Wage and Hour Division to explain the violations, demonstrate how you have corrected the problems, and negotiate the amount of the fine. The US DOL also settles cases through the administrative process on a regular basis.

### Prepare, Prepare, Prepare

An employer's failure to comply can be costly. In addition to fines, an employer may be required to pay back wages, including overtime. Common wage and hour violations include:

- misclassifying employees as independent contractors and failing to secure worker's compensation insurance;
- employing illegal aliens (or failing to have proper documentation for employees properly authorized to work in the United States);

*Audit - continued on page 22*



# NEVER BACK DOWN FROM A CHALLENGE



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Audit - continued from page 20

- improperly classifying employees as exempt from federal overtime pay laws;
- failing to pay minimum wage to employees (remembering that even though some dealership employees are exempt from overtime, they may not be exempt from the minimum wage);
- allowing minors to work in inappropriate jobs or during restricted hours; and
- unlawful deductions from employee wages.

The best way to avoid fines for violations is to regularly monitor payroll policies and practices to ensure compliance with state and federal wage and hour laws. With downsizing and smaller staffs, many employers are asking remaining employees to take on new responsibilities, including human resource practices. It is important to train human resource personnel so they can monitor your business for potential violations.

The federal website (<http://www.dol.gov/>) and state website (<http://labor.state.nh.us/>) offer information about wage and hour laws, as well as links to required forms that must be posted. The NHADA typically offers an annual wage and hour session at the end of the calendar year at a low cost to members. At the NH DOL web site, you also may register to receive email notification of changes in the law, as well the dates and locations of training sessions for employers.▲

*Meredith P. Cook is a member of the law firm of Wiggin & Nourie, P.A., an NHADA Gold Partner, and can be reached at 866-629-4511, telephone: 603-629-4511, fax: 603-623-8442.*

## Environmental Corner

A recent survey of under-25-year-olds, found that nearly 70 percent of respondents said they consider a company's environmental commitment when deciding where to shop.

That's just one good reason for your company to compete for a U.S. Environmental Protection Agency (EPA) ENERGY STAR Small Business Award.

The 2009 ENERGY STAR Small Business Awards are open to any small business that has increased the energy efficiency of its facility through energy management improvements during the last two years. Preference will be shown to businesses that have used ENERGY STAR tools and

## Apply for the ENERGY STAR® 2009 Awards

resources to achieve success. Although it is not a requirement, the free online portfolio manager tool can help you track your energy savings and demonstrate your success for the application.

A 2007 award recipient and NHADA member is NHAEF Board of Directors member John C. Lambert of Lambert Auto Sales, Inc. in Claremont.

Applications are available on-line at: [www.energystar.gov/smallbiz](http://www.energystar.gov/smallbiz). Apply before May 15.

For more information, please contact Dan Bennett, Environmental Affairs Specialist, at [dbennet@nhada.com](mailto:dbennet@nhada.com), or call him at 800-852-3372.▲

## Safety/OBD II Inspections Statistics

Safety Inspection Results	Mar 09	% of Total	YTD 09	% of Total
Total *	125,112	100.00%	332,439	100.00%
Passed	94,425	75.50%	249,608	75.10%
Corrected	16,649	13.30%	44,270	13.30%
Rejected	6,847	5.50%	18,328	5.50%
Untested	7,191	5.70%	20,233	6.10%
OBD II Inspection Results (1996 and newer)				
Total	108,430	100.00%	290,957	100.00%
Passed	93,242	86.00%	248,298	85.30%
Rejected	11,151	10.30%	31,901	11.00%
Untested	4,037	3.70%	10,758	3.70%

\* Total numbers include OBD II Inspections

Statistics provided by Gordon-Darby

## Education Corner

**P**rofitability is more necessary to new- and used-vehicle operations than ever; priorities are changing. In response to these changes, NADA Management Education now offers specialized webinars presented by industry leaders.

NADA's May and June webinars cover issues related to every department in the dealership, including sales management, service and parts management, internet sales, phone leads, and warranties. Several webinars deal specifically with the problems that dealers are facing in the changing economy, including *Decreasing Revenues, Rising Costs, and Shrinking Margins* (May 27, 1-3 p.m.). Jodi Kippe, a CPA working with Crowe Horwath's Retail Dealer Group, will help participants determine how to reduce their expenses and get more value from the dollars they must spend in their ongoing operations.

Of particular value in today's economy is *Dealer Survival: Improving Your Cash Flow in Tough Times* (June 18, 1-3 p.m.) NADA Dealer Academy Instructor Steve Lane will teach participants how to measure and reduce their frozen capital and free up cash in the dealership.

NADA will also guide dealers and managers through the steps necessary to comply with changes to the Family and Medical Leave Act in a webinar June 23 from 1-3 p.m. Christopher Hoffman, regional managing partner of Fisher & Phillips LLP, will cover the changes and provide a checklist for better compliance.

NADA will once again join with AutoTrader.com to present the series, *Maximize Your Business in a Challenging*

## NADA Webinars Help Dealers Meet Challenges

*Environment.* Divided into three sessions on June 4, 11, and 18, the sessions will each cost \$199 per computer connection, if purchased separately. Participants can also register for all three sessions for just \$448. The series will be presented by Howard Polirer, director of industry relations for AutoTrader.com.

Through this webinar training, you can

learn, listen, and participate from your own computer; with many topics available, you can select the right training to help you approach the challenges you face at your dealership every day.

For more information on upcoming webinars, visit [www.nada.org/seminars](http://www.nada.org/seminars) or call NADA Management Education at 800-252-NADA, ext. 2.▲



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**Information on the 2009 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 Month Ending: 3/31/09*

	March	'09 YTD	'08 YTD
Titles Issued for New and Demo Vehicles:	6,422	17,116	23,476
Titles Issued for Used Vehicles:	18,773	49,351	50,399
<b>TOTAL TITLES ISSUED:</b>	<b>25,195</b>	<b>66,467</b>	<b>73,875</b>
Titles Issued with a Lien:	9,826	26,376	33,115
Titles Issued with no Lien:	15,369	30,115	40,760
Salvage Titles Issued:	1,243	3,401	2,704
Salvage Tags Issued:	240	516	524
Titles Issued for Heavy Trucks More than 15 Years Old:	21	66	82
Titles Issued for Heavy Trucks 15 Years Old or Less:	128	321	357
Titles Issued for Trailers:	534	1,204	1,360
Titles Issued for Motorcycles:	1,104	1,821	1,594
Titles Issued for Motor Homes:	44	98	119