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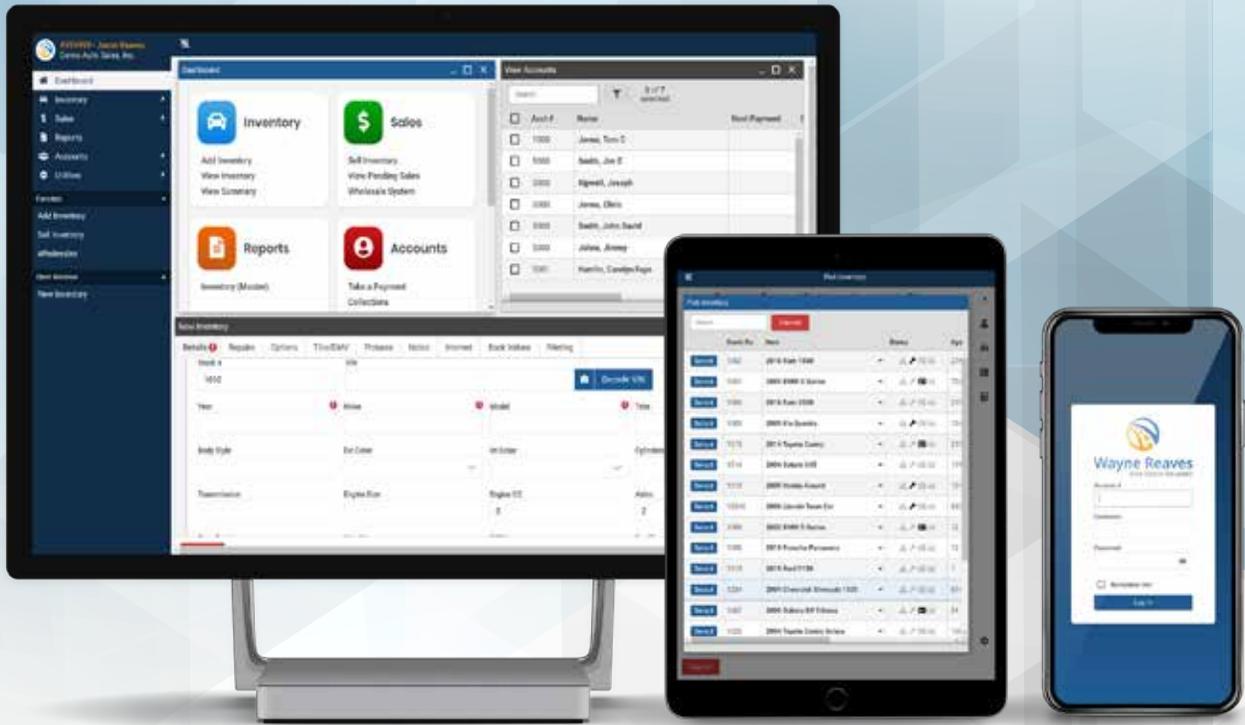
Let's Talk Stolen Cars

Bridge the Gap Between Online and On-the-Lot Sales With Video

**PLUS:
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**2022
CONVENTION
HIGHLIGHTS
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Hello, Georgia Dealers!



GIADA PRESIDENT
Jack Carter
Turn & Burn Motors

My name is Jack Carter. It will be such an honor to serve you as the GIADA president for 2022-2023. I was sworn in at the GIADA convention in Savannah and what a convention it was! Jason Reaves did a phenomenal job hosting guest speakers from around the country.

We had the privilege of hearing from some of our national leadership, such as Bill Elizondo with the NIADA, as well as our very own Steven Lefkoff from Lefkoff Law - both of whom are important members of our industry and who are committed to keeping us compliant and selling cars. There were games, prizes, and vendors everywhere, putting dealers in contact with lenders, auctions, and CPAs from our industry, as well as key re-insurance experts. The networking was fantastic and not to be missed. Something I will always

attest to is the Association's value in networking and improving all aspects of my business. If not for the GIADA, under Amy Bennett's leadership, there's no doubt we wouldn't be where we are today.

As the incoming president, I want all dealers to know that this Association cares deeply about the Georgia dealer. As a dealer myself, I want nothing more than an environment that allows hard work, effort, and good decisions to be rewarded. This year we will work hard to support our allies who understand our business while doing our best to educate those who don't. I urge every dealer to put in the effort and time to stay educated, informed and, most importantly, compliant with our state laws and regulations. Dealers haven't always had the best reputation and it's our duty to change that, and to do the best we can by our customers, employees, and families.

Please keep in mind that we're here to help you accomplish all those things! If needed, please reach out to me at jack.turnandburnmotors@gmail.com.

Happy buying and selling! Good luck!

Jack Carter

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New Renewal Date on your Dealers License!



GIADA EXECUTIVE DIRECTOR,
Amy Bennett

If you haven't noticed yet, the renewal date on your dealer license has been changed to 9/30/24. This change will affect your bond, which expires on March 31, 2024.

Effective May 26, 2022, the expiration date for Used Motor Vehicle Dealers Licenses changed from March 31 of even-numbered years to September 30 of even-numbered years. Instead of renewing the license between January 1 and March 31, the new renewal period will be July 1 and end on September 30.

The next renewal period for Used Motor Vehicle Dealers will begin on July 1, 2024.

Beginning August 15, 2022, all new applicants for UCAR licenses must submit a bond that expires on September 30, 2024, with their application.

The current bond for currently licensed dealers will still be in effect until the bond expiration date of March 31, 2024. When these dealers renew their bond in 2024, they will need to secure a bond with an expiration date of September 30, 2026. Please keep this in mind for renewal.

The GIADA 67th annual convention was awesome!

We started Casino Night with Black Jack, Craps, Texas Hold 'Em, a Roulette Wheel, and more. The dealer training on Friday was very informative for dealers at any level. Our industry experts delivered first-class information and gave sound advice. The vendors at the Trade Expo were able to assist many dealers with information about their day-to-day operations. As always, we had hundreds of giveaways. I think everyone that attended received something!

At the Awards Banquet, we honored many individuals that give back every day to the automobile industry. The Premier After Party ended our convention with dancing, drinking, and Karaoke! I'm here to tell you that we have several dealers who can sing and dance and several who cannot! Nonetheless, we had a blast laughing, networking, and just getting to know some very special people.

So again, thank you to everyone that made this year's convention such a huge success. If you did not attend, you will not want to miss next year at Stone Mountain.

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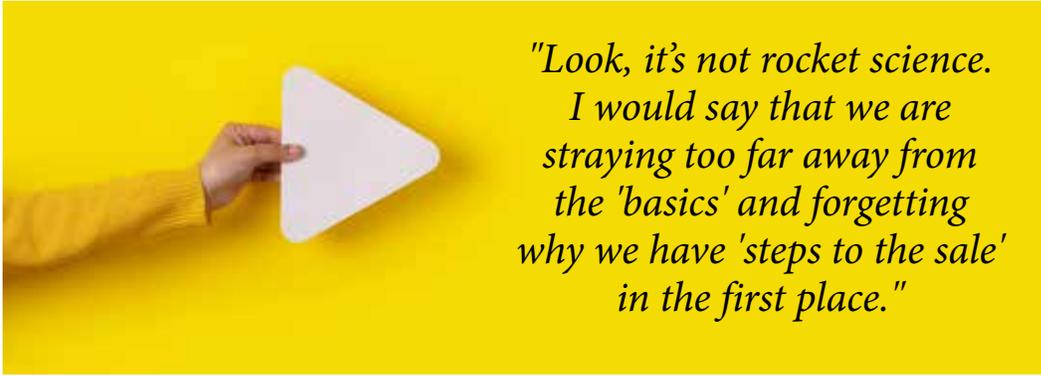
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Bridge the Gap Between Online and On-the-Lot Sales With Video

BY TIM JAMES OF FLICK FUSION



"Look, it's not rocket science. I would say that we are straying too far away from the 'basics' and forgetting why we have 'steps to the sale' in the first place."

Change happens at an ever-escalating pace. Think about how you are currently reading this blog - on your computer or a smartphone that you purchased just a couple of years ago, that is likely already three models outdated. It can be hard to stay on top of these updates and changes and to know when the best time is to catch up.

The same goes for technology and consumer behavior in the auto business. Car shopper behavior has changed in the last decade. When the world of dealer inventory became visible to every person on the planet via online listings, things fundamentally changed. As new "layers" are added, consumers and dealers are naturally attracted to the next shiny object...the things that make life... easier. We've moved on from a sales process that was essentially 100% in-person at the dealership to a process where the car is delivered to their home. However, when it comes to purchasing a car, most people still prefer to see, touch, and feel a vehicle before buying it.

Technology is great if used properly to help (note the word "help") sell a car. However, ultimately, the customer still needs to develop an emotional connection to your dealership and a certain vehicle. With a zillion Honda Civics for sale, how is yours going to make enough of an impression that the potential buyer becomes attached? Add to that the number of dealerships (franchise and independent) and the question then becomes, "how you can make yours the one they want to do business with?" If you can succeed in making both of those connections successfully, you have probably earned yourself at least one sale if not repeat sales, service revenue, referrals, etc.

So exactly how do you connect with an anonymous car buyer looking at your website when you don't even know exactly who they are? Through video.

Look, it's not rocket science. I would say that we are straying too far away from the "basics" and forgetting why we have "steps to the sale" in the first place. Because they work! While a lot of steps to

the sale are now online, the ones that absolutely cannot be replaced are developing a relationship (meet/greet, build rapport, etc.) and getting a customer HOT on a car (showing them a vehicle that fits their needs and wants. Doing a walkaround. Getting their butt in the seat and doing a test drive.) These are the things that some dealers are missing in their online presence. Through video, you can do all of the aforementioned things and still maintain the rest of the steps to the sale by using other digital tools.

Utilize video/360s to replicate the ability to view a vehicle parked on your lot. Provide new model test drive videos so shoppers can get that exciting feeling of driving a new car they are interested in. Utilize video email and texting in your lead follow-ups so you get that face-to-face connection when answering their questions. The list goes on and on, but the answer to bridging the gap between online sales and on-the-lot sales is video.

Think of it like this: What if you see a customer on your lot and nobody steps out to help them? Say they browse around, look at some cars then leave? Or what if you see a customer, go and say "hi," but never land them on a vehicle or get them to do a test drive? We all know the importance of the "on the lot" sales process. We know how important it is to "sell the dealership", "sell yourself", and then "sell the car". We all know the emotional attachment that takes place during the test drive. We also all know that consumer buying habits have changed as technology has made it easier for them to shop and experience products via the internet in much the same ways as they previously did in person. The science of emotional attachment didn't change because of technology, it simply moved from requiring "in-person experience" to "online experience."

The tools are there for you to satisfy the consumer's quest for information while simultaneously duplicating that emotional connection to the vehicle, salesperson, and your dealership — video! No matter how many people want to shop online, you will always need to use tools to make those connections and the best, easiest, most affordable way to accomplish that is through video. ■

2022 CONVENTION WRAP-UP

Savannah was incredible!

We have received a tremendous amount of feedback from attendees of this year's annual Convention and Trade Expo. The reoccurring accolade has been centered around what a fun time everyone had! We had a larger than expected number of dealer attendees who received a great amount of education from our well versed speakers during the dealer training sessions. In addition to making a lot of contacts on the trade show floor, the delicious meals and family like atmosphere, the Premier After Party was a huge hit!

We started off with Casino Night on Thursday evening with a dinner buffet and cocktails, all sponsored by TitleTec, Cars.com and All American Bonds and Insurance. The gaming was very entertaining and many winners redeemed their "play money" for tickets. The more tickets, the more chances to win a great prize. We drew tickets until both prize tables were empty! In addition to our prizes, one of our Casino Night sponsors, Cars.com, hosted a drawing for a fabulous door prize. Casino night was followed by cocktails and socializing at the Hospitality Suite sponsored by All-American Capital Resources.



Friday morning began with a continental breakfast sponsored by Carfax and Greater Atlanta Auto Auction. Our dealer training hosted speakers from many different industries in the automotive world and was sponsored by Autotrader, NextGear Capital, Manheim, vAuto and Wayne Reaves Auto Dealer Solutions. The morning session featured Patrick Janes and Jordan Cox from vAuto and NextGear Capital, respectively. They were followed by Bill Neylan from TRS TaxMax and our very own Kristi Felshaw. After an enjoyable light lunch sponsored by TrueCar and Surety Bond Girls, the dealer training continued into the afternoon with more great industry experts. Steven Lefkoff of Lefkoff Law took the stage, followed by Amy Taitano and Herndon Callagain both from Manheim. Next, Doug Hadden from ACV Auctions and then David Gibson from Peachtree Planning presented their information. Bill Elizondo of the 20 Group from NIADA delivered more enlightening information to all attendees. Kim New took the stage and spoke of her campaign for a state seat in the Georgia House of Representatives. Then Bob Higgins from Wayne Reaves Auto Dealer Solutions spoke to the crowd. We thank Jason Reaves for being the moderator for the entire dealer training.



At 5 o'clock we kicked off the 67th annual Convention and Trade Expo and dinner sponsored by Autotrader, NextGear Capital, Manheim, vAuto and Wayne Reaves Auto Dealer Solutions. With over 50 booths and hundreds of attendees, the expo floor was packed! A wonderful buffet dinner was served with food

stations strategically placed throughout. The attendees played the famous Passport to Prizes and redeemed their full cards for tickets. Two tables full of prizes were won and many vendors had drawings for great prizes at their individual booths! The evening was followed by socializing at the hospitality suite sponsored by National Lenders.



Saturday morning started with a buffet breakfast sponsored by ACV and America's Auto Auction -Savannah (fka Southeastern Auto Auction). After breakfast, Kristi Felshaw hosted an interactive title seminar that was attended by many dealers. The GIADA Auxiliary held a meeting and Bingo right after the Executive Board Meeting. The last meeting of the day was the General Member Meeting which is open to all members. Then it was family time in historic Savannah.





The President's reception (and Leadership Awards), sponsored by Autotrader, NextGear Capital, Manheim and vAuto, kicked off at 5:30 for light cocktails before dinner. The Grand Banquet, sponsored by Wayne Reaves Auto Dealer Solutions, was a special affair. After a delicious plated meal, the leadership awards were handed out and the new officers were sworn in by the current NIADA president, Scott Allen. A surprise awaited David Mosley of Cherokee Automotive Group, as many of his family members showed up to see him win the GIADA Quality Dealer Award presented by Kim New. Lee Reddish was also recognized by his peers and received the GIADA Hall of Fame award presented by Sherold Salmon. Jack Carter was introduced as the incoming President of GIADA. When he made his acceptance speech, there was barely a dry eye in the room. Jack expressed his extreme gratitude to his family and all those in attendance for this great honor.

Other award winners were: Paul Nicholas – President's Award. Julie Colgate, Laurie Higgins, Guy Padgett and Jason Reaves – Wheel Club Award. Julie Colgate, Laurie Higgins and Jason Reaves – Eagle Award. Jason Reaves – Crystal Eagle Award. Laurie Higgins also won the GIADA Auxiliary award. Both Julie Colgate and Bob Higgins were presented with the Dennis Pope Achievement Award. Congratulations to all the award winners! And welcome to all of the incoming officers to the GIADA Board of Directors and officers of the GIADA Auxiliary.



Following the dinner and awards banquet, the premier GIADA After Party began! It was sponsored by TitleTec and special foam lights were handed to all while the music called everyone to the dance floor. The DJ played music from every genre and decade. There was even karaoke. And yes, several attendees stood on the dance floor and belted out their best rendition of their favorite hits. Some were even accompanied by the crowd.

Dances such as the Chicken Dance, Electric Slide and the Cupid's Shuffle were performed to the best of the dancers' abilities and to the amusement of the crowd. Even Amy Bennett, our Executive Director, danced the night away! If you missed this premier after party, you missed a wonderful time! Make plans to attend the three-day event next year at Stone Mountain, GA, in mid-July. Just remember to bring your dancing shoes!



We would like to also recognize and offer our gratitude to our other sponsors:

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And a huge debt of gratitude goes out to all of our exhibitors! We had over 50 vendors and each one was well represented by industry professionals. We look forward to seeing each and every one of you again next year at Stone Mountain! ■



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How Subprime & Independent Dealers Can Digitize Their Back-Office

By Tim Yalich, Head of Auto Strategy, Wolters Kluwer

Make no mistake, while franchised auto dealers continue to grab most headlines addressing rapidly changing and consumer-facing digital retailing experiences, independent and used dealers (including those known for Buy-Here-Pay-Here financing) remain a constant pillar of the industry serving customers who are focused on used vehicles, or those with less-than-stellar credit or budget.

What's unique about many of these independent and BHPH dealers is that they serve as both the car dealership and finance provider. Many of these maintain a line of credit from a warehouse lender so they can offer on-the-spot loans to car shoppers who might have been turned down from traditional captive or prime lending institutions.

According to a report from Experian Automotive, the strategy has continued to prove successful: Approximately 39.9% of used vehicle loans are accounted for by BHPH dealers.

These companies have also been effective in securitizing loans for sale into the secondary market. In the past, their securitization efforts involved a significant amount of physical paperwork – pallets of loan documents it had to manually gather and physically ship to a purchasing lender. However, with drastically changing industry best practices centered around faster transaction times, a more digital transaction process, and increasing regulatory compliance requirements, these dealers must find a way to move from paper-based processes to a more digitized one in their back office.

Subprime Lenders & Independent/Used Dealers Must Leave the Paper World
Today, many subprime lenders and

independent/used dealers hold paper documents in a secure area in a physical building. Then, before any initial securitization, the dealer must ship pallets of files to the lender and wait for them to make all inputs before closing on the securitization. Once that custodial relationship is established, the dealer would ship on a regular schedule, but a lot of paper is still getting shipped, which adds time to the check-in process.

Consider that there is a lot happening in the timeline to complete a securitization. With a paper-based process, independent and used dealers need to get their files to the party of interest well ahead of closing. That can be severely problematic when today's process must move at a more expedited pace.

Today's fast-paced multi-channel origination entails tracking, auditing, and analyzing tasks across various digital and analog locations. And this can create operational and business bottlenecks for warehouse lending partners and negatively impact transfer and securitization for secondary market delivery.

In addition to these needs from the dealer, subprime auto finance providers are increasingly finding that they need new, sophisticated, agile technology systems that enable e-Contracting and post-transaction asset management across an ever-growing array of channels.

Today's New Digital Ecosystems Designed for Independents

To overcome these challenges, subprime lenders, third-party providers, and independent and used dealers are leveraging digital ecosystems that are purpose-built to handle the auto finance industry's origination channel diversity. This eliminates the complexities of managing various multi-channel assets

post-execution and drastically reduces time and operational costs.

The process allows for improved visibility of assets, quick expansion of the investor and lender pool, agility, and the ability to scale quickly and dynamically.

It also provides the assurance of legal and regulatory compliance, enabling lenders to securely manage digital assets throughout their entire post-execution lifecycle through an electronic collateral control agreement (ECCA).

This advanced process will offer centralized data management across an entire portfolio, allowing automotive professionals to view metadata across various origination channels and asset classes.

It will help to control and track access, manage status changes, and transfer control of digital documents while utilizing sophisticated granular controls and permissions to allow for departmental separation and visibility. All of this will result in improved speed and process efficiency, and for lenders particularly, it will free up capital through syndication, sale, or securitization.

Subprime, independent, and used dealers continue to serve a vitally important role in today's automotive ecosystems. With this convergence of back-office processes from paper to digital, they will take their next step into tomorrow and solidify what should remain a promising future of profitable growth and service to their local communities. ■

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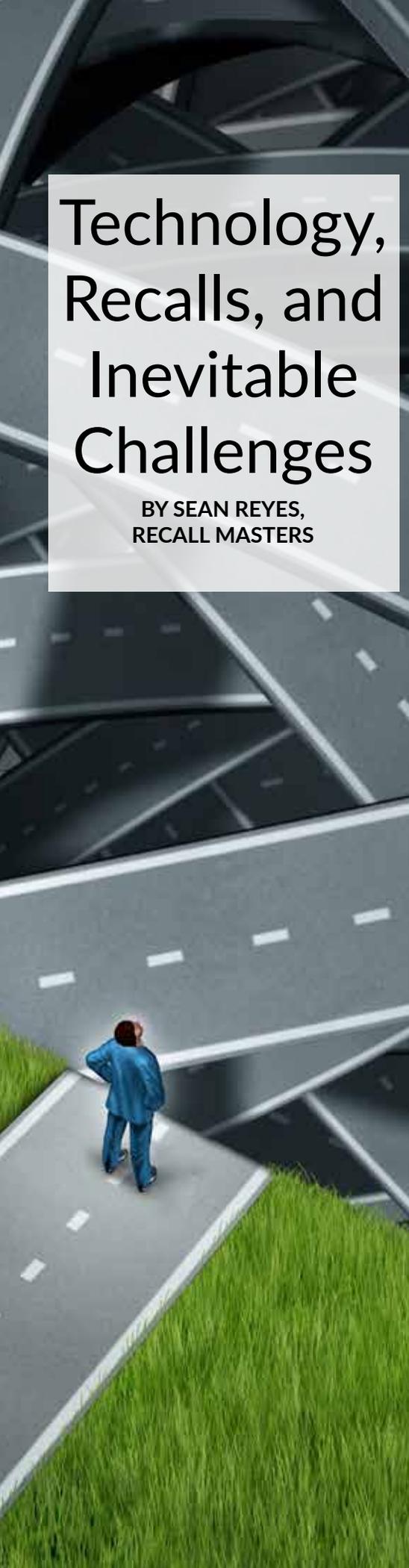
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A person in a blue suit stands on a road that curves into a tunnel-like structure. The road is paved and has white dashed lines. The tunnel structure is made of dark, metallic-looking panels. The person is looking towards the tunnel. The background is a bright, overcast sky.

Technology, Recalls, and Inevitable Challenges

BY SEAN REYES,
RECALL MASTERS

As vehicles become increasingly advanced, many OEMs are integrating technology that includes the ability to upload software updates by over-the-air (OTA) methods. Tesla has been doing this since its inception. But there are only so many repairs that can be solved from afar. While it is great that some of these recalls can be accomplished without the customer going into a dealership, what happens when they can't – or won't? And, even when the vehicle owner wants to comply with the recall notice, does a factory-direct model accommodate service at a local level as a dealer does?

It is well known that there is a huge issue with recall compliance — whether that is because the owner trashes the notice, doesn't have time, doesn't care, can't be reached— or whatever the reason may be. How about second or third-generation owners that may never get notified?

Consider what happens when the vehicle dies from lack of electricity – it's not like an OEM beam the car some more? What about when EV owners need to replace their tires? According to Automotive News, this is a big concern as dealerships and tire manufacturers don't have inventory for OEM or aftermarket tires. Can new tires be solved OTA? No. What about the front trunk flying off while being driven? Can Tesla replace the front trunk OTA? No. I'm all in favor of whatever is convenient for the consumer and which promotes safety – that includes over-the-air updates and mobile repair in the consumer's driveway. Even with EVs and the volume of software/electronics recalls associated with this next generation of vehicles, we'll still service centers for more complex repairs or those that require a lift.

While EVs present a potential solution to environmental concerns, they are more expensive than combustion engine vehicles. In and of itself, this presents a challenge. The lack of EV-trained technicians or nearby Tesla service facilities for most consumers presents challenges. It's hard enough to get consumers to drive 5 miles to their local dealership. How can we expect them to drive a potential 100 miles to get a "physical" recall fixed that cannot be done OTA?

Not to pick on Tesla, but these issues are going to increase as OEMs start relying on OTA fixes. We need to address them now, well before other factories subscribe to a model that does not protect vehicle owners from dangerous recalls or promote consumer interests. Pre-owned Teslas are showing up at dealerships. When those vehicles sell, the buyer becomes second-generation. And, you know what? According to a recent article on Fox News, pre-owned Teslas (both Model 3 and Model Y) are TWO of the five most desired vehicles as of May 2022. They are showing up for sale at dealerships that do not have technicians or equipment to recondition them.

On the consumer side, electric vehicles (EVs) cost 2.3 times more to service than internal combustion engine (ICE) vehicles, according to Automotive News. Simply installing charging stations is upwards of \$220,000, which some OEMs are mandating.

I am certainly not saying that EVs are bad, only that they add a new layer of challenge to recall repairs from every angle and that, without local dealerships who can thoroughly assist consumers, we need to reset our processes. Some dealers can't afford to retrofit their dealerships to OEM standards which, assuming everyone ends up with an EV, will force them out of business.

Then we have the challenge of servicing those vehicles that cannot be repaired via an OTA because the recall is physical and not software related. Then there is the challenge of getting first-generation owners to come in and get their EV recall repair completed — which has been a challenge for years with ICE vehicles. And now we are seeing used EVs being sold which creates more generations of owners. And these second and third-generation owners are that much harder to reach.

It's kind of like that butterfly that flaps its wings and creates a tornado on the other side of the world. We don't know where this phenomenon of circumstances will end up or how OEMs will solve it. But people are indeed dying because technology has failed in their vehicles and, no matter how many that number is, one is too many. Much less three. ■

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Optimizing Your Operations to Drive Profit\$

BY SHAMEL LEONARD

TIP #1: USE SOFTWARE TO SYSTEMIZE OPERATIONS

Most dealerships use a DMS. If you aren't familiar, a DMS is a Dealer Management Software. A DMS is absolutely essential in managing operations for dealerships of all sizes.

A good DMS will optimize how you purchase inventory, how you manage the reconditioning process, how to market inventory, and everything needed to sell a vehicle to a retail or wholesale customer, in state and out of state.

It's best to have a DMS in place before your first sale. If you have sold vehicles without a DMS, you can import data from your previous sales.

A good DMS will also offer additional services or integrate with other software to:

- manage customers (CRM),
- allow customers to buy their next car easily, maybe even completely online (digital retailing tool),
- and run reports to watch the numbers.

TIP #2 ESTABLISH AN IN-HOUSE RECONDITIONING PROCESS

For small and startup dealerships, we need a controlled approach to expenses. Reconditioning is a major expense and is very important in the sales process.

A strategic reconditioning process can add value to inventory bringing higher profits. It's important to find the most efficient way to do that.

With an in-house reconditioning process, you can have more control over costs and time to market if managed correctly.

TIP #3: FIND AN INVENTORY NICHE

Selecting a niche is a great way to focus your operations to optimize sales. As you further develop your niche, you will learn the specific needs of your inventory and your customers.

You will be able to focus exclusively on vehicles that fit your niche, improving your operations. You will become an expert at finding cars, fixing cars, and marketing to the perfect buyer for faster sales.

For most small dealerships, a good niche is the cash car market, along with in-house financing referred to as Buy Here Pay Here (BHPH). In the cash car market, the inventory costs are low. It's also easier to have positive cash flow because cash cars sell more quickly compared to other markets.

The cash car market also tends to not ebb and flow with changing economic conditions, like a recession. Sales tend to be steady in all seasons.

Find your niche!

TIP #4: OPTIMIZE ACQUISITIONS (BUY CARS FROM EVERYWHERE)

We have experienced challenges with finding used car inventory. Now more than ever, it's important to have a system to acquire inventory from sources outside wholesale auctions. Some additional ways to acquire inventory are to:

- Ask your current customer base to buy vehicles
- Ask your family and friends
- Advertise and market to acquire cars from other people and wholesalers
- Build relationships with companies that acquire inventory through repossession or trade-in

With multiple sources to obtain inventory, you can weather any storm, be it a pandemic or a recession. Start today! Optimize your operations to profit more, protect those profits and operate lean & clean. ■

Shamel Leonard is a dealership principal with 10+ years of experience in small dealership operations. She is also the founder of the Auto Dealer Business School, where she is a mentor to startup dealerships to improve operations and grow profits.

Running a new or even established independent dealership can be overwhelming. There are many decisions to make in a short time, making it challenging to prioritize operations to move your dealership forward strategically.

The top two mistakes I see most new dealerships make are:

1. not properly managing inventory (having the right vehicles or enough inventory), and
2. not controlling costs (protecting profits)!

All dealerships operate similarly by going through the same four steps. We all buy cars, get them cosmetically and mechanically ready to drive, attract buyers, and successfully close and process the sale. It's an actual wash, rinse, repeat process with little to no variation. However, there are a lot of strategies to get this done. We all must find the best practices for our revenue goals. So how do you determine what's best?

Let's look at the four things you can do today to ensure your dealership is on track to generate significant revenues. With rising gas prices, interest rates, and a possible pending recession, it matters more than ever for auto dealers to protect their investments and, more importantly, their dreams!

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GREATER ATLANTA AUTO AUCTION
Winder, GA
SALE DAY: Wednesdays 10am

Longwood, FL
SALE DAY: Fridays 8:30am

Propel Your Approach to Best Practices

By Michael Wagner, APC's Vice President of Information Technology



Working out a custom plan for your dealership that incorporates your learnings is an effective way to encourage transparency, improve efficiencies, and ensure a smooth, compliant experience for all.

Dealerships, like most corporate businesses today, need to follow certain best practices in an ongoing effort to become more competitive and stay compliant. Most of these practices for improving business operations are learned from, and through, experience. These types of enhancements will typically help increase sales, reduce costs, and drive efficiencies. But many dealers don't have a roadmap to help drive improved results, so read on and learn about some best practice elements that can derive significant benefits.

MATTERS CONCERNING HUMAN RESOURCES

Hiring and retaining employees has been a challenge in recent times. It's a changing workforce and turnovers cause disruption to the workplace and are expensive. Now, more than ever before, organizations need to focus on the employee experience. Also, while no company ever wants to fire an employee, there are times where you are required to let them go or they resign. Your dealership needs to be protected:

- Develop or update an employee handbook that establishes workforce standards including organizational policies and procedures. Document receipt acknowledgement by the employee at time of hiring and annually thereafter.
- Define job descriptions and include roles and responsibilities. Update accordingly when a new position is created.

- Provide adequate training for each position.
- Execute background checks on job applicants in accordance with the dealership's policies and procedures.
- Conduct performance reviews annually that include goals and key performance issues.
- Establish performance incentives and rewards for varying levels of employment.
- In the event of an employee termination, ensure termination checklists are completed and tracked to the completion of access deprovisioning.

DEALERSHIP OPERATIONS AND INFRASTRUCTURE

Making certain that hardware and software are accessible to the appropriate employees is the tip of the iceberg. A good amount of thought and planning also needs to



- External access to the network is encrypted and wireless access points restrict inbound access to the network and are encrypted.
- Firewall rules have been established to restrict network access.
- Backups of customer data is performed daily along with regular testing of backup media to ensure quality.
- Create a master disaster recovery plan, test it annually, and add to it as needed.

IT'S A MATTER OF COMPLIANCE

Automotive dealerships have to contend with numerous state and federal laws that regulate best business practices.

Having an effective compliance strategy in place is essential.

While protecting your customers data and privacy, you also must protect your dealership. These are tips for ensuring compliance. Please note this is not legal advice and you should consult local experts for specific steps to keep your dealership compliant:

be done to secure your data within your organization:

- Restrict certain information technology areas through proper access controls. Don't allow open access to your data servers and network.
- Ensure an up-to-date alarm system is in place to restrict access during non-business hours. Give every employee their own unique security code to access the building.
- Keep hardware and software systems documented in a centralized inventory that is kept current on an annual basis.
- Utilize antivirus software on all workstations.
- Maximize security using surveillance cameras on all perimeter doors.
- System user accounts should be uniquely identifiable and include password rules to enforce complexity standards.
- Privileged access to the network and applications are limited to appropriate users based on job responsibilities.

- Put a data classification policy in place, which provides guidelines for classifying data in accordance with sensitivity. Your data security policy should determine required safeguards including restricted access, encryption, and password protection for each data classification.
- Audit logging is enabled on your network to capture critical system events. Logging and monitoring software is used to collect data and monitor system performance, potential security threats and vulnerabilities, and resource utilization, as well as detect unusual activity.
- All electronic equipment disposals are tracked on a data disposal tracking sheet to ensure confidential information is unrecoverable or destroyed.
- Malicious software prevention and intrusion detection systems are established and documented.
- Storage media is destroyed upon decommissioning.

- An established data destruction policy is in place to define the procedures to dispose of confidential information wherein it is unrecoverable or destroyed.
- An incident response plan is in place to govern investigation, remediation, reporting, and lessons learned.
- Require your employees to attend annual compliance and security awareness training.
- Risk mitigation strategies are in place with an annual review.

F&I DEPARTMENT STRUCTURE

Your F&I department services your customers by helping them obtain financing and provide information regarding risk management and vehicle protection options based on their needs. F&I provides a dealership not only with a significant revenue stream, but the opportunity to build a relationship with your customers. Some tips to augment the success of your F&I Department include:

- Make sure insurance coverage is maintained to offset any potential loss events.
- Set annual objectives and goals.
- Perform management reviews.
- Properly staff against objectives.

Standardizing and sharing best practices can strengthen an organization. Taking the next step and working out a custom plan for your dealership that incorporates your learnings is an effective way to encourage transparency, improve efficiencies, and ensure a smooth, compliant experience for all. ■

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The CARLAWYER®

By Eric Johnson, Partner in the law firm of Hudson Cook, LLP, Editor in Chief of CounselorLibrary.com's Spot Delivery®



Here's our monthly article on selected legal developments we think might interest the auto sales, finance, and leasing world. This month, the developments involve the Consumer Financial Protection Bureau, the Federal Reserve Board, the National Credit Union Association and the Federal Trade Commission. As usual, our article features the "Case(s) of the Month" and our "Compliance Tip." Note that this column does not offer legal advice. Always check with your lawyer to learn how what we report might apply to you or if you have questions.

FEDERAL DEVELOPMENTS

CFPB Issues Opinion on FCRA Obligations. On July 7, the CFPB issued an advisory opinion outlining certain obligations of consumer reporting agencies and users of consumer reports under Section 604 of the Fair Credit Reporting Act. Noting that some CRAs use insufficient matching procedures, such as name-only matching, which can result in consumer reports being provided to persons without a permissible purpose to receive them, the advisory opinion explains that the permissible purposes listed in Section 604 are consumer specific and affirms that a CRA may not provide a consumer report to a user unless it has reason to believe that all of the consumer report information it includes pertains to the consumer who is the subject of the user's

request. In addition, the advisory opinion clarifies that it is unlawful to provide consumer reports of multiple individuals as "possible matches" where the requester only has a permissible purpose to obtain a consumer report on one individual. The CFPB notes that disclaimers will not cure a failure to have a reason to believe that a user has a permissible purpose for a consumer report. The advisory opinion also reminds users of consumer reports that Section 604 strictly prohibits them from obtaining a consumer report without a permissible purpose for doing so. Finally, the advisory opinion outlines some of the criminal liability provisions in the FCRA.

CFPB Releases Blog on Auto Debt, Delinquency Rates, and Repossession Rates of Young Servicemembers.

On July 18, the CFPB released a blog post highlighting its prior research on the amount of auto debt young servicemembers carry, as well as delinquency and repossession rates among young servicemembers. The blog post also highlights the Department of Justice's recent enforcement actions addressing illegal repossession practices under the Servicemembers Civil Relief Act and states the CFPB's expectations that creditors, servicers, and repossession agents adhere to the SCRA's requirements, especially when using repossession technologies like starter-interrupt devices, GPS locators, and license plate recognition.

FRB Proposes Rule Implementing LIBOR Act.

On July 19, the FRB invited comments on a proposed rule that would implement the Adjustable Interest Rate (LIBOR) Act. The proposed rule would establish benchmark replacements for

certain contracts that use the LIBOR reference rate and do not have terms that provide for the use of a clearly defined and practicable replacement benchmark rate when the LIBOR reference rate in its current form is discontinued on June 30, 2023. The proposed rule also would provide additional definitions and clarifications consistent with the AIR (LIBOR) Act. Comments are due by August 29, 2022.

NCUA Proposes Rule on Cyber Incident Notification.

On July 21, the NCUA Board approved a proposed rule on cyber incident notification requirements. The proposed rule would require a federally insured credit union that experiences a reportable cyber incident to report the incident to the NCUA as soon as possible and no later than 72 hours after the credit union reasonably believes that it has experienced a reportable cyber incident. This notification requirement provides an early alert to the NCUA and does not require credit unions to provide a detailed incident assessment within the 72-hour time frame. Comments are due on or before September 26, 2022.

National Associations Request Delay of Safeguards Rule.

On July 21, ACA International, the American Financial Services Association, the Consumer Data Industry Association, and the National Automobile Dealers Association, requested that the Federal Trade Commission delay the applicability date of the Standards for Safeguarding Customer Information rule (the Safeguards Final Rule) until December 2023. Without a delay or extension, the applicability date for the Safeguards Final Rule will be December 9, 2022.

Continued on next page

CASE(S) OF THE MONTH

Court Refused to Compel Arbitration Where Parties Signed Conflicting Arbitration Agreements in Connection with Online Car Purchase: In connection with her online car purchase, the buyer signed a number of documents electronically, including a purchase agreement, a retail installment contract, and a GAP waiver addendum, all of which contained arbitration provisions. The buyer sued the dealership from which she bought the car and the assignee of the RIC. The defendants moved to compel arbitration. The buyer opposed the motion, arguing that there was no meeting of the minds with regard to the issue of arbitration. The RIC identified the dealership as the dealer and contained an arbitration agreement providing that the buyer may choose any arbitrator subject to the approval of the defendants and that the defendants are required to pay up to \$5,000 in arbitration costs. The purchase agreement incorporated the RIC, including the arbitration agreement. However, the GAP waiver addendum, which stated that it amended and became part of the RIC, identified another company as the dealer and contained an arbitration agreement that did not specify which party was responsible for paying arbitration fees and costs and provided that the administrator would select one of at least three arbitrators that the buyer identified. Because there was a conflict between at least two of the arbitration agreements over responsibility for fees and how the arbitrator would be chosen and because there was no indication as to the relationship between the dealership named as the dealer in the RIC and the other company named as the dealer in the GAP waiver addendum, the U.S. District Court for the Western District of Washington agreed with the buyer that the parties did not agree on the terms of arbitration and denied the motion to compel. See *Bendickson v. Vroom, Inc.*, 2022 U.S. Dist. LEXIS 114134 (W.D. Wash. June 28, 2022).

COMPLIANCE TIP

Our Case of the Month highlights issues that we've harped on in prior CARLAWYER® reports regarding arbitration provisions. This Case of the Month highlights how conflicting arbitration provisions can be fatal to compelling arbitration. The purchase agreement, the retail installment contract and a GAP waiver addendum all contained arbitration provisions. However, the arbitration provision in the GAP waiver addendum identified another company as the dealer, contained an arbitration agreement that did not specify which party was responsible for paying arbitration fees and costs (thus differing from the arbitration provision in the RIC) and provided that the administrator would select one of at least three arbitrators that the buyer identified. The court agreed with the consumer that "there was no meeting of the minds" between the parties because: (i) there was a conflict between at least two of the arbitration agreements over responsibility for fees and how the arbitrator would be chosen, and (ii) there was no indication as to the relationship between the dealership named as the dealer in the RIC and the other company named as the dealer in the GAP waiver addendum. As the parties didn't agree on the terms of arbitration, the motion to compel arbitration was denied. This is yet another reminder to read your arbitration agreement(s) (you are using an arbitration agreement, right?) in your consumer-facing documents and see if you have conflicting terms or requirements.

So, there's this month's roundup! Stay legal, and we'll see you next month. ■

Eric (ejohnson@hudco.com) is a Partner in the law firm of Hudson Cook, LLP, Editor in Chief of CounselorLibrary.com's Spot Delivery®, a monthly legal newsletter for auto dealers and a contributing author to the F&I Legal Desk Book. For information, visit www.counselorlibrary.com. ©CounselorLibrary.com 2022, all rights reserved. Single publication rights only to the Association. HC# 4892-9019-2172.



PRE-LICENSE CALENDAR

All classes held at
**Sonesta Atlanta Northwest
Galleria, Atlanta GA
unless otherwise noted.**

Thursday, September 8
5:45 pm - 10:00 pm

Monday, September 12
9:45 am - 2:00 pm

Wednesday, September 14
9:45 am - 2:00 pm
Anderson Conference Center
5171 Eisenhower Pkwy.
Macon, GA

Saturday, September 17
9:45 am - 2:00 pm

Monday, September 26
5:45 pm - 10:00 pm

FOR MORE DETAILS, VISIT:
georgiacardealerlicense.com

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800-472-8101

Let's Talk **STOLEN** CARS

By Todd Shepard, Founder,
Shepard & Shepard Insurance
Solutions

One of the more common insurance claims reported from auto dealers is related to the loss of a vehicle, by theft or otherwise. Otherwise?? If someone takes your car isn't that always called theft? Not exactly.

If you look closely at your insurance policy, you'll discover a section called 'exclusions'. This section defines things that are not covered under your policy. Here we discover that there is no theft coverage in certain cases, specifically if you, or an employee, give keys to a customer and let them take it for a drive. If they decide not to return, it is technically not theft (you gave them permission), and no coverage applies. To be clear, this exclusion is part of and applies to all dealer policies unless you and your agent take certain actions to address it. Read on.

If allowing your customers to take unaccompanied test drives is a part of your business model that you can't live without, you have the option to purchase additional coverage for this purpose. It's called False Pretense or Trick & Device insurance. Upon request (and some additional premium) your insurance carrier can usually endorse False Pretense to your existing dealer inventory insurance.



Given today's uncertain times, dealers are looking for ways to better protect against financial losses. I suggest having a conversation with your agent as to availability of False Pretense coverage and discuss specific scenarios where it may apply.

As an added bonus, False Pretense doesn't just extend coverage to test drives gone wrong. It is also designed to cover some other forms of fraud used to trick you into releasing possession of a vehicle. See your agent regarding specifics available for your policy.

The old saying that an ounce of prevention is better than a pound of cure rings true where auto theft is concerned.

Consider the following tips to help prevent auto loss:

- **Only allow one key on the keyring.** Thieves know dealers will keep all the keys to a used car on the same ring. They stop by and ask to start the

engine or test drive the car and sleight of hand one of the extra keys. After closing they return, keys in hand.

- **Use blockers at night.** Parking cars sideways near entrances help make it difficult for thieves to move vehicles off the lot. If it looks too difficult, they usually move on to the next lot.
- **Copy drivers licenses** Make sure the photo matches the person you are speaking with before allowing any test drives.
- **Add lighting & anti-theft devices** Consider using the club or other such anti-theft device to make it difficult for thieves.
- Make sure all keys are locked up and hidden out of the view of thieves. Leaving keys on a keyboard behind the desk, though convenient, is not the safest place. ■

Todd Shepard is founder of Shepard & Shepard Insurance Solutions and a regular contributor to IADA publications. For a policy review and affordable dealer insurance quote visit shepquote.com.



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770-654-3290
angie@oakwoodaaa.com



MONDAY

Atlanta East Auto Auction
2790 Hwy 78
Loganville, Ga 30052
470-552-1032
info@aeautoauction.com
aeautoauction.com
6:00pm Dealer Sale

IAA MACON
2200 Trade Dr.
Macon, GA 31217
478-314-0031
9:00am Mondays
iaai.com

IAA TIFTON
368 Oak Ridge Church Road
Tifton, GA 31794
229-386-2640
9:30am Mondays
iaai.com

TUESDAY

America's Auto Auction -Atlanta
444 Joe Frank Harris Pkwy
Cartersville, GA 30120
770-382-1010
6:00pm Dealer Only Sale
americasautoauction.com

America's Auto Auction - Jacksonville
11982 New Kings Rd
Jacksonville, FL 32219
904-764-7653
5:00pm Dealer Only Sale
americasautoauction.com

Athens Auto Auction
5050 Atlanta Hwy
Bogart, GA 30622
770-725-7676
6:30pm Dealer & Public Sale
athensautoauctionga.com

Hwy 515 Auto Auction
107 Whitepath Rd
Ellijay, GA 30540
706-635-1500
6:00pm Dealer Sale
hwy515autoauction.com

IAA ATLANTA NORTH
6242 Blackacre Trail NW
Acworth, GA 30101
770-975-1107
9:00am Tuesdays
iaai.com

Manheim Atlanta
4900 Buffington Rd.
College Park, GA 30349
404-761-9211 / 800-856-6107
Every Tuesday 12:30pm
manheim.com

Manheim Georgia
7205 Campbellton Rd
Atlanta, GA 30331
404-349-5555 / 888-766-7144
GM | GM Financial Closed Sale
Tuesdays - Bi-Weekly at 12:30pm
Open Sale, 9:30am
manheim.com

Rawls Auto Auction
2818 Pond Branch Rd
Leesville, SC 29070
803-657-5111
10:00am Dealer Sale
GSA Sale Public & Dealers
Call for Details; 8:30am Salvage Sale
rawlsautoauction.com

Vemo Auto Auctions, LLC
441 Dunbar Rd.
Warner Robbins, GA 31093
478-449-3232
4:00pm
vemoauctions.com

WEDNESDAY

ADESA Atlanta
5055 Oakley Industrial Blvd
Fairburn, GA 30213
770-357-2277
10:00am Dealer Sale
adesa.com

America's Auto Auction - Greenville
2415 Hwy 101
Greer, SC 29651
864-801-1199
3rd Wed RV & Marine Sale,
9:00am
americasautoauction.com

Augusta Auto Auction
1200 E. Buena Vista Ave
N. Augusta, SC 29841
800-536-3234
9:15am Dealer Sale
9:30am Last Wed of Month INOP
augustaautoauction.com

America's Auto Auction- Savannah
1712 Dean Forest Rd
Savannah, GA 31408
912-965-9901
9:00am Dealer Only
southeasternaa.com

Carolina Auto Auction
140 Webb Rd
Williamston, SC 29697
864-231-7000
10:00am Dealer Sale
9:00am Salvage Sale
carolinaautoauction.com

Greater Atlanta Auto Auction
849 Jackson Trail Rd.
Winder, GA 30680
470-275-0422
greateratlantaaa.com
10:00am Wednesdays

Houston Auto Auction
4599 Pio Nono Ave
Macon, GA 31206
478-788-6947
Wednesday 11:30am - Dealer Sale; Wednesday & Saturday 6:00pm - Dealer/Public Sale
haamacon.com

IAA ATLANTA SOUTH
1930 Rex Rd
Lake City, GA 30260
404-366-2298
9:00am Wednesdays
iaai.com

Manheim Atlanta
4900 Buffington Rd
College Park, GA 30349
404-762-9211 / 800-856-6107
Exotic Highline Event
4th Wednesday at 9:30am
manheim.com

Manheim Georgia
7205 Campbellton Rd.
Atlanta, GA 30331
404-349-5555 / 888-766-7144
Fiat Chrysler Automobiles Closed Sale Bi-Weekly 10:00am
manheim.com

New Calhoun Auto Auction
417 Lovers Lane Rd.
Calhoun, GA 30701
706-624-1944
7:00pm Dealer & Public Sale
newcalhounautoauction.com

V.I.P. Auctions Unlimited
4600 Browns Bridge Rd.
Cumming, GA 30041
678-889-7776
2:00pm Dealer Sale
myvipauctions.com

THURSDAY

Albany Auto Auction

1421 Liberty Expressway SE
Albany, GA 31705
229-435-7708
3:00pm Dealer Sale
albanyautoauction.net

Augusta Auto Auction

1200 E. Buena Vista Ave.
N. Augusta, SC 29841
800-536-3234
Dealer & Public Sale, Thursday,
6:30PM
augustaautoauction.com

AutoNation Auto Auction Atlanta

2491 Old Anvil Block Road
Ellenwood, GA 30294
855-907-2622
Thurs. 2:00pm
autonationautoauction.com

Dealers Auto Auction of Chattanooga

2120 Stein Dr.
Chattanooga, TN 37421
423-499-0015
9:00am Dealer Sale
dealersauto.com

IAA ATLANTA EAST

1045 Atlanta Hwy SE
Winder, GA 30680
877-868-4544
9:00am Thursdays
iaai.com

Manheim Atlanta

4900 Buffington Rd.
College Park, GA 30349
404-762-9211 / 800-856-6107
9:30am Dealer Sale
Every Thursday
9:30am Salvage Sale
manheim.com

Manheim Georgia

7205 Campbellton Rd.
Atlanta, GA 30331
404-349-5555 / 888-766-7144
Closed Ford Factory Sale Every
Other Thursday, 10:00am
Call for Toyota & Nissan sale
manheim.com

Oakwood's Arrow Auto Auction

4712 Flat Creek Rd
Oakwood, GA 30566
770-532-4624
4:00pm Dealer
oakwoodaaa.com

Rebel Auction Company

1175 Bell Telephone Rd
Hazelhurst, GA 31539
912-375-3491 / 800-533-0673
2nd Thursday of Each Month
9:00am Dealer & Public Sale
rebelauction.net

South Georgia Auto Auction

1407 Silica Rd
Albany, GA 31705
229-439-0005
11:00am Dealer Sale
sgaauction.com

FRIDAY

America's Auto Auction - Atlanta

444 Joe Frank Harris Pkwy
Cartersville, GA 30120
770-382-1010
9:00am Dealer Sale, INOP 2nd &
4th Fri 8:00am
americasautoauction.com

America's Auto Auction - Greenville

2415 Hwy 101 South
Greer, SC 29651
864-801-1199 / 800-859-3393
10:00am Car Sale
americasautoauction.com

Charleston Auto Auction

651 Precast Lane
Moncks Corner, SC 29461
843-719-1900
10:00am Dealer Sale
charlestonautoauction.com

Copart Auto Auction

2568 Old Alabama Rd.
Austell, GA 30168
770-941-9775
9:00am Dealer & Public Sale
copart.com

Georgia-Carolina Auto Auction

884 East Ridgeway Rd.
Commerce, GA 30529
706-335-5300
Dealer only Wed, 3:30pm
gcautoauction.com

IAA ATLANTA

125 Old Hwy 138
Loganville, GA 30052
770-784-5767
8:30am Fridays
iaai.com

IAA SAVANNAH

348 Commerce Drive
Savannah, GA 31326
912-826-1219
9:30am Fridays
iaai.com

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7205 Campbellton Rd
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404-349-5555 / 888-766-7144
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Call for Dates
manheim.com

Rome Auto Auction powered by Manheim

3824 Hwy 411
Kingston, GA 30145
2:00pm Fridays
470-339-2255
manheim.com

Tallahassee Auto Auction

5249 Capital Circle SW
Tallahassee, FL 32305
850-878-6200
10:00am Dealer Sale
bscamerica.com

SATURDAY

Houston Auto Auction

4599 Pio Nono Ave.
Macon, GA 31206
478-788-6947
Wednesday 11:30am – Dealer
Sale; Wednesday & Saturday
6:00pm – Dealer/Public Sale
haamacon.com

OTHER AUCTIONS

ACV Auctions

800-553-4070
acvauctions.com

Auctions Unlimited, Inc

678-753-2562
auctionsunlimitedonline.com

CarMax Auctions

888-804-6604
Dealers Only Auctions –
For Locations, Dates & Times
carmaxauctions.com

Copart Auto Auction

6089 Hwy 20
Loganville, GA 30052
770-554-6366
copart.com

Eblock

212 Battery St Ste 3
Burlington, VT 05401
833-817-7247
eblock.com/en-us

Gleaton's, Inc

100 Clover Green
Peachtree City, GA 30269
678-489-4928
gleatons.com

JJ Kane Auctioneers, Inc.

678-840-4914
See web for sale dates
jjkane.com

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NAVIGATING RETIREMENT PITFALLS

BY PEACHTREE PLANNING



Much is written about the classic financial mistakes that plague start-ups, family businesses, corporations, and charities. Some classic financial missteps have been known to plague retirees, too.

Calling them “missteps” may be a bit harsh, as not all of them represent errors in judgment. Either way, becoming aware of these potential pitfalls may help you to avoid falling into them in the future.

MANAGING SOCIAL SECURITY

Social Security benefits are structured to rise about 8% for every year you delay receiving them after your full retirement age. Is waiting a few years to apply for benefits an idea you might consider? Filing for your monthly benefits before you reach your full retirement age can mean comparatively smaller monthly payments.¹

MANAGING MEDICAL COSTS

One report estimates that a healthy couple retiring at age 65 can expect nearly \$208,000 in out-of-pocket medical expenses during the course of their retirement, even with additional coverage such as Medicare Part D, Medigap, and dental insurance. Having a strategy can help you be better prepared for medical costs.²

UNDERSTANDING LONGEVITY

Actuaries at the Social Security Administration project that around a third of today's 65-year-olds will live to age 90, with about one in seven living 95 years or

longer. The prospect of a 20- or 30-year retirement is not only reasonable, but it should be expected.³

MANAGING WITHDRAWALS

You may have heard of the “4% rule,” a guideline stating that you should take out only about 4% of your retirement savings annually. Each person's situation is unique but having some guidelines can help you prepare.

MANAGING TAXES

Some people enter retirement with investments in both taxable and tax-advantaged accounts. Which accounts should you draw money from first? To answer the question, a qualified financial professional would need to review your financial situation so they can better understand your goals and risk tolerance.

This article is for informational purposes only and is not a replacement for real-life advice, so make sure to consult your tax, legal, and accounting professionals before modifying your investment strategy for tax considerations.

Managing other costs, like college. There is no “financial aid” program for retirement. There are no “retirement loans.” A financial professional can help you review your anticipated income and costs before you commit to a long-term strategy, and help you make a balanced decision between retirement and helping with the cost of college for your children or grandchildren.

- 1. Social Security Administration, 2021
- 2. HealthView Services, 2021
- 3. LongevityIllustrator.org, 2021

We Help Independent Auto Dealers Protect, Grow, and Pass on Their Business



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matt_justice@peachtreeplanning.com



David Gibson, MBA
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Solving Customer Experience Challenges: It's Time for 21st Century Customer Success

By Michael Fiorini, Regional Manager for Vanguard Dealer Services



As a result of digital engagement opportunities, there have been significant changes that have rapidly evolved the automotive customer experience. Consumers simply won't settle for good enough. A large majority do their own research and due diligence, knowing exactly what they want and expect from a dealership. For dealers, understanding the expectations of these customers is what makes a great versus good versus mediocre customer experience. All having a huge impact on your dealership's culture and on your profits.

Vehicle performance and price is still of primary importance, but a positive customer experience has become critical as well to make an initial sale, to start a relationship, and to make that person your customer for life. Today's buyers have set higher standards for dealers and the dealership experience, both online and in the store. New consumers are looking for connected and virtual experiences that are efficient and timely. No one wants to spend hours in the dealership to purchase a vehicle. Research, in fact, suggests that after 90 minutes in a dealership, the purchase experience declines along with the customer's ratings.

Disengagement, not driving customer loyalty to a store, makes the entire sales model precarious. There needs to be a more data driven approach to sales and after

market sales that focuses on the customer experience. Customers want to develop a relationship wherein they feel assured that their needs are being met. Staff expertise, service drive accessibility, data privacy and protection are all key factors in today's purchase process.

For dealerships, understanding the expectations of customers is what makes a great versus good versus mediocre customer experience.

ANTICIPATE YOUR CUSTOMER'S NEEDS

Does your sales staff make customers feel valued? Do they listen to and understand their needs? Do they show immediate action and provide solutions? Understanding the customer experience is a core business strategy for dealerships today.

It's essential that customers are provided with factual information, especially about financial issues. Make it personal. Building a strong connection by training your staff to listen and get to know the customer. Salespersons need to earn their trust. Be transparent. Provide legitimate assurances.

The sales force needs to have a thorough understanding about the products being sold,

the vehicles, how financing works, ancillary products, F&I product benefits, and more. For internet sales and required return calls/texts, is your team doing their homework before speaking to customers and getting back to them in a reasonable and timely manner? Did you know that a sale is seven times more likely to occur if a customer is responded to in less than 60 minutes?

RISK REDUCTION FOR DEALERS

As a dealer, you should evaluate the level of support you are receiving from your partners and consultants. For example, skilled, knowledgeable representatives should be providing you with support by way of F&I training and service training. Are your employees being trained effectively on how to handle customers, claims, and more?

How often do you see your representative, your trainer, and when are they present at your dealership?

Are they experts, helping your organization with everything from conducting interviews and staffing, to claims, to choosing the proper reinsurance structure to fit your long-term goals? Regardless of whether you sell the factories programs or reinsure through a third-party administrator, you're sending money to someone. What are you getting in return? Are they working for it? You expect excellence and hard work

from your employees. The partners you choose should be held to those same high standards. Continuity is important.

Strive to attain great support. Like your customers, you shouldn't settle for less. Align yourself with someone who knows your business inside and out. Can see issues coming up and solve for them strategically and soundly. Will analyze your processes, your products, can help you define and develop areas within the business. Provides an action plan and importantly, local support. Flexibility. Timeliness. Being there and being present.

Further plaguing dealers is the issue of becoming noncompliant. Deal audits must be consistent on a monthly ongoing basis, with an in-depth quarterly audit process. Your F&I partners who are not fulfilling this obligation are not providing you with optimal service. Look for a partner that provides monthly finance meetings, recaps with management verbal and written, asks what dealers' agenda is and how can I help, understanding your goals, objectives and setting expectation and road map on how to get there.

When aligning yourself with a partner, check references, ask your colleagues for recommendations. First and foremost, your partners need to set up your dealership and your staff for success.

TRAINING YOUR STAFF IS IMPORTANT AND ONGOING

Untrained staff will have a negative impact on customer service. Support by way of once-a-month finance only training is simply not enough. Your staff needs training to include sales skills, customer service, product knowledge, internal systems and processes, technology, and automotive compliance.

Training is most effective when it is pre-planned. As a first step the needs of the dealership and its customers need to be identified, and how they relate to the functions of specific departments and individuals. That is the best way to assure they are managing your customers akin to your vision and are developing relationships for your brand. ■



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N	O	N	I	D	Q	S	S	N	R	K	E	H	C
E	Q	S	R	O	T	I	B	I	H	X	E	H	O
E	Y	W	R	W	P	E	O	A	E	X	R	T	N
S	T	S	Y	D	O	N	I	R	S	S	O	H	V
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A	T	T	V	E	N	D	O	R	S	W	O	X	I
E	C	B	A	N	Q	U	E	T	R	E	T	S	O
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E	S	R	E	T	A	D	A	I	G	S	S	R	N
N	O	N	I	D	Q	S	S	N	R	K	E	H	C
E	Q	S	R	O	T	I	B	I	H	X	E	H	O
E	Y	W	R	W	P	E	O	A	E	X	R	T	N
S	T	S	Y	D	O	N	I	R	S	S	O	H	V
R	R	N	L	P	O	G	I	T	Z	S	I	Y	E
E	A	R	E	G	I	S	T	R	A	T	I	O	N
L	P	E	N	E	T	W	O	R	K	I	N	G	T
A	T	T	V	E	N	D	O	R	S	W	O	X	I
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D	D	T	R	A	D	E	S	H	O	W	O	C	N
A	O	P	D	S	P	O	N	S	O	R	S	R	S

NADA Challenges the FTC's New Advertising and F&I Rules

By ADT Staff

The National Automobile Dealers Association (NADA) has challenged the Federal Trade Commission's (FTC's) proposed rules on dealership advertising and finance and insurance.

NADA claims the disclosures are unsupported, sloppy and inconsistent in regulating the industry, while the FTC believes the proposals are solid, backed by research, studies and past enforcement actions.

The agency's justification for the rule changes is "woefully inadequate," Paul Metrey, NADA senior vice president of regulatory affairs told Automotive News. Regulation is meant to fill a hole in the law, but in this case, "it's things they can go after" already, he said.

The FTC maintains their research shows bait-and-switch tactics and junk fees in the industry. The FTC can target such tactics under the Truth in Lending Act and other prohibitions to unfair and deceptive practices.

But others say these concerns are unwarranted. For instance, NADA estimates 42 million new and used vehicles were sold to consumers in 2021, while Cox Automotive puts that number at 34.2 million. When compared to either sales tally, auto complaints add up to less than half a percent of all transactions.

The FTC also drew upon comments from qualitative research conducted in 2017 to draft the proposed rules.

But NADA reports this research does not contain statistically significant data found in quantitative research. The research involved interviews with just 38 borrowers who bought new or used vehicles in the Washington, D.C., area.

The FTC claims over 50 enforcement actions also justify the new rule. These actions targeted "matters involving misleading motor vehicle advertising, financing paperwork falsification, 'yo-yo' financing, deceptive and unfair add-on fees, discrimination, and privacy and data security issues," according to the FTC.

But only three claims actually involved voluntary protection products which comprise the bulk of FTC's proposed rules.

The FTC also cited operations with other law enforcement agencies that produced 246 punitive actions. But these numbers are inflated, according to NADA.

NADA will examine the costs the proposed regulation would impose upon dealerships. The FTC puts this figure at \$1.36 billion to \$1.57 billion over a decade.

Andrew Koblenz, NADA executive vice president of legal and regulatory affairs, has criticized the FTC's estimate of the corresponding benefit to society over that time. The agency forecast \$31.08 billion to \$36.34 billion in gains from consumers needing three fewer hours to shop for a vehicle, with an hour valued at \$22.20.

NADA has called the source of that three-hour calculation into question. NADA maintains the FTC hasn't studied the effectiveness of its proposed solutions.



Previous examples of such research by the Federal Reserve Board and the FTC found disclosures confused consumers agencies sought to help.

NADA finds the rules also fail to capture the entire industry, suggesting they apply only to the franchised and independent dealerships over which the FTC has jurisdiction, not independent dealerships regulated by the Consumer Financial Protection Bureau (CFPB). This means the FTC made the new rules without conducting joint rule-making with the CFPB.

The FTC maintains enforcement and research supported its proposal.

NADA seeks to extend the public comment window, which opened Wednesday, July 13, to September 12. ■

DID YOU KNOW?

The last day of summer 2022 is Friday, September 23.

Meet the GIADA Staff



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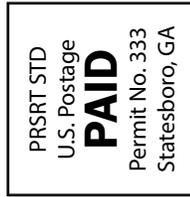
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Return Service Requested

A large advertisement for Frazer software. On the left, a woman with long dark hair, wearing a dark blue blazer over a red top, smiles. The background is dark with a faint grid pattern. To the right of the woman, the word "Frazer" is written in a large, stylized yellow font with a red swoosh underneath. Below the logo, the text "Powerful Dealer Management Software" is written in yellow. Further down, the slogan "Simple. Reliable. Smart." is written in white. At the bottom, the phone number "888-963-5369" and the website "Frazer.com" are listed in white.

Frazer

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Dealer Management Software**

Simple. Reliable. Smart.

888-963-5369 Frazer.com