



THE WANADA BULLETIN

NEWS AND INFORMATION FOR AND ABOUT FRANCHISED NEW CAR DEALERS IN THE WASHINGTON AREA

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Register for WANADA's Employee Flu Shot Program by August 31

We would like to remind you that registration is open for WANADA's dealer employee seasonal flu shot program, and we strongly encourage you to register as soon as possible to guarantee access to the shots and a preferred timeslot.

As in past years, WANADA's flu shot program will be available on-site at WANADA dealerships and administered by Norvar Health Services. The service is available for adults aged 18 and older. Please note that any request received after August 31 may be subject to vaccine availability.

To have your dealership participate, please register online at www.norvarhealthservices.com, under "Scheduling". Please do not fax in your registration. Alternatively, you may call Norvar at 202-744-1360.

If you have any questions about the program, please contact Connie Ryan at WANADA at (202) 237-7200, or via email at cr@wanada.org.

The fee will be \$32 for the vaccine with a minimum of twenty (20) participants required at each location. Locations with less than 20 participants will be billed as if 20 doses of vaccine were administered. The difference will be billed at a rate of \$25 per dose.

As usual, adults 65 and older have a choice of getting the high-dose trivalent flu shot, which offers better protection against the flu compared with the regular shot. The fee for the high-dose shot will be \$65. Human immune defenses become weaker with age, which places older people at greater risk of severe illness from influenza. A higher dose of antigen in the high-dose vaccine gives older people a better immune response against the flu. Data have shown that that leads to greater protection against influenza.

Norvar Health Services will begin conducting on-site visits starting October 1. All scheduling will be done by Norvar upon submission of your registration. Norvar will contact the dealer's

designated representative with the scheduled date/time and forward all appropriate forms. Norvar will invoice the dealership directly for all flu shots administered via the program.

Darvish, Altman to Receive Time, Northwood Dealer Awards

Two members of WANADA's Board of Directors have been designated to receive prestigious awards honoring their commitments to serving the community.

Jamie Darvish of DARCARS, who serves as WANADA's secretary and also as chairman of The Washington, D.C. Auto Show, was named this year's Time Dealer of the Year for the Washington region. John Altman, WANADA's treasurer, received the Northwood Dealer Education Award.

Darvish was one of a few dozen dealers to receive the Time dealer award, out of more than 10,000 eligible candidates. [The Time Dealer of the Year Award](#), sponsored by Ally Bank, honors dealers who "exhibit exceptional performance in their dealerships and perform distinguished community service."

Darvish and the DARCARS Group have long been highly active philanthropists in the Washington area. To name just one example, Darvish received deserved attention in 2019 for paying off all outstanding student lunch debt in both the [Prince George's](#) and [Montgomery](#) county public school systems – two of the largest school districts in Maryland. Darvish is slated to officially accept his honor at the 2021 NADA Show in New Orleans.

John Altman, Chief Operating Office of Beyer Automotive Group, was selected to receive [Northwood University's](#) Dealer Education Award, which honors dealer principals who make "noteworthy contributions to education and to their communities." Beyer Automotive Group has long been aggressive in recruiting and training service technicians and sales staff members, even in challenging economic times, and has long supported charitable causes in the region, including the Make-a-Wish Foundation.

WANADA congratulates Jamie Darvish and John Altman on their well-deserved awards, and thanks them for all they do to serve the Washington region.

Important Compliance Checklist for New Va. Workplace Safety Standards

Ahead of the implementation of Virginia's state-specific [COVID-related workplace safety and education standards](#), WANADA's legal partners at Charapp & Weiss have created a very important [Emergency Temporary Standard compliance checklist for businesses](#) in the commonwealth.

Please [review this checklist](#) and take great care that you are following this checklist, which outlines everything Virginia businesses, particularly those with employees in customer-facing positions, must do to ensure compliance with the [published standards](#).

If you have not already done so, please make sure you also review the documents on the state Department of Labor and Industry's [COVID safety standards homepage](#), along with the accompanying [Frequently Asked Questions page](#), as soon as you can.

As we previously noted, the DOLI has also created [a helpful infographic](#) that features the steps you must take in order to comply with these workplace safety regulations, which go above and beyond the state's [phase three guidelines](#) and best practices.

The workplace risk assessment training requirements for businesses with employees in medium-to-high risk (which begin on page 43 of [the regulations](#)) are effective as of August 26. According to the regulations, employees at public-facing retail businesses are automatically classified as, at minimum, "medium-risk" employees. While it is possible to have all employees classified as low-risk and thus avoid this requirement, please pay special attention to the masking, social distancing and other requirements if you intend to pursue this course.

Businesses are also required to develop an infectious disease response plan, and to provide all employees at medium-risk jobs (or higher) with training on COVID-19 symptom awareness, safety education, and appropriate uses of personal protective equipment. This plan must be developed no later than September 25.

As always, please continue complying with all state and CDC mandates and best-practices, and continue rigidly documenting your efforts to do so. It is critical that you do all you can to help prevent the spread of this virus, while ensuring your employees and customers are safe, and your business is compliant and able operate safely.

New Md. MVA Bulletins Address Trade-In Title Issues, Temp Tags, and More

The Maryland MVA issued two dealer Bulletins in the past week addressing some important registration and titling concerns, with the ultimate end result of making various tag and title processes easier for dealers.

[A Dealer Bulletin](#) issued on August 12 covered several important matters, most importantly a clarification that dealerships can now use an [Affidavit in Lieu of Title form \(VR-499A\)](#), in circumstances in which a new titling record has been completed and a duplicate title from the prior owner is required to complete a trade-in transaction.

Dealers processing a trade-in vehicle can also get it titled by processing a duplicate title using the VIN or title number of the traded vehicle.

The state also noted that, as of August 17, Maryland Correctional Enterprises is once again accepting orders for temporary tag paper. For the past few months, tag paper requests had to be ordered directly from the MVA. Dealers can still use the same temporary tag order form, [linked here](#), and submit it to the fax and/or email address listed at the top of the page.

In the same Bulletin, the MVA also clarified a question about discrepancies between odometer mileage statements and the total that is reflected in the state's computer system. The MVA clarified that dealers processing a title transaction should use the mileage displayed in the MVA system, and not the statement, whenever there is a discrepancy.

On August 10, [the MVA issued a Bulletin](#) addressing the guidelines for electronically processing salvage vehicles. The Bulletin provides thorough definitions for different types of salvage vehicles, including what types of vehicles meet the definition of “Rebuilt” or “Abandoned” vehicles. The Bulletin also addresses how the state’s Customer Connect system determines which salvage vehicles are and are not eligible for titling.

Please feel free to contact Joe Koch, WANADA’s Vice President of Operations, at jk@wanada.org if you have any questions about these Bulletins.

NADA Joins Advocacy Groups to Fight for PPP Tax Fairness

In response from inquiries and regional dealer associations about the potential loss of tax-deductible status for Paycheck Protection Program expenses, the National Automobile Dealers Association [has joined more than 180 other trade associations and advocacy groups](#) in requesting that Congress clarify that expenses related to forgiven PPP loans are tax-deductible.

Recently, the Treasury Department interpreted that forgiven PPP loans and their related expenses would not be tax-deductible, seemingly undermining the expressed goals of both Democrats and Republicans in Congress who worked on the program authorized by the CARES Act.

The Democratic-controlled House passed the HEROES Act in May, which, in addition to providing more than \$3 trillion in additional stimulus spending, would have explicitly provided full deductibility for PPP loan expenses. While the Republican-led Senate has not taken up the HEROES Act, and remains in discussions with House leaders and the Trump administration, GOP leaders are also said to be supportive of making PPP expenses tax deductible.

The letter that NADA joined urges Congressional leaders from both chambers, and both parties, to include full PPP deductibility in the next stimulus bill, which would override any Treasury Department interpretation.

We appreciate NADA’s hard work on securing a legislative fix in Congress before the end of 2020. We will provide updates on any additional stimulus bills that pass both chambers of Congress, along with additional details on the tax-deductible status of PPP-related expenses.

Virginia MVDB Streamlining Salesperson Licensing Process

In their [latest monthly newsletter](#), the Virginia Motor Vehicle Dealer Board announced that it has taken steps to streamline the process of onboarding a new salesperson in the commonwealth. The MVDB website’s [active dealers lookup tool](#) is updated every morning, and according to the Dealer Board, includes all licenses sales personnel at each dealership.

As a reminder, the state has updated the background check policy for dealers filing MVDB 61 forms for new sales personnel. Dealers are now responsible for completing the required background checks needed for new sales staff members. Please review [this MVDB flier](#) for more information.

U.S. DOL Says OEM Incentives Can Count Toward Minimum Wage

Earlier this summer, the U.S. Department of Labor [issued an opinion](#) that, in most cases, auto dealerships can include OEM incentive payments towards their requirements to pay non-exempt sales employees the standard state/local minimum wage in their jurisdiction.

Likening the OEM incentive payments to tips, the DOL stated that, when third-party incentives are included (either explicitly or implicitly) as part of an employment agreement and communicated to a worker prior to performing sales duties, they can count towards a minimum wage obligation.

We encourage all dealers to include language related to third-party incentives in standard employment agreements for sales personnel, and to refer to the DOL opinion letter above as a way to establish a good-faith defense against potential wage disputes. NADA has also created a helpful guide to [federal wage and anti-discrimination compliance](#) (visible to members only), which we encourage you to review.

NADA Files Additional Comments on FTC's Proposed Safeguards Rule Amendments

Last week, the National Automobile Dealers Association [filed a second set of comments](#) in response to the Federal Trade Commission's proposed changes to the [Gramm-Leach-Bliley Act](#) of 1999's Safeguards Rule.

According to the FTC, the Safeguards Rule, which took effect in 2003, "requires financial institutions to develop, implement, and maintain a comprehensive information security program." The FTC's latest [proposed rule change](#), which has been in development under both the Obama and Trump administrations, would update the rules to be in compliance with the Dodd-Frank Act of 2010 and the FAST Act of 2015, while requiring financial institutions to encrypt customer data, implement additional access controls to prevent security breaches, and require multi-factor authentication to access consumer data.

In the latest response to the rule proposal, NADA expressed support for both the broad goal of enhancing data security, and also for several specifics contained in the proposed rule change. However, the NADA letter did request that the FTC review the proposal and "conduct a thorough cost/benefit analysis" before implementing any changes. According to NADA, the rule change could cost dealers hundreds of thousands of dollars a year in both upfront and recurring costs.

NADA also requested that the FTC more thoroughly clarify what specific consumer data must be protected, and why it is necessary for institutions to do so. They also requested that the rule change expand and clarify the so-called "small business exemption," which according to NADA only excludes institutions with 5,000 or fewer customer records from some of the proposed rule's provisions. They also requested at least 12 months of lead time to comply with any rule changes, and at least 24 months for financial institutions to re-work past contracts and technical agreements with their current service providers.

WANADA thanks NADA for their hard work throughout this rulemaking proposal, starting with their [first submission of comments](#) back in 2019. According to NADA's Regulatory Affairs Committee, there is currently no clear deadline for the FTC to act on this proposed rule.

Qualified Customer Service Pro Seeks Position at Montgomery Co. Dealership

A customer service professional with experience in the auto industry is seeking a position at a Montgomery County dealership. If you are interested, please contact Joe Koch at jk@wanada.org to receive a copy of the resume.