

THE WANADA BULLETIN

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

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NADA Report from Chairman Geoff Pohanka

NADA Chairman Geoff Pohanka provided the below letter to WANADA, which summarizes the current legislative & regulatory agenda on Capitol Hill, in addition to providing insights from the most recent NADA Board of Directors meeting.

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The most-recent NADA Board meeting was held at the end of January in conjunction with the 2023 NADA Show in Dallas. As you know, I became the 2023 NADA Chairman and Gary Gilchrist Vice-Chair. Our industry faces significant challenges.....but we are prepared to not only defend our franchise system but improve it.

Please view [my introductory video and speech](#) from the convention for an overview of our main priorities.

As usual, advocacy issues – including regulatory, legislative, and industry relations matters – were a primary focus of this latest Board meeting. A few key issues remain unresolved, and some more recent ones continue to evolve. But headway is being made on all. Of note:

- Work continues in opposition to the Federal Trade Commission’s (FTC) Vehicle Shopping Rule. The focus continues to be on encouraging proper – and bipartisan – Congressional oversight of the deeply flawed process undertaken by the FTC in issuing the proposed rule and the FTC’s lack of justification or inclusion of credible evidence supporting the rule (editor’s note: additional information is available from NADA’s latest “Capitol Insider” newsletter [here](#)).
- NADA continues to push the IRS for much-needed clarity about the implementation of the EV tax credits included in the Inflation Reduction Act (IRA). NADA will continue to



provide updates and clarifications as more information is available and will pursue opportunities to improve the EV tax credit and demonstrate that dealers are essential to advancing consumer EV adoption.

- NADA is more hopeful than ever that Congress will pass LIFO relief legislation, which will be retroactive. And in that regard, we are pleased to report that on Wednesday, Feb. 16, 2023, Sens. Sherrod Brown (D-Ohio) and Tim Scott (R-S.C.) introduced the “Supply Chain Disruptions Relief Act” (S. 443) with overwhelming bipartisan support and nearly half the Senate as original cosponsors. This legislation is identical to the House bill H.R. 700, which was recently reintroduced by Reps. Jodey Arrington (R-Texas) and Dan Kildee (D-Mich.).
- Directors were briefed on the status of ongoing efforts to engage a number of OEMs in productive discussions related to various initiatives and proposals that would negatively impact dealers and our customers. NADA continues to stress, showcase and demonstrate the many ways in which dealer networks and the franchise system are massive competitive advantages to all automakers – regardless of powertrain. NADA’s work in this area has already resulted in vital positive outcomes for dealers, and they continue to make progress on a number of additional fronts.

The Board meeting was a tremendous way to begin the first NADA Show to be held in the Lone Star State since 1995. Attendance exceeded NADA’s expectation topping 2022 in Las Vegas with more than 20,000 attendees.

NADA’s next full Board meeting will take place June 6-7 in Colorado Springs. I look forward to providing you with another update following that meeting.

I wish everyone continued success and look forward to a great 2023!

Sincerely,

Geoffrey Pohanka
Chairman, Pohanka Automotive Group
2023 NADA Chairman

Virginia General Assembly Passes Franchise Protection Bill

Though the Virginia General Assembly adjourned *sine die* on February 25, notably without finalizing a budget, there was one significant piece of legislation that Commonwealth lawmakers could agree on: a landmark franchise protection bill. The Virginia Automobile Dealers Association (VADA), with WANADA’s support, crafted and shepherded [HB 1469](#) to the finish line. Aimed at curbing OEM attempts to circumvent dealers in a variety of ways, the bill disallows manufacturers from threatening to withhold incentives to compel dealers to enter into agreements. Furthermore, manufacturers will not be allowed to force dealers to allow them to deal directly with buyers and lessees as well. Additionally, the bill says existing state law barring manufacturers from owning a dealership would apply any new makes and lines. Additional information is available in an Automotive News article on the subject [here](#).

ADEI Receives Vehicle Donation from Volvo

The technician training program of WANADA's Automobile Dealer Education Institute (ADEI) was very pleased to receive two vehicles from Volvo Group North America to be used as trainers for our technician apprentices. One vehicle will be housed at Montgomery College in Rockville, where ADEI conducts classes three days per week. The second vehicle was delivered to ADEI's newest training site in Prince George's County where that site's initial cohort is completing its inaugural semester. A second cohort is gearing up to begin instruction in Prince George's, so this vehicle will be instrumental, as classes will be running two days per week there beginning this fall. Many thanks to Jamie Darvish and the DARCARS organization for facilitating the donation!



A brand-new Volvo arrives at ADEI's Prince George's site.

In addition to its flagship apprenticeship program for entry-level technicians, ADEI is currently developing programming for your more experienced technicians, including an electric vehicle (EV) intro course and certification for Maryland State Inspections in conjunction with the Maryland State Police. Both courses are tentatively slated for the summer. For more information, please contact WANADA's Director of Education Joe Hemberger at jh@wanada.org or 267-346-1700.

WANADA Hosts Fraud Prevention Seminar

On February 17, WANADA partnered with IMPACT Training to conduct a seminar for dealership personnel and law enforcement officials on the prevalence, methodologies and prevention tips of vehicle related crimes in dealerships. As most are aware, vehicle related crimes have skyrocketed in recent years and much of the spike centers around attempts to obtain vehicles from dealerships under false pretenses, including the utilization of synthetic identities and other practices. Presenters at the seminar included Missy Coyne, a retired Baltimore County detective who now serves as a special agent with the



National Insurance Crime Bureau (NICB) and Scott Addison from Fitzgerald Auto Malls, who shared some of the strategies that the Fitzgerald organization has implemented to curb the effectiveness of fraudsters at his company.

In an effort to increase coordination among dealership groups, WANADA is exploring new tools and tactics that will enhance the current notification measures we have in place. We currently notify all recipients of the WANADA Bulletin whenever we receive reports of fraud attempts or other noteworthy, suspicious activity, to include the circulation of fake IDs and other data. As we work to develop new tools, details of which we hope to announce later this year, please continue to send us information that you believe may be relevant for the entire dealership community. It has also been suggested that each dealership group should develop an internal alert email group to whom these alerts can be easily forwarded. For example, an internal email group like “fraudalert@dealership.com” can be set up so that all relevant sales managers, security personnel or other individuals can receive these alerts. Once set up, please email Joe Koch, Vice President of Operations, at jk@wanada.org to have your internal email added to the distribution list.

Montgomery County Energy Benchmarking Reports Due 6/1

All dealers with buildings in Montgomery County with 25,000 gross sq. ft. or more must benchmark and report building profile and energy data to the Montgomery County Department of Environmental Protection (DEP) by June 1st of each year using ENERGY STAR Portfolio Manager. **The CY 2022 building energy benchmarking data can be reported to DEP [at this link](#).**

Energy Benchmarking is the process of tracking a building's annual energy use and using a standard metric to compare the building's performance against past performance and to its peers nationwide. Benchmarking improves our understanding of energy consumption patterns; helps identify energy saving opportunities within a portfolio of buildings; and manages business bottom line through consistent data collection and tracking. Please review the [Benchmarking Overview](#) and [Benchmarking Checklist](#) to get started.

Montgomery County's [Energy Benchmarking Law](#) requires building owners to:

- Track the energy use of buildings 25,000 gross square feet and greater in the county in ENERGY STAR Portfolio Manager,
- Have data verified by a Recognized Data Verifier the first year and every three years thereafter, and
- Report data to the County annually for public disclosure.
- Meet long-term site energy use intensity performance standards. For more information on compliance with Building Energy Performance Standards, visit DEP's [BEPS website](#).

The CY 2022 building energy benchmarking data can be reported to DEP [at this link](#).

To report data for previous years, please [contact DEP](#) for the reporting link. The [Department of Environmental Protection](#) (DEP) is responsible for the implementation of this law. [Email](#) or call them at 240-777-7707.

Information and resources are provided below to aid compliance. To download an overview of the program and reporting:

- **Official Guide:** DEP has put together a comprehensive, set-by-step guide for complying with the Building Energy Benchmarking Law in Montgomery County, which includes background information, clarifying instructions, and details about reporting benchmarking data to the County. Download the [Official Guide for Building Energy Benchmarking](#) (PDF, 1.56MB) in Montgomery County
- **Benchmarking How-To Guide:** Guide with screenshots of how to create a Portfolio Manager account, create a property, create meters, and enter energy data. Download the [How-To Guide](#) (PDF, 1.39MB).

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