



Montana Automobile Dealers Association

MARCH 2019 NEWS BULLETIN

PRESIDENT'S MESSAGE:

Hello Fellow Montana Auto Dealers & Friends

I want to start off this month's edition by reminding everyone to register for the 105th Annual Family Convention being held at the Hilton Garden Inn in Kalispell. This will be a great event to keep up to date on legislative issues that impact our industry, gather important information, meet great people and last but not least, to have a fantastic time with family and friends.

The All-Dealer Member meeting will kick off the weekend Friday afternoon, where we'll discuss the bills that were passed during the 2019 legislative session and what that means for Montana Auto Dealers. We will also have a few industry leaders on hand to discuss what's happening in NADA and the MTADA. In addition to all of this, we will learn of new and innovating products coming to Montana that will benefit all the dealers both in time efficiency and profit. Following the All Member meeting, we will all gather on charter busses and take a quick trip over to Lakeside where we will board the Far West Boat and enjoy all the beauty that the Flathead Lake has to offer! The theme for the boat ride is "luau" so remember to pack those fabulous Hawaiian shirts and dresses. There will be drinks and food provided by Vista Linda Catering – owned and operated by our very own Senator Mark Blasdel!

Following the boat ride, the night will end with Texas Hold'em and cocktails.

The activities and information will continue into Saturday with educational sessions for both Owners and General Managers. The sessions will be followed by our Vendor Luncheon – this is the best opportunity to visit with the industries best and discuss what they can do for you! After lunch, there is the 9-hole Golf Scramble, held at the Northern Pines Golf Course just up the road from our hotel. We encourage all of you to sign up and participate in the tournament. It is an amazing chance to get to know each other through a little friendly competition. Saturday will commence with the annual President's Reception and Banquet where you will have the chance to network with all of our vendors and sponsors. We will also announce the Time Dealer of the Year Award and the MTADA Eagle Award presented by American Financial. We encourage all of you to stay and spend the evening getting to know the families and support the systems behind our dealers.



James Johnson
MTADA President

Did somebody say Mexican Vacation? OH Yes They Did!!

MTADA, with the help of one of our amazing sponsors, is giving away a Mexican Vacation valued up to \$6000!! To qualify, you must be a full time employee or a spouse of an employee – you must be registered to attend the convention, and lastly, you must be present at the President's Banquet to win. There are multiple ways to enter the drawing; all

Continued on **PAGE 12**

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IN THIS ISSUE

<i>Director's Message</i>	<i>p3</i>
<i>Chairman's Message</i>	<i>p5</i>
<i>Legal Update</i>	<i>p6</i>
	<i>and more!</i>



105TH ANNUAL FAMILY CONVENTION **Mexico Vacation Package Giveaway!**

All expense paid vacation to Mexico (valued up to \$6000)

Prize to be given away on Saturday evening
during the President's Banquet at Convention

Must be Present to Win!



8 Chances to be Entered into the Drawing:

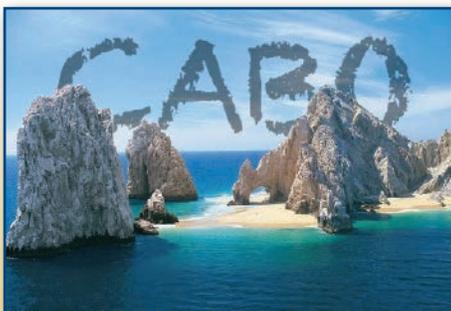
1. One entry for early registration -
register for Convention by April 1st
2. Attendance at the All Member Meeting
3. Attendance on the Far West Boat Cruise
Friday night
4. Attendance at the Poker Tournament
5. Attendance at the Speaker Session
Saturday morning
6. Participation in the Vendor Drawing's
7. Participation at the golf scramble
8. Attendance at the president's banquet

**There will be a sign-up at each of these locations.
Make sure you fill out a ticket to get your name
into the drawing!**

To Qualify:

- You must be a full time employee,
or a spouse of a full time
employee, at one of our Member
Dealerships
- You must be a registered
attendee
- You must be present at the
President's Banquet to redeem
your prize

**Please Register
Online at MTADA.Com**



**Montana Automobile
Dealers Association**

DIRECTOR'S MESSAGE:

NADA Foundation Launches Workforce Initiative Interactive Website for Aspiring Service Techs

The National Automobile Dealers Association (NADA) Foundation has announced the next phase of its Workforce Initiative, which includes the launch of a new consumer-facing website – www.nadafoundation.org – to promote the value of service technician jobs and provide the first and only centralized source of all OEM and industry training programs and scholarship opportunities for aspiring technicians.

The NADA Foundation has also announced an initial round of donations for its multi-faceted Workforce Initiative, including: \$50,000 from the National Auto Auction Association (NAAA); \$50,000 from PACCAR; and \$25,000 from Porsche. NADA Foundation has donated an additional \$250,000 to the effort.

The auto retail industry is facing a critical shortage of service technicians, which will only get worse in the coming years if not addressed. America's technical colleges and training programs graduate approximately 37,000 new service technicians annually. Yet the industry needs to

replace roughly 76,000 technicians every year just to keep pace with retirements and new jobs in the sector – leaving an annual shortage of 39,000 trained technicians

To close this gap, the NADA Foundation's Workforce Initiative aims to promote the benefits of these jobs and make it far easier for interested individuals to learn about the training opportunities that are available to them locally.



Don Kaltschmidt
NADA Director

“Before today, there was no coordinated, industry-wide, brand-neutral effort to increase the number of trained technicians we’re integrating into our workforce. But thanks to the NADA Foundation Workforce Initiative and the launch of nadafoundation.org, there finally is,” said 2019 NADA Chairman Charlie Gilchrist. “Promoting the tremendous benefits of service technician jobs and making it easier for interested students to find out about the training and scholarship opportunities available to them

Continued on **PAGE 8**

Manage Costs by Maximizing Your Tax Savings.



American Fidelity Assurance Company provides a full suite of expense management services that can help you and your employees maximize tax savings and manage costs associated with various benefits. We specialize in providing employer administrative services for all of our services, which can easily coordinate with existing plans.

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OSHA Compliance Webinar

Presented by PayneWest Insurance and MTADA

**Thursday, April 4th, 2019 • 10:00am
(Register by April 2, 2019)**

Shawn McDevitt with PayneWest Insurance will be presenting on the following topics:

- ✓ OSHA Inspections
- ✓ What compliance officers may be looking for during the walk through inspection
 - ✓ What to expect once an OSHA audit is completed
 - ✓ NEW OSHA fine structure
 - ✓ NEW “paperless” safety resource
 - ✓ Questions and answers

If you have any additional topics you would like discussed, please send them to Heather Domme at hdomme@mtada.com.

Click [HERE](#) to register by April 2, 2019

DIRECTOR'S MESSAGE:

One NADA

It's time we stop thinking of NADA simply as an organization we belong to. If you are part of NADA, it's not just a membership; it's a badge of honor. Because all of us are, in fact, NADA.

One NADA: it's a mantra that I want you to remember this year. As dealers, we embody powerful traits. But as one association, these individual traits come together and form our character. Our character defines who we are; how we respond when things get tough; and how we rely on each other through the highs and lows. During the 2019 NADA Show in San Francisco, I passed out a card that symbolizes how we are one NADA.

Nurture: We nurture and develop our dealers and train them for excellence. We set high expectations and inspire others.

Advocate: We work with state and metro association partners to advocate for policies—with manufacturers, the government and the media—that help local dealerships, their employees and customers flourish.

Deliver: We deliver results, deal positively with our business realities, develop comprehensive and competing plans, and defend the franchise system.

Accountability: We hold ourselves and others responsible and accountable, and work with our NADA team to deliver results for each member.

Dealers are getting hit from all sides, and NADA is the force that unites us against the obstacles we couldn't overcome individually. Today, we face an evolving business model with intense pressure on our sales departments. At the

same time, our service departments—which are busier than ever—have the responsibility to get cars back on the road safely and efficiently. And whether it's preserving affordability of new vehicles, battling against proposed industry tariffs or getting skilled technicians through every dealership's doors, we must tackle our issues as a team.

Each and every member is what makes NADA great. It's a comfort that we've never been alone in our challenges, but we need your engagement more than ever. Give us your feedback. Be active and involved in our latest Workforce Initiative for auto technicians. Try to host your member of Congress at your dealership if you haven't already. It's time we all roll up our sleeves and take accountability for the future of our industry. One voice has carried us through more than a century in the automobile industry. One NADA will carry us through the next. ■

Charlie Gilchrist is president of Gilchrist Automotive in the greater Dallas-Fort Worth.



Charlie Gilchrist
2019 NADA Chairman

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LEGAL UPDATE

Advertising Malpractice

The following article written by Tom Hudson of Hudson Cook appeared in this month's "Spot Delivery" and is reprinted here with Tom's permission. Tom is a well-known dealer lawyer who writes and speaks frequently on dealer topics.

Someone at your dealership is in charge of advertising. Is that someone committing advertising malpractice?

I frequently see (and receive in the mail) ads from car dealers with content that might as well say, "C'mon, Federal Trade Commission, sue us!" The ads contain problems that the FTC has been targeting for the last few years, but these dealers apparently haven't gotten the memo.

The FTC has mounted two major efforts to clean up dealer advertising. Operation Steer Clear and Operation Ruse Control are the noisiest and most-publicized FTC efforts, but they are just the tip of the FTC's iceberg of advertising enforcement actions against dealers. The FTC has announced several dozen other advertising enforcement efforts over the last few years. Although it is admittedly a rough measurement, a search of Spot Delivery articles using the search term "Federal Trade Commission AND advertising" yields a staggering 426 articles.

The FTC actions have focused on a number of practices that the FTC believes violate the law. Some examples include "we'll pay off your trade, no matter what you owe," "nothing down" big print followed by the revelation that "you will not need to stroke us a check when you pick up the car;" use of prices that reflect various discounts that a buyer cannot (or is very unlikely to be able to) use, discount claims, non-compliant email advertising, false green marketing claims, non-compliant internet advertising, satisfaction guarantees, offers of "free" items with a purchase, and use of trigger terms without using the required disclosures triggered by those terms.

And it's not like there isn't a lot of help available for avoiding common advertising violations. The National Automobile Dealers Association has a publication that assists new car dealers in complying with federal advertising requirements on the sale, financing, and leasing of automotive products and services. A Dealer Guide to Federal Advertising Requirements provides examples of "bad" ads and "good" ads and chapters on 41 different federal advertising topics. The publication is available

to both NADA members and non-members.

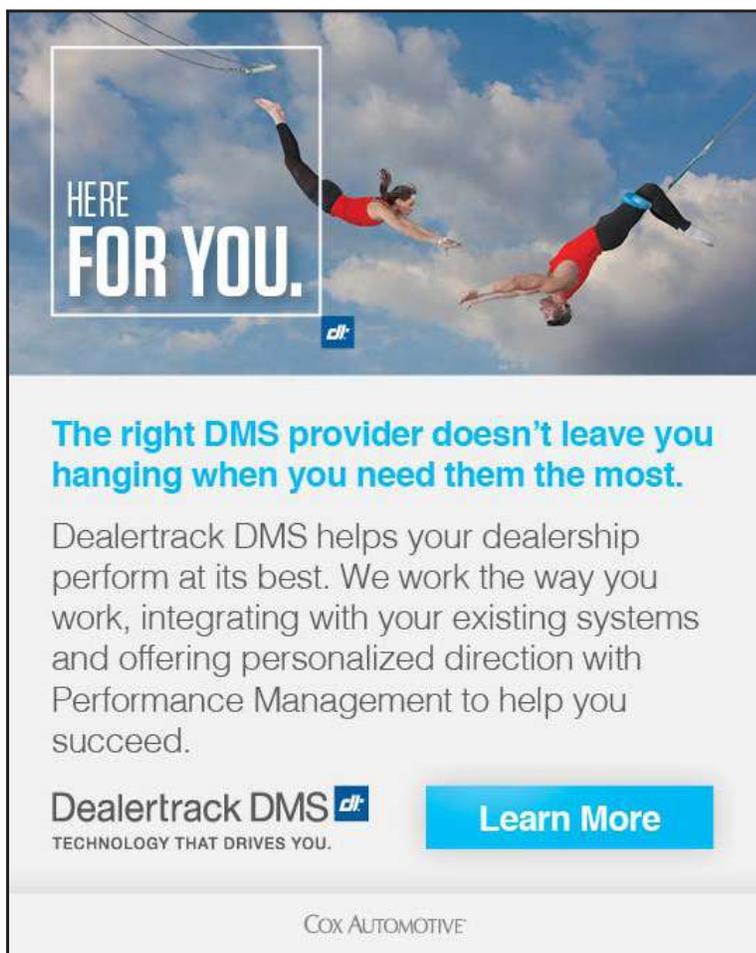
Many state auto dealer associations and independent auto dealer associations offer similar guidance. The FTC's own website is a treasure trove of advertising compliance help.

The FTC claims cited above, as well as a number of other advertising "gotchas," have received so much publicity and attention that any dealership running those types of ads is committing advertising malpractice. If I were a dealer principal and the FTC nailed my dealership for these or similar violations, I'd be looking for someone to fire because there's really no fighting these FTC enforcement actions. The advertisements say what they say, so there's not a lot of argument about facts.



R. J. "Jim" Sewell, Jr.
MTADA General Counsel

Continued on PAGE 11



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Montana Automobile
Dealers Association

105th Annual Family Convention

AUGUST 9-11, 2019
Hilton Garden Inn | Kalispell, Montana

JOIN US this year for the 105th Annual Family Convention near Glacier National Park

Join us for the **105th Annual Family Convention** in Kalispell to meet, learn and develop connections with your fellow industry leaders, members and vendors. In addition, there are great opportunities to learn from a fantastic group of industry speakers and discuss industry needs with Montana's key political leaders. As always, we feature great daily activities for the enjoyment of attendees and their families.

ACTIVITIES INCLUDE:

- Far West Boat Cruise on Flathead Lake
- Annual President's Banquet
- Texas Hold'Em Poker Night
- 9-Hole Shotgun Style Golf Scramble
- Shopping in Whitefish
- Relaxing at Whitefish City Beach

We encourage all of you to bring your families!
Childcare will be offered at certain times of the day.

Please Register Online at MTADA.Com



Director's Message CONTINUED FROM PAGE 3

where they live is vital to addressing the service technician shortage that every dealer is facing.”

“We need an initiative the entire auto industry can get behind, so I’m extremely proud of this effort,” Gilchrist added. “Our workforce is our absolute best asset as dealers, but we have to recruit, train and retain the best people if we want to continue providing our customers with the best experience possible.”

The average dealership technician in the United States today makes \$61,067 in salary, plus benefits, and has great opportunities for personal growth and career advancement. Experienced technicians at franchised dealerships can make more than \$100,000 annually and service managers can make even more.

In addition to the website and interactive map of training and training and scholarship opportunities, the Workforce Initiative includes:

- New video stories where real technicians talk about both their work and the lifestyle provided by their career.
- An integrated digital marketing effort to increase enrollments in automotive tech training programs – especially at OEM-sponsored programs, which place thousands of students each year into dealership careers.
- A robust presence at national train-the-trainer conferences and events, to promote the benefits of technician careers with high school guidance counselors, community colleges, military separation officers at bases, and at major conferences like SEMA.
- Actionable economic research to determine how to best recruit and retain techs.
- The possible creation of a nationwide network of career fair events to bring students, career centers and dealers together for employment in their communities.

One of the immediate the goal of the Workforce Initiative is to fill OEM training programs to capacity. To date, many seats in those OEM training programs go unfilled each year even though full-time employment is virtually

guaranteed upon graduation.

The National Auto Auction Association, which represents America’s used-car auctions and faces a similar technician shortage, supports the initiative. “Our focus is on identifying ways to recruit and retain the best employees. We are encouraged by the NADA Foundation who has invested time and resources in an online platform that will give us the tools we need to be effective in connecting with the education and training institutions,” said Frank Hackett, CEO of NAAA.

“Until the launch of nadafoundation.org, there was nowhere for a prospective technician to find out where their closest training program was located. For example, Toyota’s T-10 website shows where the Toyota programs are, and GM’s ASEP website shows where the GM programs are. But each ignore the other, leaving prospective students confused,” explained NADA President and CEO Peter Welch. “Our new website brings together all OEM training programs onto the same map, through data provided by our friends at Auto Service Excellence (ASE). Now anyone can now find out where the closest ASE training program is located, public or private, regardless of manufacturer.”

“The auto retail industry has a fantastic story to tell about the tremendous careers we provide,” said Welch. “We just need to get together and start telling it to the right people.”

WHY MANAGE YOUR INVENTORY THE HARD WAY?

“When you compare the cost of saved obsolescence to the cost of PartsEdge, it's a no-brainer.”
-Richard Jackson, Fixed Ops Director

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LEGISLATIVE UPDATE

HB617 Is Moving On to the Senate

Here's a recap of everything up to this point.

As you know, the Montana Legislature has begun its 2019 session. Founded in 1889, our state legislature now celebrates its 130th year.

The proposed bill addresses:

Data Protection: Recognizes that dealers collect information from their customers and store that information in electronic data management systems and



regulate the manner in which third parties can access and use the information;

Cancellation Obligations: Clarifies the manufacturer's obligation to a dealer whose franchise agreement is cancelled;

Dealer Successor: Adds retirement of the dealer to the circumstances where a manufacturer is required to honor the designation of a family member as successor dealer;

Adding an Additional Dealership: Revises the procedures allowing a manufacturer to add an additional franchise in a community where it has an existing dealer.

Warranty Reimbursement: creates a method to establish the reimbursement rate paid to dealers for warranty parts and labor required by the manufacturer's vehicle warranty and vehicle recalls issued by the manufacturer or the U.S. Government.

You can see the language of our bill at: <https://leg.mt.gov/bills/2019/billpdf/HB0617.pdf>

Our sponsor was Representative Barry Usher (R) HD 40, who is a Harley Davidson dealer from Billings.

Our portion of the committee meeting took approximately an hour and a half. We had 6 dealers travel through the winter weather to testify on behalf of the car dealers. Bill Dee, Dee Motors, Eric Henricksen, Don Aadsen Ford, Don Kaltschmidt, Don K Whitefish, Jim Stanger, Helena Motors, Robbie Smith, Bob Smith Motors and John Waller, Northern Ford

Click to listen to the testimony. Our portion starts at 8:4:40 and ends at 9:22:55

*We would also like to thank the following dealers that made calls to their local representatives. It was extremely helpful.

- Garry Brayko, Archie Cochran Ford|
- Wade Rehbein, Rehbein Ford
- Whitney Olson, Bison Ford
- Dick Olson, Bison Ford
- Shannon Flanagan, Flanagan Motors
- Peder Billion, Billion Auto Group
- Rob DeMarois, DeMarois Motors
- Gary Schoepp, Action Auto

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Mike Peterson | 406.730.7018 | mpeterson@nxgen.com

Continued on **PAGE 11**

IT Security Tip: Hackers are Phishing for Your Facebook Credentials

According to an article in this week’s edition of InformationWeek magazine, a recently spotted phishing campaign is intended to steal your Facebook login credentials with a legitimate looking, but fake pop-up login portal. Researchers with Myki, a password management company, were alerted to the threat when users complained the tool wasn’t auto-completing passwords on popular websites as usual. Upon investigation, the researchers began to think users were being deceived via malicious websites.

The status bar, navigation bar, shadows, and content are reproduced to look like a real login prompt. When victims visit the malicious site, they are asked to authenticate using their social media account. When they choose a login method, the site displays a fake login prompt. Users who

fill in their credentials will automatically send their information to attackers.

The article recommends a quick check to test for fraudulent pop-up windows: Try to drag the pop-up away from the window in which it is displayed. If dragging it out of the window fails and part of the pop-up disappears beyond the edge of the window, it’s a sign the pop-up is fake.

If you would like to know more about protecting your business from cybercriminals or even if you just have questions about your current IT situation, call our DIS helpdesk at 866-293-9359. ■



Erin Dickey
IT Services Director
DIS Technologies



Would you like to know more about IT security strategies? Download our free report, “The 7 Most Critical IT Security Protections Every Business Must Have in Place Now to Protect Themselves from Cybercrime, Data Breaches and Hacker Attacks”. To get instant access, go to: <http://www.dismt.com/cybersecuritytips>

Legal Update

CONTINUED FROM PAGE 6

And I wouldn’t take as an excuse a response like, “We bought this ad program from a vendor and assumed the vendor knew what it was doing.” The FTC will say, correctly, that the advertisements, and the problems, are all yours. There isn’t even any assurance that the FTC will include the ad company in its enforcement action.

I also wouldn’t take as an excuse a response like, “I didn’t know about these developments.” Not when you consider those 426 articles, all the noise, and all the resources on government and dealership association websites. You’d have to be intentionally looking the other way not to know about dealership advertising problems.

Your compliance officer (you do have a compliance officer, don’t you?) should have the responsibility, and the education and resources (including standby assistance from a lawyer, when needed), to review and approve your advertising practices.

So, unless you plan to fire the compliance officer, hand this article to him or her with instructions to get to work. ■



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Legislative Update CONTINUED FROM PAGE 9

Right after all of the bills for that day were heard, the committee voted on our bill and passed it out of committee 19-0. On Thursday, February 27th it was presented on the House floor for the second reading and vote. It passed 97-3. This morning it was presented for the 3rd reading on the floor and passed again 97-2. It is now on to the Senate and will go to committee on March 19th. You can follow our bill here.

There will be more updates, but if you have questions or if I can give you more information, please feel free to call me any time at 406-461-7680.

Sincerely,
Bruce Knudsen
Executive Vice President
Montana Auto Dealers Association



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Montana Automobile Dealers Association

HEALTH CARE CORNER

Has Consumerism in Healthcare Fulfilled its Promise?

The consumerism movement in healthcare has shifted more and more costs onto plan members in recent years. The theory is that increased out-of-pocket responsibility will encourage plan members to become savvier consumers of health services.

But is it reasonable to expect that the average person can acquire specialized medical knowledge? Many people are not prepared to understand complex treatment options in the best of times, much less when facing a devastating illness.

Research indicates that significant numbers of consumers need more guidance when it comes to navigating the complexities of healthcare. Consider this: in a recent survey, nearly one-third of respondents said they would not know how to proceed if they or a family member were diagnosed with a serious medical condition.

Because your members' ineffective use of their benefit plan can potentially run up costs, it makes sense to help consumers shop around for health services. The simplest approach is to offer a transparency tool, such as Healthcare Bluebook, which lets consumers compare the price of common procedures within their area. It also suggests a "fair price" for each procedure or service, based on the rates paid by private insurers. (Healthcare Bluebook is a subscription service.)

Common, non-emergent surgeries (e.g., joint

replacements) are notorious for wide variations in price between facilities and between geographic locations. You can incentivize plan members to shop around and compare different options by employing programs that do the research for them. For example, a surgical concierge service can present cost and quality data for the same procedure if done at the closest hospital or if performed at an outpatient surgery center 60 miles away. Some programs will even offer a financial incentive to a member who chooses a lower-cost, higher-quality facility further from home.

"The idea is to ease the burden of comparison shopping for consumers," says EBMS Executive Vice President of Human Resources and Strategic Planning Melissa Lyon. "With programs like a surgical concierge service supporting them, they still have skin in the game, but are more informed and therefore more confident about making medical decisions. They are able to weigh both the cost and quality of care." ■

President's Message

CONTINUED FROM PAGE 1

you have to do is fill out a raffle ticket at designated locations throughout the convention. The first way to enter is by signing up for the convention by April 1st, so get online and register today!! See the vacation flyer included in the newsletter to learn more about how to get into the drawing!

If you have any question about the conference, please contact **Heather** at (406) 431-3171 or **hdomme@mtada.com**. We look forward to seeing you all this year!



James Johnson is the Dealer Principle at High Plans Motors, Inc. in Wolf Point, Montana

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