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**MOTOR VEHICLE DEALER BOARD**



**Upcoming Changes to the PoD Program**

DMV has enhanced the PoD temp tag program to include modifications to the original and the extension transactions for temporary tags.

Dealerships will no longer have the capability of issuing more than two consecutive temp. tags to a vehicle. If a third PoD temp. tag is attempted, the following error message will appear: "T2160 - VIN/CUST MAX NO. REACHED. SEND REQUEST TO [POD-TEMPTAG@DMV.VIRGINIA.GOV](mailto:POD-TEMPTAG@DMV.VIRGINIA.GOV)". In the

rare case that an additional temp. tag is needed, the dealership will need to send a detailed email to the PoD temp tag address ([podtemptag@dmv.virginia.gov](mailto:podtemptag@dmv.virginia.gov)) indicating why the additional 30-day temp. tag is needed. The email should include the following information:

Dealership Name  
Certificate number/dealer number  
Customer Number  
Customer Name  
Vin number  
Purchase Date  
Detailed description of

why the vehicle cannot be titled into the customer's name

Provide supporting documentation

Dealer Services will be available to process all requests during the fol-

*cont'd on pg 2*



***Come visit us at  
our office!***

**Time Dealer of the Year, Chip Lindsay**

The Time Dealer of the Year Award is given annually at the NADA Convention to dealer leaders who have distinguished themselves in the automobile business, their industry and in their community. Dealer associations making up the Automotive Trade Asso-

ciations network, which includes state and major metropolitan area dealer groups across the U.S. nominate members. Chip Lindsay is the Time Dealer for the Washington D.C. area. Chip was among a select group of 57 Time Dealers nationwide, all of whom were

recognized at the NADA Convention first general session. Chip Lindsay also represented a first for the Washington Area New Automobile Dealers Association's (WANADA) Time Dealers over the years for being the association's first third generation dealer.

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## Upcoming EVENTS

### BOARD MEETINGS

All Meetings are held at DMV Headquarters

2300 W. Broad Street, Room 702 Richmond, VA

Monday, May 12, 2014

Time: 9:00 a.m.

#### Dealer Practices Committee Meeting

Monday, May 12, 2014

Time: Immediately following Dealer Practices

#### Licensing Committee Meeting

Monday, May 12, 2014

Time: Immediately following Licensing

#### Advertising Committee Meeting

Monday, May 12, 2014

Time: Immediately following Advertising

#### Transaction Recovery Fund Committee Meeting

Monday, May 12, 2014

Time: 10:00 a.m.

#### Full Board Meeting

**NOTE:** Meetings may begin later, but not earlier than scheduled.

## Holiday Hours

### CLOSED:

Monday, May 26, 2014



*we remember your sacrifice today & every day  
on this memorial day.....*

**THANK YOU!**

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## Upcoming PoD Changes

lowing business hours: (This excludes all federal and state holidays)

Monday – Friday 8:15 a.m. – 5:00 p.m.

Saturday 8:00 a.m. – 12:00 p.m.

All requests will be handled on a priority basis and should be processed within a period not to exceed two hours. The dealership will receive a confirmation email indicating whether the issuance of a subsequent temp. tag has been approved or denied. The following reminders provide important information impacting dealer transactions.

Currently, the Online Dealer program has fields for 'SalesPrice' and 'Manufacturer Rebate/Incentive'. Effective March 6<sup>th</sup> an additional field will be present for 'Total Vehicle Price'. This will assist in determining an accurate sales price which is used to calculate sales and use tax (SUT).

All vehicles must be titled within 30 days of purchase, as required by law. For more information contact the Dealer Services Help Desk at email [podtemptag@dmv.virginia.gov](mailto:podtemptag@dmv.virginia.gov) . (804) 367-0901.

## Reminders...

Many of the rebates and incentives offered by manufacturers are not available to everyone. As such it is deceiving to advertise a vehicle for a price that includes all of the available rebates and incentives if everyone is not qualified to receive all of the rebates and incentives, or if rebates are mutually exclusive. Adding a "disclaimer" that requires consumers to determine what incentives and rebates for which they qualify does not "fix" the fact that the advertised price does not apply to everyone. When advertising a price of a vehicle that is eligible for rebates/incentives, that price may be based on incentives and rebates that are available to ALL purchasers. If other incentives/rebates are available based on specific criteria (e.g. military rebate) these additional incentives/rebates **can be listed but not subtracted** from the advertised price. Also, if a specific vehicle is advertised, the advertisement may not include a statement such as "rebate up to NNN Dollar Amount" if the stated "up to" dollar amount is not available for that vehicle.

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## Reminders...

As of January 1, 2011, ALL Independent Dealer-Operators (IDO's) of independent dealerships must at some point in time, recertify their IDO qualification every three years by either taking an online course, or in a classroom, or by passing a DMV test. Click [HERE](#) for more information and [HERE](#) to determine your recertification deadline. If you are unclear on your recertification deadline, or any other recertification questions, please contact the Board. Or, call Ann Majors at the MVDB. She may be reached at 804-367-1100 x 3016, or email her at [ann.majors@mvdb.virginia.gov](mailto:ann.majors@mvdb.virginia.gov)

## FTC “.com Disclosures” NEW Guidance Document

The Federal Trade Commission has released new [guidance for mobile and other online advertisers](#) that explains how to make disclosures clear and conspicuous to avoid deception. The new FTC staff guidance *.com Disclosures: How to Make Effective Disclosures in Digital Advertising*, takes into account the expanding use of smartphones with small screens and the rise of social media marketing. It also contains mock ads that illustrate the updated principles. Like the original, the updated guidance emphasizes that consumer protection laws apply equally to marketers across all mediums, whether delivered on a desktop computer, a mobile device, or more traditional media such as television, radio, or print. If a disclosure is needed to prevent an online ad claim from being deceptive or unfair, it must be **clear and conspicuous**.

For more information, see

<http://www.ftc.gov/opa/2013/03/dotcom.shtm>

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## What's Wrong With This Picture?



Even though this dealer has attempted compliance regarding §§ 46.2-1533, Business Hours, the Temporary Notice of Closing should be posted near or on the entrance to the dealership office—not on the **outdoor** dealership sign.



## Reminders...

All out-of-state repossessed vehicles must be titled in the name of the lien holder before the lien holder may transfer title to a subsequent purchaser. The sale of repossessed out-of-state vehicles is governed by Virginia Code §46.2-633. This section specifically relates to vehicles acquired through the "operation of law" such as bankruptcy, repossession, legatees, or surviving joint owners. A lien holder must obtain a repossessed vehicle title in the lien holder's name before they can dispose of that vehicle at auction, regardless of whether they have a Virginia title or an out-of-state title. This policy supports the integrity of vehicle titling records by including the lien holder in the title ownership chain as an owner. Accordingly, regardless of whether the vehicle was titled in Virginia or another state, the lien holder must first apply for a Virginia repossessed vehicle title before selling the vehicle.

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### *Time Dealer of the Year*

As with his father and grandfather, Chip was being honored with the Time Dealer Award as principal at Lindsay Cadillac in Alexandria, the flagship store in the Lindsay organization's portfolio of dealerships and franchises that also include Lexus, Chevrolet, Ford and Volkswagen at four other locations. In addition to being a successful dealer, Chip has been an industry leader, heading up the Washington Auto Show in 2004, followed by service on the WANADA Board, which he chaired in 2012. He is still on the WANADA Board and also on the board of VADA and the Virginia Motor Vehicle Dealer Board. Through the Lindsay group, Chip supports many organizations in the greater Washington community, including Autism Speaks, Boys & Girls Clubs of Greater Washington in Alexandria, Children's National Medical Center, Marine Corps Scholarship Foundation, Mater Dei School, Georgetown Visitation, Georgetown Preparatory School, Catholic Charities and the Yellow Ribbon Fund, which helps injured service members and their families.

A graduate of the U.S. Naval Academy, Chip served as an officer in the Marine Corps prior to joining the family business. Chip is currently in his second term as a member of the Motor Vehicle Dealer Board, and is Chairman of the Advertising Committee.

## *DID YOU KNOW ??*

**.....That** You Have 30 days to Pay the Titling Tax and Registration Fees. If you are collecting the tag and titling fees and tax from your customers to submit to DMV, you must do so within 30 days of the sale even if you have not received the title from the lien holder, floor planner, etc. If you are not able to secure the title within 30 days you must pay the "DMV fees" you collected from your customer and DMV will establish a "title held".

### **DMV on the go, with VADMV mobile apps!**



**.....That** Dealers from other states may only sell motor vehicles in Virginia if they have a "foreign dealer" license. A foreign dealer license allows out-of-state dealers to sell motor vehicles at wholesale auctions only. If you are purchasing motor vehicles from out-of-state dealers at locations other than a wholesale auction, you are a party to a criminal act. For example, an unlicensed "foreign dealer"/out-of-state dealer cannot lawfully visit your dealership in an attempt to sell or consign a motor vehicle to you.

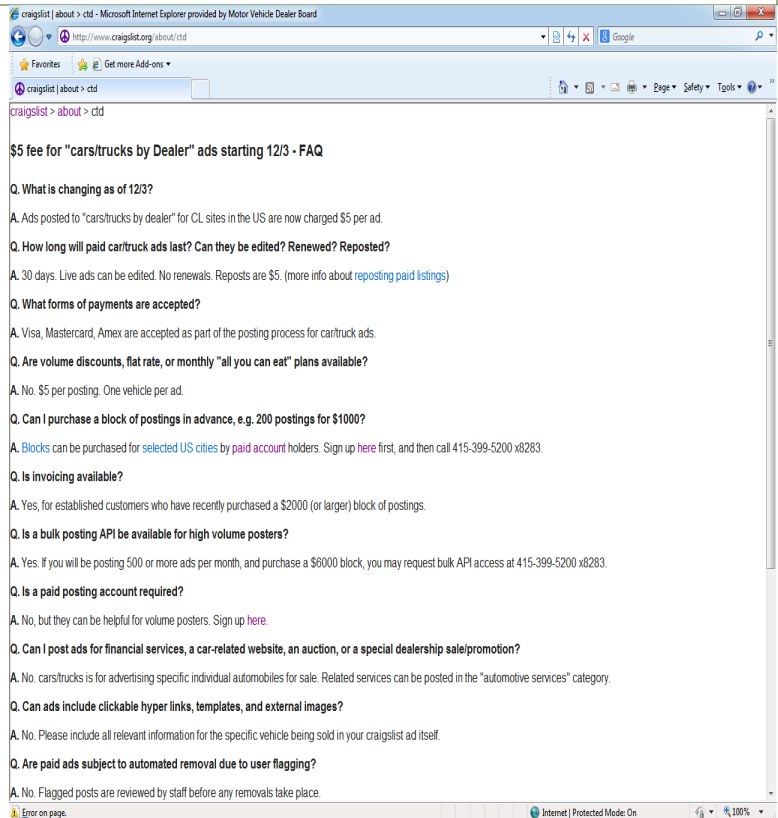
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# Craigslist Advertising

Craigslist has become a popular advertising tool for dealers. As of December 2013, Craigslist has incorporated a \$5 fee PER advertisement for Dealers. Be aware that the Board is monitoring the “for sale by owner” category, and violating Dealers who do not post their advertisements in the “Dealer” category on Craigslist. Please remember the dealer advertising laws and regulations apply to all advertisements, including those posted on Craigslist. As further clarification of the new Craigslist fees and Dealer posting requirements, Craigslist has offered Dealers a frequently asked questions (FAQ) page on their website. Click on the picture to the right, or follow this link, <http://www.craigslist.org/about/ctd>.

Virginia Law requires that in all advertisements you **must identify the name of the dealership or clearly state you are a Virginia dealer by including “VA DLR” in each advertisement.** Each Craigslist posting must include either the name of your dealership or “VA DLR” in the body of each posting. **Just posting advertisements under the category “By Dealer Only” does not satisfy the requirement.** If the listed price does not include your processing fee, the amount of your processing fee must be disclosed in each Craigslist advertisement. Even if you are not listing any motor vehicles in the posting, but rather advertising financing — you must include the “VA DLR” or the dealership name. An example would be if your advertisement is one that does not include any vehicles, and only a credit application.

Virginia Regulations require dealers to “. . . *maintain and make available to the Board and the Board staff, if requested, the original or a clear facsimile copy of all advertisements in a manner that permits systematic retrieval for a period of 60 days subsequent to the expiration date of the advertisement.*” In other words, Virginia dealers must retain a copy of each Craigslist posting for a period of **60 days from the date the posting was removed** from Craigslist. All advertising violations, including those on Craigslist, are subject to a civil penalty of **up to \$1,000** per occurrence and/or suspension or revocation of your dealer license. Finally, if dealers sell vehicles over the Internet, all of the paperwork, disclosures, etc. that are required for selling a vehicle are the same as the requirements for a more “traditional” sale. All documents must be signed and completed in full. Once that is done, the buyer has the option of visiting your dealership to drive-off with his/her purchase or you may deliver or arrange to deliver the vehicle to the buyer.



## Reminders...

FTC also has a great “Advertising and Marketing on the Internet: Rules of the Road” document that may assist Dealers.

This webpage or document is a great starting point to use as guidance.

Please follow this link:

<http://business.ftc.gov/documents/bus28-advertising-and-marketing-internet-rules-road>

Or download the .pdf file from the link above.

# Board Actions

## Dealer Practices

**Heritage Motor Company, Inc. and Stelios G. Karayiannis.** A consumer complaint was forwarded to the MVDB by the Consumer Protection Section within the Office of the Attorney General. The complaint was from the mother of a soldier stationed at Fort Bragg, NC. Within two days of arriving at Fort Bragg a young woman approached the soldier and convinced him to go with her to Virginia Beach on a Sunday to look for a car at Heritage Motors. The soldier purchased a vehicle from Heritage Motor Company, Inc. In investigating this complaint, the MVDB discovered that the young woman who drove the soldier to Heritage was paid \$150. Board staff believed this was a “bird dogging” fee as the young woman is not a licensed salesperson. Based on the information provided at the conference, the Board requires that Mr. Stelios successfully complete the Dealer-Operator 2-day Course.

**Candy Automotive, Inc. and Hayward S. Statum.** This dealer had three failed inspections in about a 15 month time period. An educational/warning letter was sent to the dealer. The letter requested that the dealer respond to the Board as to how he intended to fix the problems related to the alleged violations. The dealer did not respond. On November 20, 2013, an informal fact-finding conference was conducted to address the alleged violations of dealer records, buyer's order, licensed salesperson/birddog, inspection of vehicles required, temporary registration, Transport Tag record of use and issuance, records to be kept by dealers for inspection, and failure to comply with a written warning. Based on the information provided at the conference, the Board assessed a civil penalty of \$4,000, a satisfactory inspection, and a successful completion of the Dealer-Operator 2-day Course.

**New River Imports and David A. Beasley.** A 2008 Random inspection of this dealership revealed a number of problems, including significant and various record keeping issues and misuse of dealer tags. A 2010 inspection revealed a continuation of the record keeping issues including temp. tag use, lack of ownership documents for vehicles in the dealer's inventory; and non-compliant posting of business hours. At a July 2012 inspection it was evident that the record keeping issues continued and proof of safety inspections for all vehicles could not be found. W-2s were not on file as required. It appeared that not all licensed salespersons were employees and issued W-2s. In March of 2013, the dealer paid a civil penalty for not ensuring that all salespersons were employees as required by law. The dealer failed an August 2013 inspection for continued record keeping problems; not having all salesperson's on a W-2; and not notifying the Board that a salesperson had left the dealership. On November 20, 2013 an informal fact-finding conference was conducted to address the alleged violations of dealer records, licensed salesperson/birddog, transport plates-records, D-tags, and failure to comply with a written warning. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,000 and a satisfactory inspection.

**Colonial Auto Brokers.** Paid a \$500 civil penalty for salesperson not on W-2.

**R. C. Hyman, LLC.** Paid a \$500 civil penalty for prohibited salesperson compensation.

**Plaza Motors.** Paid a civil penalty of \$500 for salesperson not on W-2.

**Toyota of Stafford.** Paid a \$500 civil penalty for salesperson not on a W-2

**JBL Specialty Automotive, LLC.** Paid a \$1,000 civil penalty for failure to have D-tag insurance.

# Board Actions

## Licensing

**Albert Stanley, Salesperson.** This issue started as a consumer complaint against Mr. Stanley who sold a car while he was employed as a salesperson for Speedy Cars. The sale was not conducted for the dealership. Mr. Stanley was selling the car for a third party (the owner of the car). In selling the car, Mr. Stanley charged the purchaser a \$499 processing fee. At the time of sale, the car had a passenger plate on it. Mr. Stanley transferred his sales license to West Broad VW on July 1. On July 3, the purchaser met Mr. Stanley at West Broad VW in order to make a payment to him. Mr. Stanley gave the purchaser a receipt for the payment on a West Broad VW receipt. Mr. Stanley was assigned a dealer plate from West Broad VW. That plate was placed on the car that the purchaser bought from Mr. Stanley on or about July 5. Mr. Stanley denied giving the plate to the purchaser and claims that she must have stolen it. On or about August 25, Mr. Stanley took back the car as the purchaser could not continue to pay for the car. On October 11, the car title was transferred from the original owner to Mr. Stanley (it apparently was never titled and registered in the purchaser's name.) West Broad VW reported the D-tag as lost/stolen on September 13 – around the time West Broad VW asked Mr. Stanley where the D-tag was. On October 23 the Board's Field Representative was at West Broad VW conducting his investigation and the dealership found the plate. There was no explanation from either the dealership or Mr. Stanley as to how the plate got back to the dealership. On January 22, 2014, an informal fact-finding conference was conducted to address the alleged violations of a salesman selling for other than his employer, defrauding or damaging a retail buyer, having used deceptive acts and practices, and leasing, renting, lending, or otherwise allowing the use of a dealer's license plate by persons not specifically authorized under this title. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,750 to Mr. Stanley, Salesperson.

**Marbin Humberto Bustillo, Salesperson.** As part of the Board's staff periodic review of Craigslist advertisements, the Board discovered three cars for sale under "for sale by owner", all with the same contact information. One of the vehicles was pictured at Insiders Autos. At the time these vehicles were listed on CL, the seller (Mr. Bustillo) was licensed at Car Mart. Previous to transferring his sales license to Car Mart, Mr. Bustillo was licensed at Insiders. Bruce Gould called (as an interested customer) Mr. Bustillo about one of the vehicles and he stated that it could be seen at Car Mart. The advertisement did not include any reference to Car Mart. On February 19, 2014, an informal fact-finding conference was conducted to address the alleged violations of salesman selling for other than his employer, having used deceptive acts or practices, and deceptive acts and practices when seeking licenses or registrations. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,000.

## Advertising

**Euroauto, LLC.** Assessed a \$500 civil penalty for failure to advertise as a dealer, processing fee disclosure, and having used deceptive acts and practices. Dealership was suspended for non payment, and the unpaid civil penalty was turned over to Debt Set-Off.

**National Auto Group.** Paid a \$1,000 civil penalty for failure to advertise as a dealer, processing fee disclosure, having used deceptive acts and practices, and misleading advertising.

**NOTE: Depending on the circumstances, all Board Actions may be appealed to Circuit Court, or for an administrative hearing.**

For prior issues of Dealer Talk click [HERE](#)

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# IMPORTANT NOTICE TO PROSPECTIVE DEALERS

The path to a Dealer-Operator license begins with a required two-day course of study each month at various community colleges in Virginia with the curriculum and instruction provided by VIADA.

The course takes the attendee from establishing the dealership under local zoning and Dealer Board requirements, through the sales process with its multitude of forms, laws and regulations, in to a sampling of opening and operating expenses, and ending with a discussion on ethics.

The course is open to all existing dealers and their employees.

The course offers 1.6 continuing education credits transferable to any college.

Date	College	Contact Information
<b>2014</b>		
Apr 08-09	Lord Fairfax CC in Middletown	Registration 540-868-7021 <a href="http://www.lfccworkforce.com">www.lfccworkforce.com</a>
Apr 22-23	J Sargeant Reynolds CC in Henrico/Richmond	Sandy Jones 804-523-2293 <a href="http://www.ccwa.vccs.edu">www.ccwa.vccs.edu</a>
May 06-07	Thomas Nelson CC in Hampton	Registration 757-825-2937 <a href="http://www.tncc.edu">www.tncc.edu</a>
May 20-21	Blue Ridge CC in Weyers Cave	Registration 540-453-2215 <a href="http://www.brcc.edu">www.brcc.edu</a>
Jun 03-04	Germanna CC in Fredericksburg	Kelly Bennett 540-937-2913 <a href="http://www.germanna.edu/workforce">www.germanna.edu/workforce</a>
Jun 17-18	Danville CC in Danville	Donna 434-797-6437 <a href="http://www.dcc.vccs.edu/workforce">www.dcc.vccs.edu/workforce</a>
Jul 01-02	Northern VA CC in Woodbridge	Registration 703-257-6634 <a href="http://www.nvcc.edu">www.nvcc.edu</a>
Aug 5-6	Virginia Western CC in Daleville	Registration 540-966-3984 <a href="http://www.virginiawestern.edu">www.virginiawestern.edu</a>
Aug 19-20	Piedmont CC in Charlottesville	Maggie Meyers 434-961-5354 <a href="mailto:mmyers@pvcc.edu">mmyers@pvcc.edu</a>
Sep 9-10	Tidewater CC in Suffolk	Registration 757-822-1234 <a href="http://www.tcc.edu/wd">www.tcc.edu/wd</a>
Sep 23-24	Lord Fairfax CC in Middletown	Registration 540-351-1524 <a href="http://www.lfccworkforce.com">www.lfccworkforce.com</a>



## *3 Dealers Settle with FTC*

In February of 2014, Don White's Timonium Chrysler-Dodge-Jeep-Ram near Baltimore MD, Ganley Ford West in Cleveland, OH, and Courtesy Auto Group of Attleboro, MA concluded settlements they reached last year with the FTC stemming from FTC “Operation Steer Clear” allegations that they falsely advertised prices or discounts, violated the Consumer Leasing Act (CLA), and Regulation M.

FTC found that Timonium Chrysler advertised specific dealer discounts, and the prices advertised were not generally available to all consumers; therefore, the representation (advertisement) is, false or misleading.

FTC found that Ganley Ford had represented expressly or by implication that particular Ford models are available at a specific dealer discount. Ganley failed to disclose that these specific dealer discounts are only available for some, but not all, of the Ford models advertised. This fact would be material to consumers in their purchase of the motor vehicles offered for sale in the advertisements. The representations made, and the failure to disclose this fact is a deceptive advertising practice.

FTC found that Courtesy Auto Group deceptively advertised that consumers could lease a vehicle for \$0 down and specific monthly payments when, in fact, the advertised amounts excluded substantial fees. The ads also failed to disclose or clearly and conspicuously disclose certain lease related terms.

Under the settlement, if they fail to comply at any point over the next **20 years**, they could each face a fine of up to \$16,000 for **each day** a deceptive ad runs.

The settlements are part of an FTC crackdown on dealer advertising that began nearly two years ago and has broadened in recent months. In January of 2014, nine more stores agreed to settle charges, and the agency warned that it wouldn't let up.

The links to the full articles are in the box to the right.

## FTC Links

<http://www.ftc.gov/news-events/media-resources/consumer-finance/auto-marketplace>

<http://www.ftc.gov/enforcement/cases-proceedings/1223269/ganley-ford-west-inc-matter>

<http://www.ftc.gov/enforcement/cases-proceedings/1323014/timonium-chrysler-inc-matter>

<http://www.ftc.gov/news-events/press-releases/2014/03/auto-dealer-agrees-settle-ftcs-deceptive-advertising-charges>

## *Transaction Recovery Fund Fee*

Virginia is one of only two states that do not require motor vehicle dealers to continuously carry a bond for the life of the dealership. In Virginia, dealers are only required to carry a bond for the first three years they are in business. Thereafter, no bond is required. This saves Virginia dealers hundreds of dollars each year after they have been in business for three years.

The Board is able to do this because of the Motor Vehicle Dealer Transaction Recovery Fund (TRF). In the first three years they are in business, dealers pay \$250 into this Fund. This Fund acts just like a bond in protecting consumers who have been awarded a judgment of fraud against a dealer and the dealer does not pay the judgment.

The \$250 Fund Fee was established about 30 years ago. Currently the Fund balance is under \$190,000. Under the current \$250 fee, the three year average (Fiscal Years 2011, 2012 and 2013) income for the Fund has been \$132,179 and average payments out of the TRF during that same time period have been \$163,954. In order to ensure the viability of this Fund, the Motor Vehicle Dealer Board initiated a legislative proposal to increase the TRF by \$100. The General Assembly has authorized this increase. Therefore as of July 1, 2014, the annual Fund Fee will be \$350. If you have been in business more than three years or you will have been in business three years or more at your next renewal, this increase will have no impact on you.

If your renewal is scheduled for July of 2014 or after and at the time of renewal you will only have been in business for one or two years, your Fund Fee will be \$350. For example, if you renew in August of 2014 and will be “celebrating” your first anniversary of being in business, your Fund Fee will be \$350 when you renew.

We recognize that a \$100 increase is significant; however, the fee has not been adjusted in about 30 years. In addition, once you celebrate the third year of being in business, you will no longer be required to carry a bond or pay the fund fee. If you were a dealer in 48 other states, you would be paying hundreds and perhaps over a thousand dollars every year to maintain a bond.

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# MOTOR VEHICLE DEALER BOARD

MVDB

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Visit us on the Web!

[www.mvdb.virginia.gov](http://www.mvdb.virginia.gov)

DISCLAIMER: We make every effort to ensure information in Dealer Talk is accurate, but it is not a substitute for legal advice.



## MVDB Mission Statement

The Motor Vehicle Dealer Board will administer sections of the Commonwealth's Motor Vehicle Dealer Laws and regulations as charged; while providing a high level of customer service for the automotive consumer and dealer community.

## World's Fastest Car....but not to Guinness

The Hennessey Venom GT has set a speed record for a production car after hitting 270.49 mph on the space shuttle's landing strip. At that speed, former race driver Brian Smith was covering nearly 400 feet per *second* while eclipsing the previous record of 268.86 mph held by the Bugatti Veyron Super Sport. The superlative Venom GT is a 1,244-horsepower monster fashioned by stretching a Lotus Exige, then stuffing it with a 7.0-liter Corvette ZR-1 engine with a pair of turbochargers. For those looking to own this kind of insanity, a Venom GT starts at \$1.2 million. On Valentine's Day, Hennessey's crew and the independent speed recorders from Racelogic descended on the 3.2-mile landing strip at Cape Canaveral. By the end of the day, Smith had made a GPS-verified run of 270.49 mph (435.31 km/hr). Although Hennessey appears to hold a legitimate record, he may not hold the *official* record. To claim the Guinness record, a car has to surpass the previous benchmark twice, in back-to-back runs going opposite directions. Smith made his Valentine's Day run in one direction only because that's all NASA would allow. So, while Bugatti still holds the title of "fastest" car, the Venom GT earned the title of "quickest" production car when it went from zero to 200 mph in 14.51 seconds. "We wanted to run in both directions, but the NASA guys wouldn't let us," Hennessey said. Even if Smith had made a second pass, Guinness almost certainly wouldn't have recognized it because Hennessey plans to build just 29 Venom GTs, one short of the number Guinness requires for "production" classification. But don't bet against Hennessey building just one more, if only to thumb his nose at Bugatti with another run for the official record.



Picture courtesy of:  
<http://www.venomgt.com/achievements/worlds-fastest-270-49-mph-hennessey-venom-gt/>