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Changes to the VA Title Certificate

RICHMOND DMV— This is a notice of recent changes made to the Virginia Certificate of Title. Effective January 10, 2013, TWO sizes of title certificates are in circulation.

- 1) **VSA3S**—this Certificate of Title is printed on an 8 1/2 X 8 1/2 paper.
- 2) **VSA3L**—this Certificate of Title is printed on 8 1/2 X 11 paper.

The title certificate produced at Customer Service Centers and DMV Select Offices has been shortened to eliminate the bottom portion, no longer used to print registration information. Titles produced at DMV Headquarters by batch processing will continue to be printed on the full-page stock for mailing purposes.

In addition, (Rev. 11/12) please be aware that there have been changes in the text in the following sections:

- 1) Odometer sections A,B,C
 - 2) For-hire registration information has been removed from section F
- For more information, please contact your local DMV, or click:
<http://dmvnow.com/webdoc/utilities/contact.asp>

BOTH SIZES ARE VALID TITLES!!

VA Board of Towing & Recovery Operators Disbands, AG's Office to Handle Complaints

Effective January 1, 2013, the Virginia Board of Towing and Recovery Operators (BTRO) has disbanded and transferred their functions to two other State agencies as follows:

Office of attorney general (OAG) responsibilities

Effective January 1, 2013, towing related consumer complaints will be handled by the Office of the Attorney General (OAG), through the Division of Consumer Counsel. The Division will serve as a central coordinating agency and clearinghouse for receiving and investi-

gating towing complaints by consumers. For more information click on www.oag.state.va.us

Department of Criminal Justice Services (DCJS) responsibilities

Effective January 1, 2013, DCJS will be responsible for licensing of tow *cont pg.8*

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Upcoming *EVENTS*

BOARD MEETINGS

All Meetings are held at DMV Headquarters
2300 W. Broad Street, Room 702 Richmond,
VA

Monday, March 11, 2013

Time: 8:30 a.m.

Dealer Practices Committee Meeting

Monday March 11, 2013

Time: Immediately following Dealer Practices

Licensing Committee Meeting

Monday, March 11, 2013

Time: Immediately following Licensing

Advertising Committee Meeting

Monday, March 11, 2013

Time: Immediately following Advertising

Transaction Recovery Fund Committee Meeting

Monday, March 11, 2013

Time: 10:00 a.m.

Full Board Meeting

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

MVDB HOLIDAY

Office Hours



CLOSED:

Monday February 18, 2013

Advertising & Truth in Lending

If one of the following "Trigger Terms" is stated in an advertisement:

Amount or percentage of down payment ("Zero Down" or "No Money Down" is not considered a trigger term)

Amount of payment

Number of payments

Period of repayment

Amount of finance charge (in dollars)

Then the following required disclosures are needed:

Amount or percentage of down payment

Terms of repayment (e.g. number amount and timing of payments)

APR

The above disclosures can be stated as follows:

(amount or % down) , (# of months) payments at (\$) per (month, week, etc.) at (%) APR.

Notes: APR by itself is not considered a trigger term but is a requirement in the disclosure. All Disclosures must be clear and conspicuous.

EXAMPLE of "GOOD TiLA"



Disclosure:* Payments based on 2013 Range Rover and MSRP of \$36,175.00, 39 monthly payments total \$12,043.10, APR 5.9%, Down payment of \$1,770.00, Excludes tax, tags, title, and \$499.00 processing fee. Must Qualify. Offers End 02/28/2013 See dealer for details.

The above example complies with the Truth in Lending Act by:

- 1) Since the advertisement states the monthly payment, it "triggered" the disclosure required.
- 2) The disclosure stated the number of payments.
- 3) The disclosure listed the down payment
- 4) The advertisement stated the APR.

Reminders.....

If you are an Independent Dealer-Operator (IDO) check our website to see when you should **RECERTIFY**.

As of January 1, 2011, ALL 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

MVDB Forms Checkup

Have you checked your forms supply at your dealerships lately? Some of you may be stocking old out-dated forms that can delay our office from processing dealer and salesperson license information. **Want to make sure you ALWAYS have the most current and up to date forms?** It's easy! Go to our website www.mvdb.virginia.gov and click Forms and Publications from the home page. All of our forms (including DMV forms) are listed in PDF format. Which means to you that you can click on the form you need and complete and print these forms directly from your computer. Next step—mail your fully completed forms, or stop by our office!

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DID YOU KNOW ??

....That there is a New Full-Service DMV that is up and running on Base at Fort Lee?

More than 2,000 military personnel, family members and staff at Fort Lee have already taken advantage of the base's newest convenience – a Department of Motor Vehicles (DMV) Customer Service Center (CSC). [Service at the Fort Lee CSC is only for individuals with base access credentials.](#) The new Fort Lee CSC located in the Bloom Building, and offers all DMV transactions. Hours of operation are Monday through Friday from 8 a.m. to 5 p.m. and Saturday 8 a.m. to noon.

....That the Virginia DMV recently launched an Android mobile operating system application that allows customers to access DMV services through their Android-based smartphones.....FREE!?!

The app has an office locator feature that uses a smartphone's GPS to locate the customer, then display the closest DMV offices plus their average wait times. Other details such as hours, availability and driving directions are displayed as well. If a customer wants to speak with a DMV representative before traveling to an office, tapping on the DMV phone number will automatically dial it.

For more details follow the following link:

http://dmvnow.com/webdoc/citizen/mobile_apps.asp

....That each dealership is required to have proof of insurance on Dealer Tags?

Please verify with your insurance agent you have proper coverage for **all** your Dealer Tags. Virginia code 46.2-1547 requires Dealers validate that there is insurance coverage on EACH dealer's tag issued to the dealership.

If you have any questions, please call the MVDB, or your local Field Representative for clarification.

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Board Actions

M M Banks & Son Auto Sales and Charles M. Banks. Between March 2002 and July 2012, field representatives made 13 attempts to inspect this dealership during posted business hours and on eight of these occasions, the dealership was closed. In December of 2008, Mr. Banks paid a \$1,000 civil penalty for being in violation of the business hours requirements. Since September of 2008, the dealership was not opened on four occasions when an inspection was attempted. This long history resulted in convening an informal fact finding conference on November 14, 2012 to consider the alleged violations of VA Code 46.2-1533 (maintaining business hours) The Board assessed a \$1,000 civil penalty against M M Banks & Son Auto Sales and Charles M. Banks; and required a satisfactory inspection within 30 days. If MM Banks fails the re-inspection, an additional \$1,000.00 civil penalty would be assessed, and all licenses and certificates issued by the Board to Mr. Banks will be suspended until such time as he has had a satisfactory inspection by a Motor Vehicle Dealer Board Field Representative.

Car America and Varaporn G. Martin A former employee of this dealership submitted a “complaint” to the MVDB alleging that this dealership was compensating unlicensed individuals in connection with the sale of motor vehicles. An investigation revealed that at least 22 sales were made by unlicensed individuals. The Board assessed a \$500 civil penalty against Car America and Varaporn G. Martin; and successfully completing the 2-day dealer-operator course by July 14, 2013. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Ms Martin by the Board until such time Ms Martin has successfully completed the course.

Funderburk Wholesalers, Inc. and Christopher Funderburk The Board convened an informal fact finding conference on October 23, 2012 for the alleged violations of Virginia Code Sections: 46.2-1542 (B) (Temporary registration); 46.2-1575 (4) (defrauding a retail buyer); (6) (Having used deceptive acts or practices) and (9) (having been convicted of any criminal act involving business of selling vehicles). The Board assessed a \$2,000.00 civil penalty against Funderburk Wholesalers, Inc. and Christopher Funderburk, and mandates that Mr. Funderburk successfully complete the dealer-operator course by July 14, 2013. Failure to successfully complete the course by this date will result in a suspension of all licenses and certificates issued to Mr. Funderburk by the Board until such time Mr. Funderburk has successfully completed the course.

Hamid R. Mahjor and HRM Auto, LLC In July of 2011, an MVDB field representative and a DMV agent visited Mr. Mahjor’s dealership in response to a consumer complaint. During the visit, 10 open titles were found and DMV agent Weatherford issued 4 misdemeanor summons for open titles. On October 21, 2011, Mr. Mahjor was convicted on one count of possession of an open title. On November 28, 2011, Mr. Mahjor submitted a renewal application to MVDB where he answered “NO” to the question asking if any partner, owner has ever been convicted of any criminal act involving the business of selling motor vehicles. At the March 2012 Board meeting, the Board voted to revoke all licenses and certificates issued to Mr. Mahjor by the Board and to assess a civil penalty of \$2,000. Mr. Mahjor appealed the March 2012 Board’s decision. At the January 2013 Full Board meeting, the Board denied Mr. Mahjor’s appeal, issued a \$1,000.00 civil penalty, and all licenses & certificates issued to Hamid R. Mahjor and HRM Auto, LLC are revoked.

Board Actions

board actions continued

Dealer Practices

- Car Care Auto Center, Inc. & Ahmad Issa** 1/3/2013 Prohibited solicitation and compensation violation 46.2-1537 Assessed a civil penalty of \$1,000 for compensating an unlicensed individual in connection with the sale of a motor vehicle.
- Dulles Autos & Touquir H. Shahzada** 1/3/2013 Dealer Records Violation 46.2-1529 Assessed a civil penalty of \$500 for ongoing record keeping problems.
- Maraton Motors & Martin U. Onyirimba** Business hours violation 46.2-1533, 1/10/13 Assessed a civil penalty of \$250 for repeated failure of being open during scheduled business hours.
- Auto City & Tremayne McCoy Jernigan**, Business hours violation 46.2-1533, 46.2-1575(2), 1/14/13 Assessed a civil penalty of \$250 for repeated failure of being open during scheduled business hours.

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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Independent Dealer-Operator 2-Day Class Schedule

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.

Date	College	Contact Information
2013		
Feb 19-20	VA Western in Daleville	Registration 540-966-3984 www.virginiawestern.edu
Mar 05-06	Northern VA in Manassas	Registration 703-878-5770 www.nvcc.edu
Mar 19-20	New River in Dublin	Patty Ryan 866-462-6722 www.nr.edu/workforce/
Apr 09-10	Lord Fairfax in Middletown	Registration 540-868-7021 www.lfccworkforce.com
Apr 23-24	J Sargeant Reynolds in Henrico/Richmond	Sandy Jones 804-523-2292 www.ccwa.vccs.edu
May 07-08	Thomas Nelson in Hampton	Registration 757-825-2937 www.tncc.edu
May 21-22	Blue Ridge in Weyers Cave	Registration 540-453-2215 www.brcc.edu
Jun 04-05	Germanna Fredericksburg	Kelly Bennett 540-937-2913 www.germanna.edu/workforce
Jun 18-19	Danville Danville	Donna 434-797-6437 www.dcc.vccs.edu/workforce
Jul 09-10	Northern VA in Woodbridge	Registration 703-257-6630 www.nvcc.edu
Aug 06-07	VA Western in Daleville	Registration 540-966-3984 www.virginiawestern.edu

Reminders

It's a PROCESSING Fee!

Properly label the processing fee.

The processing fee is NOT a document fee, a consumer services fee, a dealer administrative fee, or any other named fee.

Be sure your processing fee is properly posted & visible to customers. If you choose to charge a processing fee, be sure to **update your dealer software**. Be sure you send a copy of your buyers order to the MVDB that demonstrates the processing fee is properly printed on your buyers order.

Advertising Regulations

Governor McDonnell has initiated a regulatory reform and review effort. In conjunction with that effort the Motor Vehicle Dealer Board has begun a comprehensive review of our Advertising Regulations. Regulations are designed to supplement laws and the Advertising Regulations supplement and provide clarification of the Advertising Laws.

The Advertising Laws and Regulations may be found on our website by clicking [HERE](#).

Governor McDonnell stated in [Executive Order 14](#), that regulations should be “designed to achieve their intended objective in the most efficient, cost-effective manner” and impose “the least possible intrusion in the lives of the citizens of the Commonwealth”.

As we start our review process, we would like to hear from you. If you have any comments and/or suggestions on improving these regulations or wish to be actively involved in this review process, please send an email to Bruce Gould at bruce.gould@mvdv.virginia.gov by March 1. There will be additional opportunities for you to comment on these regulations as we move forward.

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What's Wrong with this Picture??



Properly Maintaining your Business Hours

One of the most frequent violations our Field Representatives encounter is a Dealership's failure to properly maintain posted business hours. This sign lacks the following:

1. The Dealership's Name
2. The exact date & time you closed.
3. The exact time and date the dealership will re-open for business.
4. Lastly, the Board was not notified via fax or mail of the Dealership's closing.

If you have any questions on whether your emergency closing sign is compliant, please use our MVDB-40 template:

<http://www.mvdb.virginia.gov/pdfs/MVDB-40.pdf>

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MOTOR VEHICLE DEALER BOARD

MVDB

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Richmond, VA 23220

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Fax: 804-367-1053

E-mail: dboard@mvdb.virginia.gov

Visit us on the Web!

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.



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Tow Truck DRIVERS



Pictures courtesy of :
<http://www.autoblog.com>

drivers only. There are changes to the criminal history requirements for licensing tow drivers. Please visit www.dcjs.virginia.gov

Please NOTE: Tow companies and operators will no longer be required to be licensed.

Reminders

"Certified Pre-Owned Warranties"

Be sure your used car warranties **clearly state** that the beginning of the warranty period is the date the vehicle **INITIALLY** came into service—**NOT** the date you sold the car. For example: the customer may believe they have a 5 year warranty on a 2011 car starting from the date they purchased the car in 2013—**not true**. The "5 year" warranty began in 2011.