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DEALER TALK

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Upcoming Events!

Monday 2/21/2022

Closed for Holiday.

Monday 3/14/2022

Board Meeting.

[Get Board Meeting Details](#)

Make 2022 the Year of Dealer Records Compliance!

§ 46.2-1529 requires all Motor Vehicle Dealers to keep the originals or a copy of all original records at the site (dealership) of origination for five (5) years. During a field inspection, MVDB field staff will ask you to produce many different types of dealer records. Here are a few examples, (and certainly not all) of the types of records the MVDB field staff may ask to review. [Cont'd on pg. 3](#)

Proper Use of PoD Tags

The following provides information impacting dealer transactions. PoD tags on bond paper is not authorize. Also, law enforcement may ticket vehicle owners displaying the bond paper for illegal use of license plates. All PoD temporary tags must be printed on the weather resistant paper supplied by the Department of Motor Vehicles, Dealer Services Work Center. The **PoD tags are not authorized to be emailed to customers.** All vehicles must be titled within 30 days of purchase to ensure that titling tax is... [Cont'd on pg. 2](#)

Providing Documents to the MVDB

A recent question from a few our dealers was if they could share documents to the MVDB from a shared storage site such as Good Drive? Please be aware that the security guidelines set forth by the Commonwealth of Virginia IT Security prevent state agencies from receiving documents shared to or from any external storage sites. In order to send documents electronically to the MVDB, you must attach the documents and send through email. If you are sending documents that contain sensitive... [Cont'd on pg.](#)

Everyone in Virginia age 5 and older is eligible for the COVID-19 Vaccine! Schedule an appointment by visiting vaccinate.virginia.gov or calling 877-VAX-IN-VA (877-829- 4682, TTY users call 7-1-1). The call center is available Monday – Friday, from 8 a.m. to 6 p.m.



Proper Use of PoD Tags

[Cont'd from pg. 1](#) ... paid to the Virginia Department of Motor Vehicles as required by law. Orders for the PoD paper will be accepted through Dealer Services Work Center. To place an order, send an email to: podtemptag@dmv.virginia.gov with the following information:

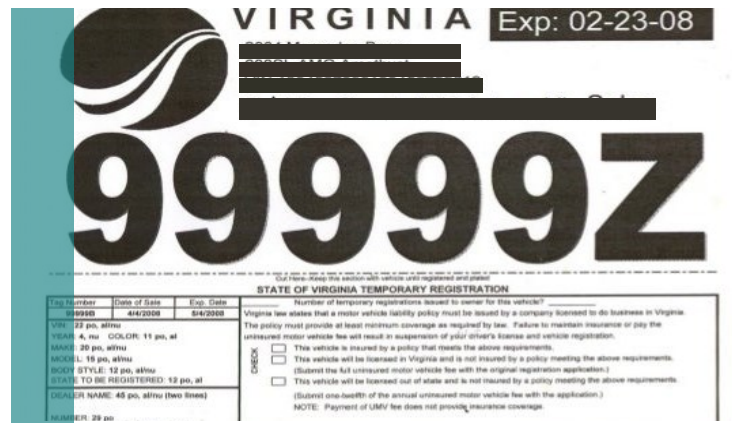
- Dealer Name
- Dealer Number
- Shipping Address
- Order Quantity
- Tag Sizes (standard/small)
- Printer Make/ Model Number

Approved order requests will be shipped within five business days. Standard tags will be issued in packs of 100 and small tags (motorcycle/trailer) in packs of 25.

§ 46.2-1561 states in part, no dealer shall lend temporary license plates to any person for use on any vehicle... and... It shall be unlawful for any person to issue any temporary license plates containing any misstatement of fact, or for any person issuing or using temporary license plates knowingly to insert any false information on their face.

§ 46.2-1559 requires all dealers to maintain a permanent record of all temporary license plates (PoD) issued.

§ 46.2-1529 requires dealers to keep dealer records for 5 years. As one of many required dealer records,



please note that the Board Field Representatives may ask to see your records regarding PoD usage. The Board recommends dealers retain in the vehicle folder, one of the registrations that are printed as part of the PoD tag. This includes transport tags, and temporary registrations for vehicle sales to customers.

Providing Documents to the MVDB

[Cont'd from pg. 1](#) ... information, you must use **Virtru Email Encryption**.

Also, Using your phone to take pictures of your documents is not a proper method for obtaining an electronic image of your documents. Documents captured on your phone at times are difficult to print and require too much toner to print the excess shading caused by the poor photo quality and shadows on the document. Using a scanner for your documents will provide a cleaner and easier to read copy of your documents you can attach to an email and send to the MVDB for processing.

REMINDERS.....

Dealer Fees Increased December 1, 2021. Dealer certificate is \$270; Endorsements \$50; original, transfers, and renewal Salesperson licenses \$50; and Foreign Registrant is \$100. For the complete MVDB fee schedule, please click [HERE](#).



Make 2022 the Year of Dealer Records Compliance!

Cont'd from pg. 1

- **W-2 records** for all your licensed salespersons.
SALESPERSONS MUST BE EMPLOYEES!
The Code of Virginia defines a salesperson as follows: “... (i) any person who is hired as an employee by a motor vehicle dealer to sell or exchange motor vehicles and who receives or expects to receive a commission, fee, or any other consideration from the dealer; (ii) any person who supervises salespersons employed by a motor vehicle dealer, whether compensated by salary or by commission; (iii) any person, compensated by salary or commission by a motor vehicle dealer, who negotiates with or induces a customer to enter into a security agreement on behalf of a dealer; or (iv) any person who is licensed as a motor vehicle dealer and who sells or exchanges motor vehicles. For purposes of this section, any person who is an independent contractor as defined by the United States Internal Revenue Code shall be deemed not to be a motor vehicle salesperson.”

- **Safety Inspections:** Another type of dealer record may be proof of state safety inspection for retail sales as required by Va. Code. Some dealers mistakenly believe they can access the safety inspection information online from the Va. State Police, only to find that the inspection record was not available. Safety inspection records from the State Police can only be accessed for a limited amount of time. To ensure the dealer retains documentation of the safety inspection, the Board recommends dealers make a photocopy of the inspection certificate and maintain a copy with their dealer records. Creating a photocopy or scanned document of the safety inspection certificate ensures the dealer will always be able to provide proof of safety inspection prior to retail sale, as is required by §46.2-1529. §46.2-1539 states in part that a dealer shall safety inspect a vehicle between the time the vehicle comes into the possession of the dealer and the time the vehicle is sold at retail.
- **Regarding D-tag insurance,** Board field staff will review the dealer's Certificate of Liability Insurance to determine if the insurance coverage is adequate to cover all plates issued to the dealer. The Board requires proof of liability insurance; which could be the declarations page (usually it is the first 1 or 2 pages) of a policy that specifies the named insured, policy period, location of premises, policy limits, and number of plates insured (or all plates). This declarations page varies from company to company, and may also be referred to as the information page, or endorsements page.

REMINDERS.....

Some dealers are charging reconditioning fees in addition to the vehicle's advertised price. Virginia Code § [46.2-1581](#)(8) states in part the “...advertised price or credit terms shall include all charges which the buyer must pay; except buyer selected options, state and local fees and taxes, and manufacturer's or distributor's freight or destination charges, and a processing fee, if any. Dealers may **NOT** charge fees such as “dealer prep”, “reconditioning”, etc., these costs must be included in the price of the vehicle.

Millennials Overtake Boomers, Gen X as Biggest Buyers of pickup trucks in U.S. for first time

Millennials, a generation that some disregarded as not being interested in driving, have rapidly become the largest generation of new car buyers in the U.S.

While it's traditional for each generation to eventually overtake the previous one, Millennials – born between 1977 and 1994 – have done it at an “astonishing” rate, according to Tyson Jominy, J.D. Power vice president of data & analytics.

“Demographic information moves very slowly, but last year Millennials took over in April during the peak of the coronavirus pandemic. We thought it was kind of a blip, but it's only increased since then,” he told CNBC. “It shifted overnight, and it has gotten faster every month.”

Most impactful for the current U.S. market is that Millennials for the first time this year will be the largest buyers of midsize, full-size and heavy-duty pickups. The segments are known as light-duty trucks. They represented 2.85 million sales, or 20%, of the U.S. new vehicle market in 2020.

‘Coming-of-age story’

Amid the burgeoning coronavirus pandemic last year, Millennials overtook sales of larger pickups from Baby Boomers –



born between 1946 and 1964 – and are on pace this year to beat Gen X buyers – born between 1965 and 1976 – as the top buyers of mid-size and compact pickups, according to J.D. Power.

“It's a coming-of-age story for millennials and maturing and getting promoted in their jobs and coupling and procreating and moving to the suburbs and all that normal stuff,” Jominy said.

Millennial's' rapid ascent to become the largest demographic of U.S. car buyers corresponds with another generational shift, according to Jominy.

Baby Boomers overtook the pre-Boomers, or the Great Generation, as the largest buyers when the Ford Mustang was rising in popularity in the late-1960s and 1970s. Now, Millennials have overtaken them with the introduction of the first all-electric [Mustang Mach-E crossover](#).

“You sort of have this Mustang for each generation,” Jominy said.

‘EVs’

While the average buyer age for the Mustang Mach-E are Gen Xers at the age of 50, J.D. Power reports Millennials are also the largest buyers of EVs. J.D. Power reports they've represented 35% of new EV purchases this year compared to Baby Boomers at 29% and Gen X at 26%.

While Millennials are the top buyers in 17 of 27 vehicle segments, Baby Boomers still dominate more expensive, luxury vehicle segments.

“The higher the price the vehicle the more likely we are to see Boomers in it,” Jominy said.

Avoiding A Money Mule Scam

Scammers are looking for people to help them move stolen money. They visit [online dating](#), [job search](#), and [social media](#) sites, create fake stories, and make up reasons to send you money, usually by check or Bitcoin. Then they tell you to send that money to someone else by using gift cards or wire transfers. But they never say the money is stolen, the stories are lies, or — if you sent the money — you might be acting as what [law enforcement](#) calls a [money mule](#).

[Cont'd on pg. 5](#)

Avoiding A Money Mule Scam

Cont'd from pg. 4

If you help a scammer move stolen money — even if you didn't know it was — you could get into legal trouble.

You'll be at financial risk, too. If you deposit a scammer's check, it might clear at first. When it turns out to be a **fake check**, the bank will want you to repay the full amount. You may be charged fees, and your account may be overdrawn or closed.

And using a scammer's money to buy **gift cards** and turning over the PIN codes, or sending **wire transfers** is almost like sending cash.

In both cases, the scammer gets the money quickly, and it's almost impossible to recover.

How can you avoid a money mule scam?

Don't forward money for an online romantic interest who sends you money. That's always a scam, and a way to get you to move stolen money.

Don't accept a job that asks you to transfer money or **packages** — even if they tell you to send money to a “client” or “supplier.”

The infographic is divided into three main sections. The top section, 'Scammers:', explains that scammers use money mules to transfer stolen money and often ask victims to buy gift cards or wire money. It includes an icon of a check and a person. The middle section, 'HOW TO AVOID A MONEY MULE SCAM:', lists three key rules: never use your own bank account for transfers, never pay to collect prizes or move money out of your 'winnings', and never send money to an online love interest. The bottom section, 'WHAT TO DO if you spot this scam:', instructs victims to break off contact, tell their bank and the wire transfer or gift card company, and report the scam to the FTC at [ftc.gov/complaint](https://www.ftc.gov/complaint). It includes icons of a bank, a gift card, and a checkmark.

You may be helping a scammer move stolen money or gift cards.

Don't accept a grant or prize award and forward some of the money. That's another way to get you to move stolen money.

If you think you might be involved in **this scam**, stop the payment transaction and stop communicating with the person. Tell your bank, the wire transfer service, or any **gift card** companies right away. If a scammer has your bank account information, close your account immediately. Then tell the FTC at [ReportFraud.ftc.gov](https://www.ftc.gov/complaint).

REMINDERS.....

§[46.2-1528](#) gives the Board or authorized representatives of the Board authority to examine dealer records, during the posted business hours of dealerships. §[46.2-1529](#) requires all Motor Vehicle Dealers to keep the originals or a copy of all original records at the site (dealership) of origination for five (5) years. Dealer records would include records regarding employees; lists of vehicles in inventory for sale, resale, or on consignment; vehicle purchases, sales, trades, and transfers of ownership; collections of taxes; titling, uninsured motor vehicle, and registration fees; odometer disclosure statements; records of permanent dealer registration plates assigned to the dealer and temporary transport plates and temporary certificates of registration; proof of safety inspections performed on vehicles sold at retail; and other records required by the Department or the Board shall be maintained on the premises of the licensed location.

Semiconductor shortage will cause U.S. auto sales to climb just 3.4%

National Automobile Dealers Association's 2022 outlook says shortages will continue to constrain inventory.

NADA, representing 16,000 U.S. car retailers, said the chip shortage and COVID-19 will blunt U.S. auto sales growth in 2022. U.S. auto sales will climb just 3.4 percent this year to 15.4 million cars and trucks as the



semiconductor shortages continue to constrain vehicle inventory, auto dealers predict.

The National Automobile Dealers Association, representing 16,000 U.S. car retailers, said the lingering chip shortage slashed inventory on dealer lots 59 percent in December compared to a year earlier.

The organization said it expects inventories will remain diminished into the second half of 2022.

The twin crises of the pandemic and the semiconductor shortage have taken a toll on U.S. auto sales, which totaled 14.93 million last year, up 3.1 percent from 2020, when lockdowns hit the economy.

Prior to the pandemic, the U.S. auto market had a five-year run of sales topping 17 million. The dealer group said inventory is "slowly improving," but noted the chip shortage cut global auto production 11.3 million vehicles.

"The coronavirus pandemic and resulting microchip shortage and production cuts significantly constrained new-car and truck inventory at dealerships across the country," NADA chief economist Patrick Manzi said in a statement. "Constraints further led to suppressed new-vehicle sales, as well as used-vehicle inventory shortages and increased vehicle prices."

REMINDERS.....

Regarding MVDB forms, be sure to completely fill out all forms in their entirety. For example, in the [MVDB 61](#), be sure that both the applicant AND the dealer sign the fully completed form. The Board recommends that the applicant enter all the information in sections (1), (2), and (3) of the [MVDB 61](#) and sign at the bottom of section (3). In section (3), if the applicant has convictions, **be sure to truthfully disclose** convictions by checking the appropriate box "yes." Convictions alone may not exclude an applicant from being licensed, but checking "no" on the application, when the background check reveals convictions, is considered a material misstatement. Next, the dealer should review the application for accuracy, complete section (4), complete the background check, sign as the employing dealer, and include the proper fee before submitting the application to the Board. Finally, remember that applicants may NOT engage in any sales activities until the sales license is processed by the MVDB.

Avoid a Flood-Damaged Used Car

Automakers are producing fewer new cars right now due to a computer chip shortage, and many people are looking at used cars instead. If you're [shopping for a used car](#) and feeling rushed to buy a car before you can fully check it out — stop! Some used cars may have flood damage. After a hurricane or flood, storm-damaged cars are sometimes cleaned up and taken out of state for sale. You may not know a car is damaged until you look at it closely.

Here are some steps to take when you shop:

Check for signs and smells of flood damage. Is there mud or sand under the seats or dashboard? Is there rust around the doors? Is the carpet loose, stained, or mismatched? Do you smell mold or decay — or an odor of strong cleaning products — in the car or trunk?



Check for a history of flood damage. The [National Insurance Crime Bureau's](#) (NCIB) free database will show if a car was flood-damaged, stolen but not recovered, or otherwise declared as salvaged — but only if the car was insured when it was damaged.

Get a vehicle history report. Start at [vehiclehistory.gov](#) to get free information about a vehicle's title, most recent odometer reading, and condition. For a fee, you can get other reports with additional information, like accident and repair history. The FTC doesn't endorse any specific services. Learn more at [ftc.gov/usedcars](#).

Get help from an independent mechanic. A mechanic can inspect the car for water damage that can slowly destroy mechanical and electrical systems and cause rust and corrosion.

Report fraud. If you suspect a dealer is knowingly selling a storm-damaged car or a salvaged vehicle as a good-condition used car, contact the [NICB](#). Also tell the FTC at [ReportFraud.ftc.gov](#) and your [state attorney general](#).

REMINDERS.....

ALL IDO's of independent dealerships must recertify their IDO qualification every three years by either taking an online course, classroom course, or by passing an administered DMV test. Click [HERE](#) for more information and [HERE](#) to determine your recertification deadline. Please note that dealers with [Franchise](#) endorsements are exempt from recertification. If you are unclear on your recertification deadline, or any other recertification questions, please contact Ann Majors at the MVDB. She may be reached at 804-367-1100 x 3016#, or email at ann.majors@mvdb.virginia.gov

Cyber Security and Incident Response Plans



You see it on the news, in magazines and on social media but what does that mean to you? As an individual it means protecting your personal information from falling in the hands of malicious attackers. As a business owner/dealer, it means protecting the personal identifiable information of your customers and employees.

PII or Personal Identifiable Information that represents an individual, (think SSN, Credit Card Numbers and DOB). Attackers use PII to steal identities, rack up credit card debt and cause unending chaos in a person's life. But malicious attackers look for more than PII, they are after business records, transactions, trade secrets and anything to hold you and your business hostage and sell on the dark web.

What should you do?

1. Security Awareness Training is a key step in preparing yourself and your employees on how to protect personal and business information from falling into the wrong hands. Establish a Security Awareness Training program that cover basic steps in first lines of defense:

- Safe Internet Browsing
- Safety in Online Shopping
- Email Phishing Scams
- Social Engineering
- Malware
- Mobile Device Usage
- Working Remotely (Caution around Public WiFi Use)
- Ethics

2. Establish or develop an Incident Response Plan before a data breach could occur. A good incident response plan put into effect at the first sign of a data breach can help you contain, discover and prevent the breach from spreading to other systems.

- Preparation
 - Develop a Security Policy
 - Perform a Risk Assessment of your Systems
 - Identify PII and sensitive information
 - Setup an Incident Response Team
 - Establish System Backups and storage
- Identify
 - Monitor for anomalies in your IT systems
 - Check if the anomalies qualify as a breach
 - Document your findings
 - Notify Authorities if Sensitive Data Breach Occurs
- Containment
 - Determine the extent of the breach
 - Isolate affected systems
 - Implement contingency plan to resume operations
- Remove Threat
 - Remove viruses and malware form all systems
 - Discover root cause
 - Establish proactive measures to prevent future threats
 - Ensure system patching and security is implemented
- Recovery
 - Restore from clean data backup
 - Restore all affected and patched systems to network
 - Verify systems working at normal conditions
- After Actions
 - Evaluate the response to the incident
 - Evaluate security measures
 - Strengthen Defenses

How do I know if a data breach has occurred?

Data breaches could exist for long periods of time before being discovered, and sometimes they can be as obvious as a blaring message on your computer screen.

[Cont'd on pg. 9](#)

Cyber Security and Incident Response Plans

[Cont'd from pg. 4](#)

Know how to recognize the warning signs that your systems have been compromised.

- Extremely slow device and network performance.
- Abnormal system behavior
- Account information changes
- Locked User Accounts
- Sudden file changes or suspicious files appearing
- Unusual changes to data

What do I do if we have a data breach?

Put into action your Incident Response Plan, and as part of your plan; if your business experiences a data breach that involves PII, you are required by law to notify the Office of the Attorney General (OAG) and the affected parties (employees and customers).

3. An After Actions Report is the best means for you to evaluate your incident response plan and increase your cyber security defense against future attacks. Sit down with your team and go through the steps you took to identify, quarantine and recover from a data breach. Evaluating what happened and how you and your staff responded to the event is itself a tool to strengthen your Cyber Security defenses.

Don't assume every COVID-19 Testing Site is Legit

If you've been looking for a COVID-19 test, you probably know that they are in short supply. Unfortunately, scammers love to "help" with shortages. They've created fake and unauthorized [at-home testing kits](#), and they're still at it with fake COVID-19 testing sites.

These fake sites can be hard to spot. They look real, with legitimate-looking signs, tents, hazmat suits, and realistic



--looking tests. And the damage these fake testing sites can cause is very real. We've heard reports of these sites claiming to have free tests' — but then you're later billed — and sometimes never receive the test that was promised. Fake sites are taking people's personal information, including Social Security numbers, credit card information, and other health information — which can be used for identity theft or to run up your credit card bill.

'Worst of all, they're not giving people the help they need to stay healthy.

Here are a few things to keep in mind when looking into testing sites.

- Get a referral. Go somewhere you have been referred to by your doctor or [state](#) or [local](#) health department's website. In other words, don't trust a random testing site you see around town.
- Check the source. Did you hear about a new testing site on a neighborhood social media group or email listserv? That "neighbor" could actually be a scammer. See if the site is also listed on your [state](#) or [local](#) health department's website.
- Not sure if a site is legit? Check with your local police or sheriff's office. If a legitimate testing site has been set up, they should know about it. And, if a fake testing site is operating, they'll want to know.

Think you already went to a fake site? If you shared your credit card information, plan to [dispute the charge](#).

Spotted a fake COVID-19 testing site? Tell your local police or sheriff's office. And then tell us at [Report-Fraud.ftc.gov](#).

Board Actions

Dealer Practices

Administrative Actions:

Blue Ridge Division and Terry L. Dotson

Paid a \$500 civil penalty for failure to maintain dealer records, provide proof of safety inspection prior to retail sales, and failure to comply with previous warnings.

4 Wheels Auto Sales and Nancy Majano

Paid a \$250 civil penalty for failure to have all salespersons licensed and paid employees on a W-2.

S4 Auto Sales and Rental LLC and Shernard Cortez Newby

Paid a \$250 civil penalty for misuse of D-tags.

Advertising

Administrative Actions:

Unique Auto Import and Amin Kandahari

Paid a \$250 civil penalty for misleading and bait advertising.

REMINDERS.....

Dealers Must Maintain Posted Business Hours

In August 2021, after the State of Emergency was lifted for Virginia due to Covid 19; the MVDB resumed enforcement of the business hours requirements for licensed dealers.

“§ [46.2-1533](#) (1533) of the Virginia Code states that each motor vehicle dealer must be open a minimum of 20 hours per week of which 10 hours shall be between the hours of 9:00 am—5:00 pm, Monday through Friday.”

The Board strongly recommends that dealers work closely with their local field representatives and Richmond staff to ensure that your dealership’s current business hours, email address, and other pertinent information on file with the MVDB is correct.

We understand emergencies happen and you may not be able to open your dealership, if so, notify your field representative or the Richmond staff as soon as possible.

Independent Dealer Operator Course Schedules

The Following Courses are Registered Through VIADA

2022 Course Schedules

February 8-9 : Charlottesville

Double Tree Charlottesville (990 Hilton Heights Road, Charlottesville, VA 22901)

February 22-23 : Chantilly

Home 2Suites by Hilton (43340 Defender Drive, Chantilly, VA 20152)

March 15-16 : Hampton

HYATT Place Hampton (1905 Coliseum Drive, Hampton, VA 23666)

March 22-23 : Fredericksburg

Holiday Inn Conference Center (20 Sanford Drive, Fredericksburg, VA 22406)

April 19-20 : Danville

Courtyard By Marriott (2136 Riverside Drive, Danville, VA 24540)

May 3-4 : Richmond/Midlothian

1525 Huguenot Road, Suite 200, Midlothian, VA 23113

May 10-11 : Richmond/Midlothian

1525 Huguenot Road, Suite 200, Midlothian, VA 23113

June 7-8 : Chantilly

Home 2Suites by Hilton (43340 Defender Drive, Chantilly, VA 20152)

June 14-15 : Richmond/Midlothian

1525 Huguenot Road, Suite 200, Midlothian, VA 23113

****You can register for your IDO Course on the VIADA website [HERE](#) ****

Or call 800-394-1960

MVDB Mission Statement

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

Locate Us:

2201 West Broad St.
Suite 104
Richmond, Va. 23220

We are located inside
The BookBindery Building

Contact Us:

804-367-1100

Executive Director:

William R. Childress ext:3002#

Field Representative Supervisor:

Lisa Mack-Nelson ext:3005#

Operations Manager:

Rick Sipe ext:3003#

Agency Analyst/Education:

Ann Majors ext:3016#

Email:

dboard@mvdv.virginia.gov

What's Wrong With This Picture?



Misuse of D-tags

§ 46.2-1550 states in part, it shall be unlawful for any dealer to cause or permit dealer's license plates to be used on: Vehicles used to deliver or transport (i) other vehicles; (ii) portions of vehicles; (iii) vehicle components, parts, or accessories; or (iv) fuel;

Dealer Talk Reminders

Throughout Dealer Talk you will see sections titled "Reminders". These reminders contain pertinent information on topics that directly impact dealers. They range from IDO recertification's, change in pricing, notifications on operational procedures and instructional information on properly filling out MVDB specific forms and documents.

Please take time to read the Dealer Talk "Reminders", they are there to help you and your dealership.

Thank you

Dealer Talk Editor:

Ann Majors

Layout/Graphics

John Saul



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