

2016 Federal Regulatory Update for Car Dealers



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Regulatory Affairs

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Topics We'll Cover

- FTC Advertising/“Add On” Enforcement
- FTC Consumer “Surveys”
- New Employment Law Matters
- New Environmental Concerns
- CFPB’s Disparate Impact Initiative

Caution!

- State and local laws can be different or even stricter than federal law.
- Please check with your state and local dealer associations and your dealership legal counsel for the specific requirements applicable to your operations and facilities.

Explore Hot Tax Topics

NADA Convention Workshop

- Three senior CPAs will review
 - 2016 Income Tax Thresholds
 - Transactional Planning Considerations
 - Accelerating Deductions on Capital Expenditures
 - F&I Products & Re-Insurance
 - IRS Exam Activities
- Friday at 10:30 am (N202)
- Saturday at 10:15 am (N103)



FTC Advertising/“Add On” Enforcement

- March 2015 Actions
- June 2015 Actions
- September 2015 Action
- November 2015 Actions
- January 2016 Actions



March 2015 Actions

- FTC brought actions against 3 dealers for alleged ad violations
- FTC brought 2 actions for alleged “add-on” product violations
 - 1 involved bi-weekly payment program provider
 - 1 involved NJ dealership that used company’s product
- Part of “Operation Ruse Control”

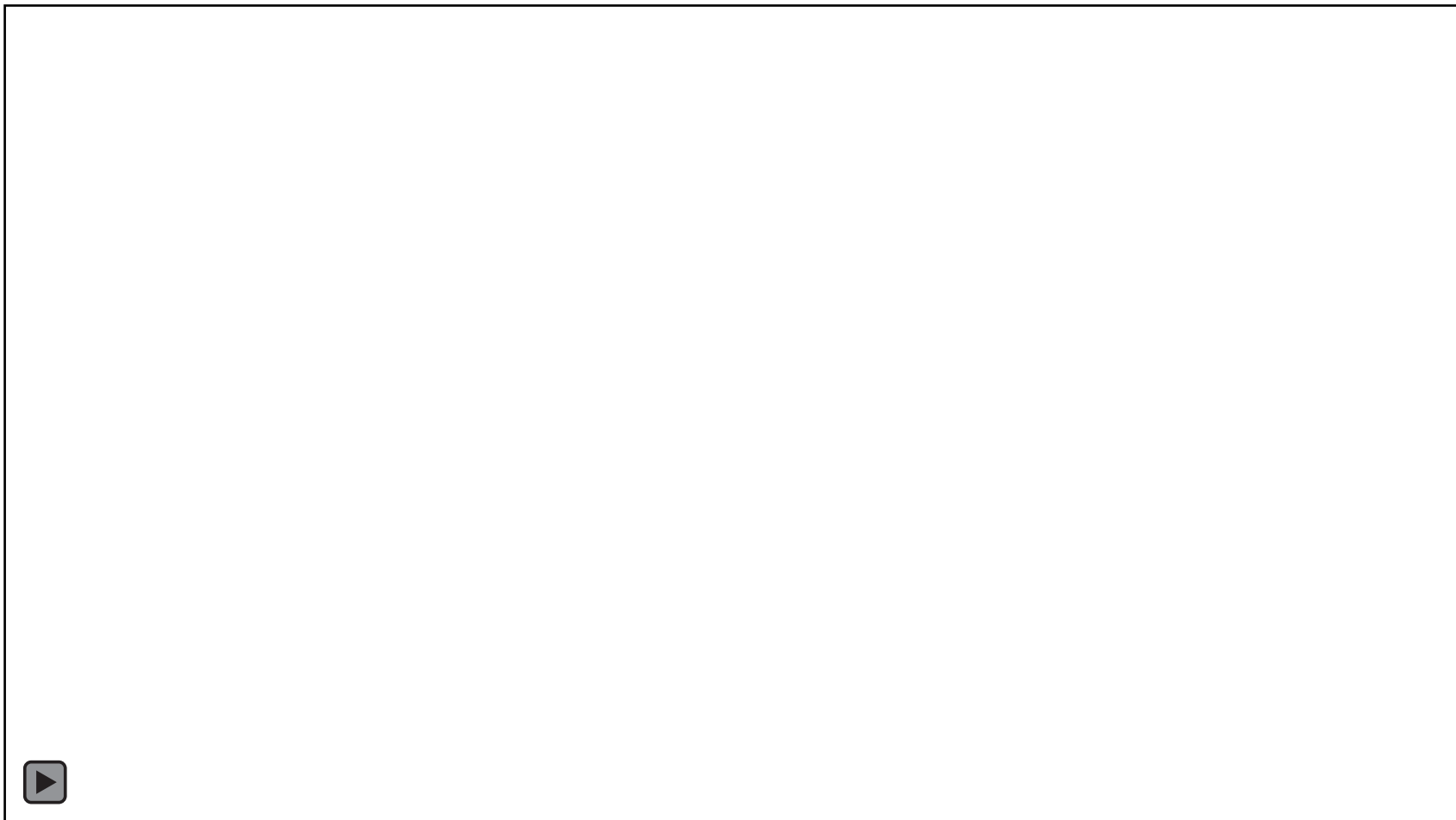
June 2015 Actions

- FTC alleged Las Vegas dealers' ads were deceptive and violated TILA/CLA.
- Examples of Deceptive Ads
 - Prominently advertising discounted price that “is not generally available to consumers”
 - Making prominent “\$0 Down Available” claim when fine print stated that trade \geq \$2,500 is required
 - Making prominent “PURCHASE NOT A LEASE!” claim when many offers were for leases

September 2015 Action

- FTC alleged that dealer group violated prior consent order w/ FTC to resolve deceptive ad allegations.
- FTC alleged ads violated TILA and contained “hidden conditions and costs that misrepresent terms of financing or leasing vehicles.”
- Dealer group agreed to pay \$80K to resolve matter.

Credit Ad Cited



October 2015 Actions

- FTC alleged two Ohio auto dealers' lease ads were deceptive and violated CLA.
- Examined zero-down, sign-and-drive lease
 - “Only at the bottom of the advertisement, in fine print and not in close proximity to the advertised vehicles, does the advertisement disclose the term of the lease, that the payment does not include tax, title, and fees, and that the offer is subject to a 800 beacon score or higher with approved credit.”
 - The “typical consumer” neither has a 800 beacon score or higher nor understands what a beacon score is or how it may differ from a generic credit score.

January 2016 Actions

- FTC examined used vehicle ads run by GM, a public dealer group, and a Virginia dealer group.
- FTC stated dealers may not represent that used vehicles offered for sale are safe, have been repaired for safety issues, or have been subject to safety-related inspection unless:
 - vehicles are not subject to open safety recall, or
 - dealer clearly and conspicuously discloses – in close proximity to the representation – any material qualifying information related to open safety recalls.

Material Qualifying Information

Includes (but is not limited to) -

- 1) fact that advertised used vehicles may be subject to unrepaired recalls for safety issues; and
- 2) how consumers can determine whether a motor vehicle is subject to an open safety recall that has not been repaired (<https://vinrcl.safercar.gov/vin/>).

Additional Disclosure Obligation

If dealer receives written notice from manufacturer that a used vehicle is subject to an open safety recall, it must provide that notice – or a document w/ the same information and in substantially the same format – to consumer prior to consummation of the sale of the vehicle.

Prohibition on Misrepresentations

Dealer may not misrepresent a vehicle's –

- safety recall status,
- whether the dealer repairs vehicles subject to an open recall,
- any other material fact about the safety of the vehicles it advertises for sale.

Current Tally

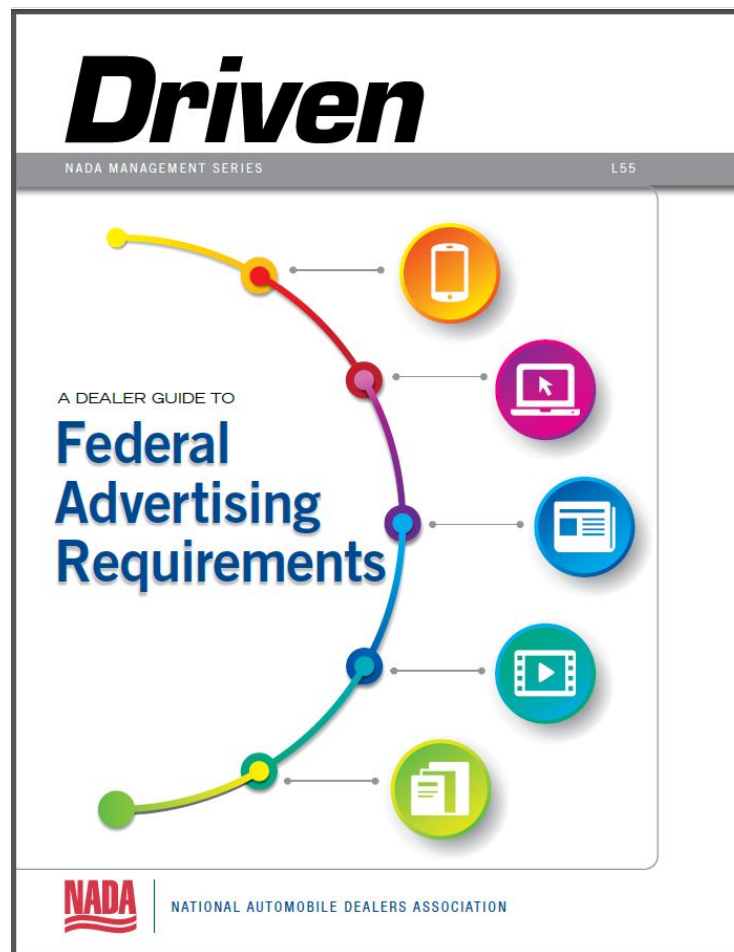
- Since March 2012, the FTC has engaged in 9 separate rounds of advertising enforcement against 27 auto dealerships in 17 states.

Alabama (1)	Nevada (2)
California (5)	North Carolina (2)
Connecticut (2)	Ohio (3)
Florida (1)	Oregon (1)
Georgia (1)	South Dakota (1)
Illinois (1)	Texas (2)
Maryland (1)	Virginia (1)
Massachusetts (1)	West Virginia (1)
Michigan (1)	


- Several additional FTC advertising investigations are pending.

Advertising Compliance Resource

- Addresses 41 federal ad topics
 - ❑ Discount claims
 - ❑ Green marketing
 - ❑ Internet marketing
 - ❑ Satisfaction guarantees
 - ❑ Sweepstakes/Lotteries
 - ❑ “Trigger” terms
- Provides several examples of “bad ads” and “good ads”
- Does not address additional state or local requirements
- Available at www.nada.org






Marketing Compliance Resource






TELEPHONE

CONSUMER PROTECTION ACT

CONSENT REQUIREMENTS

Prior Express Consent			
	Non-Marketing		
	 Text Message	 Call to Cell	 Call to Landline
Autodialed	Yes	Yes	No
Prerecorded	N/A	Yes	No
Manually Dialed/ Not Prerecorded	No	No	No

Prior Express <i>Written</i> Consent			
	Marketing		
	 Text Message	 Call to Cell	 Call to Landline
Autodialed	Yes	Yes	No*
Prerecorded	N/A	Yes	Yes
Manually Dialed/ Not Prerecorded	No*	No*	No*

*If the telephone number is on the national Do-Not-Call list, you must have prior written consent or an "existing business relationship" with the customer before placing the call.

*NADA © 2015. This chart is provided for informational purposes only. Dealers should consult with counsel prior to engaging in any marketing activities.

FTC Consumer “Surveys”

- FTC recently announced that it will conduct a “qualitative survey” of consumers who recently purchased and financed a vehicle through a dealer.
- Will involve...
 - interview of 5 consumers to test survey questionnaire
 - followed by interviews of 40 consumers (20 prime/20 subprime)
 - w/ option to interview 40 more consumers “if the FTC deems the additional interviews likely to be helpful”
 - culminating in “brief methodological” or other written report by survey research firm as requested by FTC

Interviewees

Consumers who have –

- indicated they are willing to participate in surveys
- financed and purchased a vehicle through a dealer in the previous 6 months
- kept the documentation received as part of the transaction

Survey Topics

- Experience in shopping for and choosing a vehicle
- Process of agreeing to a price for a vehicle
- Process of trading in a vehicle
- Experience in obtaining financing
- Additional products or services offered by dealer
- Post-purchase contacts between consumer and dealer
- Overall perception of purchase experience

Workshop on Plug-in Vehicle Marketing

- Please consider attending the Convention workshop on plug-in vehicle marketing.
- Set for April 2 at 10:15 a.m. in Room N228
- Excellent opportunity to learn about successful marketing ideas and strategies from a panel of dealership sales professionals and other experts



New Employment Law Issues

- Wage and Hour
- FMLA
- OSHA Restroom Guidance
- Joint Employer and Worker Classification

Service Writer Overtime Exemption

- Federal law provides that "any salesman, partsman or mechanic primarily engaged in selling or servicing automobiles . . . if he is employed by a nonmanufacturing establishment primarily engaged in the business of selling such vehicles or implements to the ultimate purchaser" is exempt from overtime.
- “Service Writers” have long been considered “salesmen” of service.
- “Commission Employee” exemption also may apply.

Service Writer Overtime Exemption

- 3/15: 9th Circuit Court of Appeals reverses decision holding that service writers exempt from overtime.
- 5/15: NADA/state dealer associations in 9th Circuit file amicus brief in support of a petition for review; 6/15: 9th Circuit denies the petition.
- Fall /15: Dealer files cert petition with U.S. Supreme Court; NADA/state associations file amicus brief;
- 1/16: Cert granted, briefing underway.

“White Collar” Overtime Exemptions

- 7/15: US DOL proposes to revise its “white-collar” overtime exemptions, each of which involve both a salary and a duties test.
- Employee categories include:
 - Executive
 - Administrative
 - Professional
 - Outside Sales
 - Computer
 - Highly Compensated
- Exemptions apply to many dealership employees.

“White Collar” Overtime Exemption

Proposed salary test “updates”; no proposed duty test changes. Final rule expected by mid-2016.

Compensation test for “white collar” employees.

CURRENT

\$455/week
(\$23,669/year)



PROPOSED

\$970/week
(\$50,440/year)

Compensation test for highly compensated employees

CURRENT

\$100,000/year



PROPOSED

\$122,148/year

“White Collar” Overtime Exemption

- Higher salary tests could prove disruptive for many “white collar employees” but unlikely to increase compensation. If salary test not met, employers are likely to:
 - Ride herd on overtime and use more part-time employees to satisfy needs.
 - Pay overtime, but reduce base pay so that total compensation remains equivalent.
 - Adjust compensation plan and apply alternative exemptions (e.g., “commission employee”).

Family Medical Leave Act (FMLA)

- FMLA covers eligible employees at dealerships with 50 or more employees.
- Entitlement is for up to 12 weeks of unpaid leave for certain serious health conditions (oneself or a close family member) or for child's birth or adoption.
- *NADA Dealer Guide to the Family Medical Leave Act.*



New FMLA Definition of Spouse

- Old “state of residence” rule: legal marriages in employee’s state of residence
- New “place of celebration” rule: law where marriages entered into; covers lawfully recognized same-sex and common law marriages, including those validly entered into outside of U.S., if could have been entered into in at least one state.
- Expands universe of employees eligible to request FMLA leave to care for spouses and children

Documents Needed to Prove “Spouse”

- Employees may provide marriage license or court document, or may simply assert that a requisite family relationship exists.
- Employer has limited ability to verify such assertions.



Restroom Access for Transgender Workers

- OSHA: requires employers to provide sanitary toilet facilities.
- New guidance: Employer may not
 - ask for medical or legal documentation of gender identity.
 - require use of segregated (gender-neutral) facilities based on gender identity or transgender status.



Joint-Employer and Worker Classification

- New tests for whether two different businesses may jointly control the same employee:
 - NLRB: Direct, indirect, or potential to control.
 - DOL Wage & Hour: economic realities test.
 - OSHA: Franchisee/franchisor relationship test.
- Worker Classification: DOL, IRS, State.

New Environmental Concerns

- Emissions Compliance
- Underground Storage Tanks (USTs)

Emissions Compliance

- Clean Air Act (CAA) sets vehicle emissions standards.
- OEMs must certify to EPA, CARB, or both, that engine families comply with applicable, current MY emission standards, and must comply with applicable emissions warranties.
- EPA and CARB may seek injunctions or penalties for prohibited acts.

Emissions Compliance

- It is prohibited under the CAA to:
 - Sell or offer for sale new motor vehicles not covered by, or out of compliance with, certificates of conformity.
 - Refuse to comply with testing or recordkeeping mandates or to make requested info available.
 - Remove or render inoperative emissions components (*tampering by individuals or shops*).
 - Manufacture, sell, offer to sell, or install parts that bypass, defeat, or render inoperative an emission control device (*defeat devices*).

Emissions Compliance

- VW Matter:
 - 2015: EPA/CARB claim certain VW engines contain “defeat devices” rendering vehicles noncompliant with CAA sales prohibition; apparently sense when being tested and “switch” to maximum emissions performance; in-use “road calibration” results in emissions 10-40 times NOx standards.
 - Maximizing fuel economy/GHG performance may have played a role as “dyno calibrations” maximize NOx reductions at the expense of fuel economy.

Emissions Compliance

- VW Matter (cont):
 - VW has worked to address dealer concerns.
 - Issued stop sale on new and certified used.
 - Negotiating a remedy, nor formal recall yet.
 - The solution: what will make EPA/CARB/customers/dealers happy?
 - Numerous private, state and local lawsuits.

Underground Storage Tanks (USTs)

- 7/15: new EPA UST rules aim to improve the prevention and detection of leaks; close regulatory gaps, update technologies, and set new secondary containment and operator training mandates.
- First major revision since 1988; several states have similar standards; new rules promote uniformity.
- Most dealerships have eliminated unnecessary USTs, upgrading or replacing those that remain.
- See revised NADA *Dealer Guide to USTs* and <http://www.epa.gov/ust>

Underground Storage Tanks (USTs)

- Key provisions:
 - Effective 10/13/15; with compliance by 10/13/18
 - Mandatory secondary containment for new/replaced tanks and piping
 - New operator training and periodic operation and maintenance requirements
 - Must ensure UST system compatibility before storing certain biofuel blends
 - Updates codes of practice
 - Preserves exclusions for lift cylinders and wastewater tanks



CFPB's Disparate Impact Initiative

- Recent Consent Orders
- Congressional Oversight
 - H.R. 1737
 - HFSC Staff Reports
- Compliance Resources



Consumer Financial
Protection Bureau

Recent Consent Orders

- AHFC (7/14/15) | Fifth Third (9/28/15) | TMCC (2/2/16)
- Resolved allegations that minority consumers paid more DP on average than non-minority consumers
 - Applied BISG
 - No apparent controls for legitimate business factors
- Companies agreed to –
 - pay remuneration to alleged victims
 - change dealer compensation method (three options provided)
- No civil penalty imposed

H.R. 1737

- Nullifies CFPB Bulletin 2013-02
- Requires that, prior to issuing future guidance on *any* topic related to indirect auto financing, the Bureau must –
 - provide for public notice and comment
 - make publicly available all studies, data, methodologies, analyses, and any other information relied upon by CFPB in preparing such guidance
 - consult w/ FRB, FTC, and DOJ
 - study the cost and impact of the guidance on consumers as well as women-owned, minority-owned, and small businesses

HFSC Staff Reports



Unsafe at Any Bureaucracy: CFPB Junk Science and Indirect Auto Lending

REPORT PREPARED BY THE REPUBLICAN STAFF OF THE
COMMITTEE ON FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES

HON. JEB HENSARLING, CHAIRMAN

114TH CONGRESS, FIRST SESSION
NOVEMBER 24, 2015

This report has not been officially adopted by the Committee on Financial Services and may not necessarily reflect the views of its Members.



UNSAFE AT ANY BUREAUCRACY, PART II: HOW THE BUREAU OF CONSUMER FINANCIAL PROTECTION REMOVED ANTI-FRAUD SAFEGUARDS TO ACHIEVE POLITICAL GOALS

REPORT PREPARED BY THE REPUBLICAN STAFF OF THE
COMMITTEE ON FINANCIAL SERVICES, U.S. HOUSE OF REPRESENTATIVES

HON. JEB HENSARLING, CHAIRMAN

114TH CONGRESS, SECOND SESSION
JANUARY 20, 2016

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#NADA2016

Compliance Resources



Fair Credit Compliance Policy & Program at a Glance



In January 2014, the National Automobile Dealers Association (NADA), the American International Automobile Dealers Association (AIADA), and the National Association of Minority Automobile Dealers (NAMAD) released to their members the *Fair Credit Compliance Policy & Program*. The following is a brief overview of the program.

PURPOSE

The *Fair Credit Compliance Policy & Program* is an optional program that is designed to strengthen a dealership's efforts to comply with fair credit laws.

BACKGROUND

Dealers and the auto lenders to which they sell their credit contracts may be sued by a federal or state regulator and/or by an individual plaintiff for a fair credit violation if they are found to have discriminated against a credit applicant based on his or her race, national origin or other prohibited factor. This applies to both intentional

and unintentional "disparate impact" discrimination. (Disparate impact discrimination is generally proven by looking at past transactions and comparing the amount of dealer participation—also known as dealer reserve—paid by different groups of consumers who are similarly situated. If there is a pricing disparity between these groups that cannot be explained by legitimate business factors, the dealer and the auto lender may be held liable for a fair credit violation.)

BASIS AND DESCRIPTION OF THE PROGRAM

In 2007, the Department of Justice (DOJ) entered into consent orders with two dealerships to resolve allegations of disparate impact discrimination. The program is modeled on the fair credit compliance program contained in these consent orders. The core of the program is as follows:

- The dealership establishes a pre-set Standard Dealer Participation Rate (SDPR) which the dealership uniformly adds in each transaction to the wholesale buy rate it has chosen to determine the APR that the dealership offers to the customer.
- The dealership only deviates from that APR if an allowable business reason (i.e., a good faith, pro-competitive reason unrelated to the customer's background) exists to include a lower amount of dealer participation in the offer of credit to the customer.

ADOPTING THE PROGRAM

A dealership that chooses to adopt the program should complete the steps below and ensure the program is tailored to its individual needs and circumstances.

NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program at a Glance

1

STEP 1

Create a *Fair Credit Policy* that states the dealership's strong commitment to fair credit compliance and consider prominently posting the policy where it can be viewed by both consumers and employees. (A fair credit policy template is available for this purpose at Appendix A of the program.)

STEP 2

Create a *Fair Credit Compliance Program* as described in Steps 3-6 that carries out the *Fair Credit Policy*. The dealership's leadership (board of directors or other governing body) must review and formally adopt the program.

STEP 3

Identify who and what is covered by the program and the purpose of the program.

STEP 4

Appoint a program coordinator (PC) to develop and oversee the program. The PC should have the necessary time, expertise and seniority to perform this function.

STEP 5

Direct the PC to establish the dealership's pre-set SDPR and provide that the dealership will only deviate from the SDPR if an allowable business reason exists to include a lower amount of dealer participation in the offer of credit.

- Identify the allowable businesses reasons when the dealership may deviate from the SDPR. (The program includes seven allowable business reasons that support a deviation, such as the need to satisfy a customer's monthly budget constraint, the need to meet or beat a more competitive credit offer or the existence of a

manufacturer subvention program for which the customer qualifies. These are the same seven reasons that are contained in the DOJ's 2007 consent orders.)

- Require each dealership employee who makes a credit offer to record on the Dealer Participation Certification Form at Appendix D (i) the SDPR, (ii) the final dealer participation rate, and (iii) where the two differ, the allowable business reason for deviating from the SDPR.
- Ensure that the PC or his or her designee reviews the form to ensure it was properly completed. If it was not, have the PC take necessary corrective action. (The reviewer should not have been involved in the transaction.)

STEP 6

Establish the training, oversight and reporting tasks that the PC must complete to ensure the program is faithfully executed. This includes identifying the documentation that the employee making the credit offer must retain to support a deviation from the SDPR.

MAINTAINING THE PROGRAM

As with any regulatory compliance program, ensure the dealership's "Fair Credit Compliance Policy & Program" is continuously carried out and adjusted as necessary to meet its objective of strengthening the dealership's efforts to comply with fair credit laws.

The NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program is available as a pdf and the template program is available in MS Word format at www.nada.org/faircredit. Review the publication in full (including the disclaimers and limitations associated with the program) and consult with the dealership's legal counsel before deciding whether and how to adopt the program.

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2

NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program at a Glance

Important Forms

Appendix A

[Name of Dealership] Fair Credit Policy

[Name of Dealership] is fully committed to complying with the letter and spirit of federal, state, and local laws and regulations that are designed to protect its customers. This includes ensuring that all qualifying credit applicants have equal access to credit and are treated in a manner that is fair, professional, and consistent with the terms of the [Name of Dealership] Fair Credit Compliance Program. Engaging in any form of unlawful credit discrimination is destructive, morally repugnant, and will not be tolerated by [Name of Dealership].

Fair Credit Policy & Fair Credit Compliance Program Templates

15

Appendix D

Dealer Participation Certification Form

Buyer(s) Name(s) _____ Date _____

Assignee _____ VIN _____

Standard Dealer Participation Rate ____% Final Dealer Participation Rate ____%

If the Final Dealer Participation Rate does not equal the Standard Dealer Participation Rate, check the allowable deviation box below and fill in the corresponding blanks.

- ☐ Dealer participation limited by finance source
- ☐ Customer stated monthly payment constraint of \$_____ per month
- ☐ Customer stated competing offer by _____ (name) of _____%
- ☐ Customer qualified for Dealership Promotional Financing Campaign
- ☐ Customer qualified for subvented interest rate of _____% from _____ (name)
- ☐ Customer qualified for Dealership Employee Incentive Program
- ☐ Customer purchased a vehicle that satisfies the Dealership's predetermined inventory reduction criteria (describe how vehicle satisfies the criteria) _____

I certify that the information above is true and correct to the best of my knowledge and that any deviation from the Standard Dealer Participation Rate was made in good faith and in a manner that is consistent with the requirements of the [Name of Dealership] Fair Credit Compliance Program.

Signature _____

Date _____

Printed Name _____

Title _____

Fair Credit Policy & Fair Credit Compliance Program Templates

18

Reviewer Certification

I have reviewed the above information and supporting documentation and:

- ☐ certify that the Final Dealer Participation Rate complies with the [Name of Dealership] Fair Credit Compliance Program, or
- ☐ certify that I have initiated the corrective action noted below:
 - Reduced the customer's interest rate to _____% or provided a refund to the customer in the amount of \$_____.
 - Taken the following employee corrective action (describe): _____
- Other (describe): _____

Signature _____

Date _____

Printed Name _____

Title _____

Fair Credit Program Testimonials

Here's what prominent industry compliance attorneys are saying about the optional
NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program



What prominent industry compliance attorneys are saying about the optional
NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program



"When dealers concerned about the CFPB campaign against dealer reserve ask how best to protect themselves, I advise that they should adopt a fair lending policy that removes individual discretion in setting rates. The NADA/NAMAD/AIADA policy is the gold standard for a policy that creates rate consistency in the FSI department. Dealers that have fully implemented it and insist on continuing compliance not only improve protection against losses, they improve productivity by preventing shortcuts."

Michael Charapp, Esq.
Charapp & Weiss, LLP



"Unlawful discrimination claims are not going away. And, the U.S. Supreme Court's recent Inclusive Communities decision not only confirms this, but will likely fuel regulatory and plaintiff action in this realm. Unfettered FSI discretion is no longer viable. The NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program, when implemented properly and followed, puts the dealer in the best possible position to respond to unlawful discrimination challenges."

Patty Covington, Esq.
Hudson Cook, LLP



"The NADA compliance programs are the best in the industry, and the NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program is no exception. It advocates dealer adoption of a comprehensive Fair Credit compliance program that includes several prudent steps, as well as the creation of evidence through the use of the Dealer Participation Certification Form to successfully respond to finance source inquiries and defend against regulatory investigations."

Daniel J. Doman, Esq.
RouteOne LLC



"The NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program is very well thought out and an effective way for dealers to manage their ECOA risk in pricing credit to customers."

Jean Noonan, Esq.
Hudson Cook, LLP



"I strongly recommend implementation of the NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program to our dealer clients. In my opinion, it is a well-designed program that should be relatively easy to implement and that should provide a dealership with a strong defense against alleged Equal Credit Opportunity Act violations based on disparate impact."

Paul Norman, Esq.
Boardman & Clark LLP



"Every dealer should adopt the NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program. It is based upon established law which will protect dealers from liability. The NADA/NAMAD/AIADA program is an excellently designed program and its implementation by any dealer should be relatively simple."

Terrence J. O'Loughlin, J.D., M.B.A.
Reynolds and Reynolds



"I believe the NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program can resolve the issues raised by the CFPB relating to discretionary pricing in dealer interactions with consumers, assuming it is faithfully executed as described by NADA."

Rick Hackett, Esq.
Hudson Cook, LLP



"In light of the Supreme Court's ruling in the Inclusive Communities case, and given the Department of Justice's stated support for the principles embodied in the NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program, adopting and applying the NADA/NAMAD/AIADA program gives a dealer the best possible defense to a claim of disparate impact credit discrimination by whomsoever asserted."

Randy Henrick, Esq.
Dealertrack Technologies, Inc.



"The NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program, when properly implemented, provides as close to a safe harbor from federal credit discrimination claims as anything out there. In our experience, dealers who implement the NADA/NAMAD/AIADA program are uniquely equipped to respond to the continual parade of lenders seeking information on dealership finance compensation practices."

Jonathan Morrison, Esq.
Auto Advisory Services, Inc.



"Dealers need to build a defensible position against the CFPB's scrutiny of dealer assisted financing. The NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program, with its roots in government approved precedent, provides dealers with the defense they need against claims of discriminatory conduct in credit pricing."

Shaun K. Petersen, Esq.
MacMurray Petersen & Shuster LLP
(counsel to National Independent Automobile Dealers Association)



"To survive and thrive in today's regulatory environment, dealers absolutely need to adopt a fair credit policy and use it every day with every deal. The NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program is an excellent tool for doing just that. I highly recommend it."

Halbert B. Rasmussen, Esq.
Arent Fox LLP



"CU Direct understands that an essential part of its mission is to help credit unions better serve their member-owners. Clear, consistent and compliant fair lending policies are one of the most effective ways to do just that while mitigating the risk of potential disparate impact claims. By adopting and implementing a program such as the NADA/NAMAD/AIADA Fair Credit Compliance Policy & Program, dealers are better positioned to partner with lenders while limiting their own exposure."

Thomas H. Wolfe, Esq.
Moore Brewer Wolfe Jones Tyler & North
(counsel to CU Direct)

Questions?

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