WVADA
WEST VIRGINIA AUTOMOBILE DEALERS ASSOCIATION

April Newsletter

COVID-19 UPDATE: Gov. Justice unveils plan to reopen state: “West Virginia Strong – The Comeback”

On April 27, 2020 Gov. Jim Justice unveiled his comprehensive plan to reopen various aspects of the state and its economy, putting West Virginia on the road to recovery from the COVID-19 pandemic.

WEST VIRGINIA STRONG – THE COMEBACK

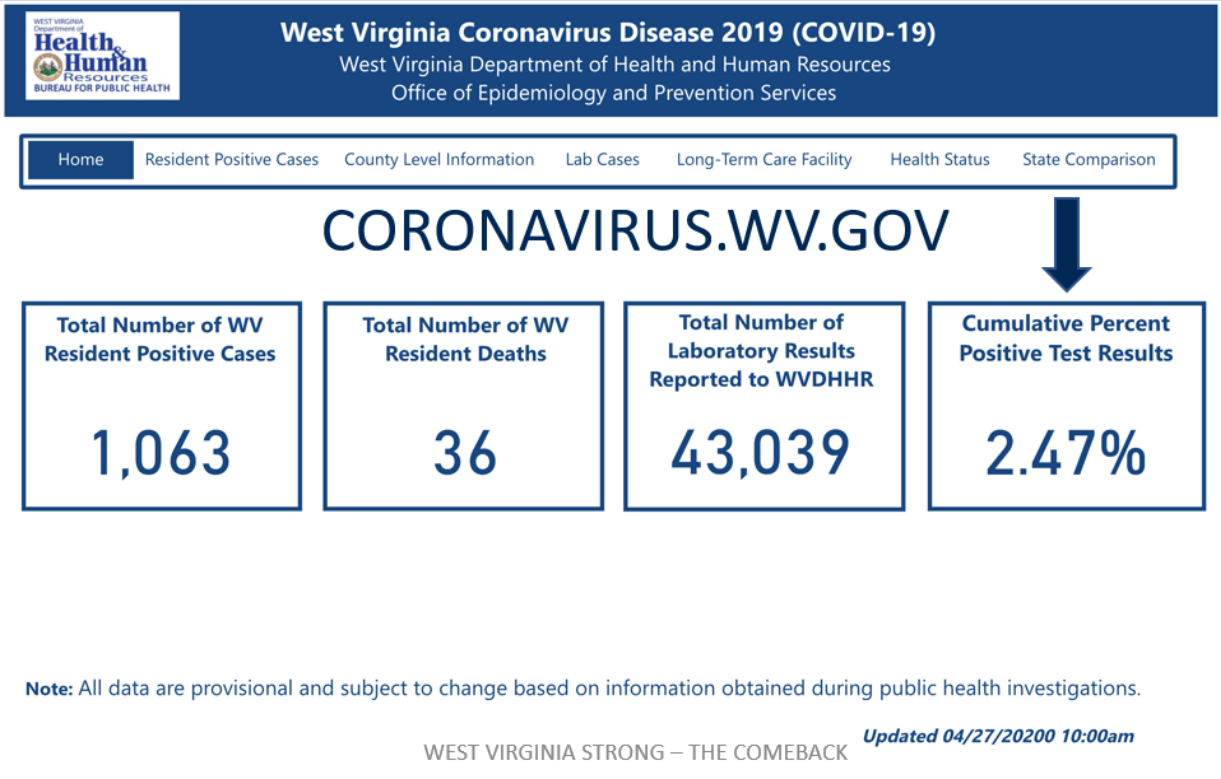
The plan is called “West Virginia Strong – The Comeback” and allows businesses in certain sectors to reopen in phases over the next six weeks if the rate of positive COVID-19 cases in the state remains low.

“We’ve come up with a methodology that we think will move us forward, with science and math behind it, and experts behind it, and leadership behind it, we’re absolutely moving in the right way,” Gov. Justice said. “We’re going to monitor and watch every day and we’re going to take small steps and we will see where we are.

“If we’ve got to stop, or slow, or back up, then that’s what we’re going to do. You’ve done good work so far, West Virginia, and now we’re going to have to move forward. We cannot sit still forever because too many bad things will happen.”

Opening Criteria
If the statewide cumulative percent of positive test results(available at Coronavirus.wv.gov) remains below 3% from today, Monday, April 27 through

Wednesday, April 29, the six-week reopening process will begin.



The Week 1 phase of reopening will begin on Thursday, April 30...click to continue reading

Source: Office of the Governor

IMPORTANT POLICY: Must Post to Comply with DHHR Rule

In response to the emergency rule, 64 CSR 114, that was filed earlier this month by DHHR, Johnnie Brown has put together the below policy. WVADA recommends that each dealership use this policy while 64 CSR 114 is in effect.

Please fill in your necessary information **and post this policy on any door that customers may enter.**

Click HERE to open a Microsoft Word copy of the policy. Each dealership will need to tweak the policy and fill in the blanks based on the location of the dealership and the square footage of customer space within each dealership.

Suggested Policies and Leave Forms

Below are polices and forms created to help provide guidance during this unprecedented time. We are committed to providing guidance and

timely communication, please do not hesitate to contact Johnnie Brown with any questions about how to finalize or use the below forms or policies.

- Emergency Paid Sick Leave Policy
- Emergency Paid FMLA Expansion Policy
- Emergency Paid FMLA Leave Request Form
- Emergency Paid Sick Leave Form

-Johnnie Brown: Pullin Fowler, Flanagan, Brown and Poe

WVADA's Legal Defense Will Continue to Aid Dealers Through May 30

WVADA's Executive Committee agreed to extend the legal defense fund to aid dealers regarding COVID-19 issues through May 30th. WVADA is offering complimentary legal guidance to all dealers that are in good standing of the legal defense fund.

Accordingly, if you are a franchised dealer whose payments to the legal defense fund are current (i.e. all payments have been submitted for calendar years 2018 and 2019), the Association is making available to you the ability to call one of our two preferred law firms for legal guidance. If your issues go beyond general questions and are specific to your dealership as determined by the Association, you will need to retain an attorney and be responsible for your own legal fees. The goal is for dealers to be able to obtain guidance of a general nature regarding the new laws enacted by Congress surrounding the COVID-19 pandemic.

WVADA Sponsored Webinars

WVADA's Legal Defense Fund has sponsored two webinars hosted by Jackson Kelly with the assistance of Tetrick and Bartlett. For your convenience, both webinars were recorded. Click on the below links to access the recordings and power point slides.

- COVID-19 Issues for HR Professionals in the Automotive Industry
- How to Maximize the Forgivable Portion of Your PPP Loan – What We Know Now

*Our preferred law firms are Jackson Kelly (contact **Beth Lord at O: 304-340-1390 or C: 304-539-8390**) and Pullin, Fowler, Flanagan, Brown, & Poe (contact **Johnnie Brown at O: 304-720-5175 or C: 304-546-3878**).*

NADA Webinars

Register now for the upcoming NADA webinar, The Best Ideas from NADA 20 Groups, Part 3:

In Times of COVID-19 Pandemic, on **Friday, May 1, 1pm-2pm ET.**

Below you will find **recorded** NADA webinars, In the Dealership Lifeline Series.

Recordings of all webinars in NADA's Lifeline Series are accessible to NADA and ATD members free of charge.

(CLICK HERE) to access the recordings of the below webinars.

- Reducing Annual Health Insurance Costs By Up-To 7 Figures Within 90 Days
- Proven Fixed Ops Strategies During COVID-19
- Online Selling Overview and Vendor Guidance: What Exactly Is Digital Retailing and What Should Dealers Consider When Engaging Vendors?
- Best Ideas from NADA 20 Groups, Part 2: In Times of COVID-19 Pandemic
- How to Kick Start Auto Leads During the After the COVID-19 Disruptions
- Digital Retailing Disruption: The Dealer Perspective
- Best Ideas from ATD 20 Groups: In Times of Pandemic
- NADA All-Dealer Town Hall Meeting
- Legal and Regulatory Implications of Online Sales: What Dealers Need to Know
- Keeping the Wheels Turning in the Accounting Office With a Remote Workforce
- The Best Ideas from NADA 20 Groups – In Times of COVID-19 Pandemic
- Managing Service Operations: Making it through the COVID-19 Pandemic
- Build a 60-Day Profit Protection Plan
- So, an Employee Has COVID-19 Symptoms or Has Tested Positive… Now What?
- The Federal Tax implications of COVID 19: How the New Environment Affects Dealers
- Making Sense of the New SBA Paycheck Protection Program: Practical Considerations for Dealers
- Managing Cash Flow: Making it through the COVID-19 Pandemic
- Running a Dealership During a Pandemic: Legal Issues and Federal Mandates

USEFUL NADA PUBLICATIONS

- **PPP Loans: "Use of Proceeds and Forgiveness NADA Preliminary Guidance"**
- **Safely Operating Your Dealership During a Pandemic"**
- **Dealership Health and Safety Concerns During a Pandemic"**
- **FAQs on Federal Emergency Leave Mandates**

Source: NADA

An Update on COVID-19's Impact on U.S. Auto Sales

Cox Automotive Senior Economist Charlie Chesbrough returns to AutoTalk for an update on **Thursday, April 30th at 2:00pm EDT.** Topics to be reviewed include:

- Economic forecast and impact going into the second quarter
- Consumer sentiment and buying behaviors
- Stock market, interest rates, and employment
- An outlook for vehicle sales
- Current view of new and used retail sales and prices

To register for this program and more, click here.

American International Automobile Dealers Association (AIADA)
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To unsubscribe click here

It's Our Business to Protect Yours

FEDERATED INSURANCE®

For Immediate Release from Association Partners to their Members

FEDERATED INSURANCE COMPANIES ANNOUNCE COVID-19 CLIENT RELIEF CREDIT

The COVID-19 pandemic has created a multitude of challenges for all of us. Through all of these issues confronting us today, our recommended partner, Federated Insurance, has worked closely with their customers to help them find their way through these unprecedented times. Federated is a "Value-Add" company that provides not only some of the best insurance products designed for our industry, but also the safety and risk management support that our members need for their successful businesses. Throughout the COVID-19 crisis, they have provided the latest guidelines to help our members navigate through these times. In addition, they have provided billing options to ease cash flow concerns and adjusted payroll and premium basis, where appropriate.

Today, Federated announced their **COVID-19 Client Relief Credit**, providing premium reductions for their customers in our industry and others throughout the country.

- Federated's **COVID-19 Client Relief Credit** will provide a 15% credit based on Business Auto premium, Auto Dealer/ Garage Coverage Part premium, and Businessowners Policy (BOP) premium from March 15 to June 15. Policies must be in force at the time relief credit is applied. These actions are subject to regulatory approval.

Policyholders will automatically see the COVID-19 Client Relief Credit applied in the upcoming months.

Federated was founded on the four cornerstones of equity, integrity, teamwork, and respect, and has once again shown that they are dedicated to serving the needs of the members of this organization. This is one of the reasons that your association board continues to recommend Federated Insurance. They work hard to do what is right for their customers.

If you are not currently a Federated client, now is the time to check them out. Their unique Right Report® will identify exposures and customize an insurance program specifically for your business, reflecting today's environment and needs.

Association membership doesn't cost, it pays!

Federated Mutual Insurance Company • Federated Service Insurance Company*
Federated Life Insurance Company • Federated Reserve Insurance Company* • Granite Re, Inc.*†
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DMV Information for WV Dealers

The WV DMV is closed to the general public; however, they have agreed to keep regional offices open for dealerships. Also, for efficient service, the DMV has requested that dealers drop off CVR and VRS paperwork at the regional offices. They have been inundated with mail-in work. If this is not feasible, you can mail in the paperwork.

Please keep in mind that the DMV is working at approximately 1/3 staff and they are doing

the best they can.

DMV will be extending the expiration date for 90 days on temp tags, registrations, driver's license, and CDL expiring in *March, April, and May 2020.*

Also, temp tag stock shipments will be limited to Monday and Wednesday of each week. Temp tag orders will continue to be shipped via FedEx ground. This only applies to temp tag supply orders. Online and phone support will continue to operate normally.

WVADA's Preferred Partners and Their Response to COVID-19

Reynolds & Reynolds

NADA : Staying Informed and Prepared

NADA Publishes FAQs on Recently Passed Coronavirus Paid Leave Bill

Federated Insurance

American Fidelity

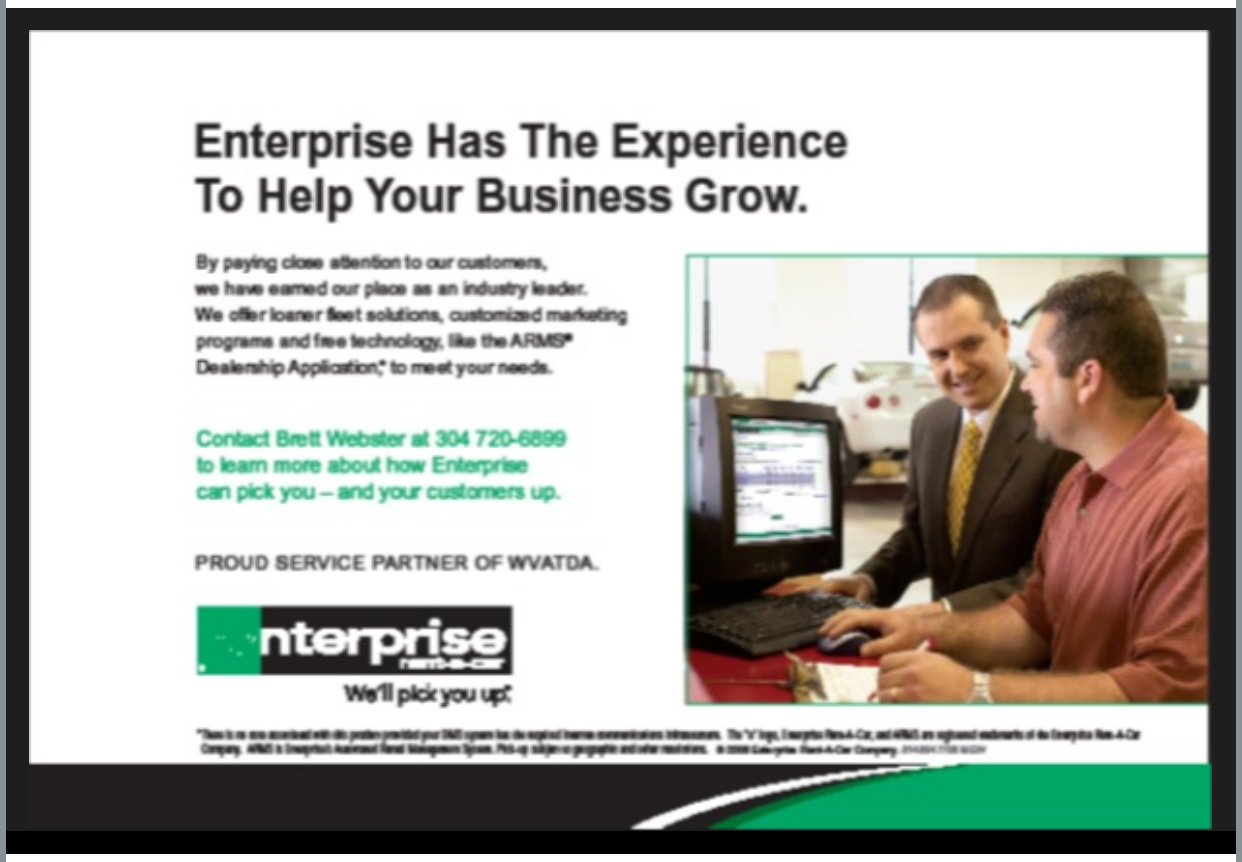
ACV: Here to Help

ACV: COVID Update

Jackson Kelly: COVID-19 Legal Resource Center

Crystal Clean – Decontamination Services for COVID-19

Golden Touch



Centers for Disease Control (CDC) Update for Businesses

Click HERE to view the Centers for Disease Control (CDC) consolidated **coronavirus-related information for businesses.**

This is the most recent information form the CDC that provides guidance for employers reopening during the COVID-19 pandemic.

Please see below a copy of the most recently updated version of NADA's comprehensive *Dealership Health and Safety Concerns During a Pandemic*(revised Friday, April 24), which includes several current, useful links.

Revised: April 24, 2020

NADA Dealership Health and Safety Concerns During a Pandemic

Legal Disclaimer: *This document will change over time with new information and developments. It does not provide, and is not intended to constitute, legal advice. All content and materials are for general informational purposes only. Important: consult an attorney familiar with the federal, state and/or local law employment law, and with dealership operations, to obtain specific advice with respect to any specific legal matters. Note: since many state and local governments have instituted emergency COVID-19-related measures and may have stricter or different employment laws that apply to your operations, please pay close attention to the information you receive from your state and metro dealer associations and your outside counsel.*

Dealerships are operating under a variety of federal, state, and local edicts restricting both business operations and public activities. Sales and service customers are being innovatively accommodated to help ensure that their transportation needs are being met. Importantly, these efforts require that special attention be paid to practices aimed at providing safe and healthy workplaces and transactions for employees and for customers.

I. SPECIFIC RECOMMENDATIONS

A. **Review A Dealer Guide to *Safely Operating Your Dealership During a Pandemic* and NADA's Lifeline Webinar Series for guidance on health and safety issues and suggestions during a pandemic.**

B. **Keep abreast of the latest federal and state mandates and best practice suggestions.** Federal guidance has been changing as more is learned about the COVID-19 virus. Check NADA's Coronavirus Hub often to stay abreast of new developments. In addition, pay close attention to communications from your state and local ATAEs and your state and local health departments.

C. **Educate and engage with employees.** Continually remind employees of how to protect themselves and others, of the Guidelines for Cleaning and Disinfecting the workplace, of the symptoms of COVID-19, and of the importance of seeking medical attention if symptoms appear. Check in with isolated or sick employees and their families to offer support. Good policies and goodwill go a long way during a pandemic.

D. **Rely on experts.** For example, when dealing with sick or potentially exposed employees, follow the direction of their medical providers and local health officials. Refine business response plans as federal and state guidance changes, and work with your attorney to address employment law issues when they arise, such as with respect to workers compensation and emergency paid sick leave.

KEY RELATED NADA WEBINARS:

Managing Service Operations: Making it through the COVID-19 Pandemic

So, an Employee Has Covid-19 Symptoms or Has Tested Positive...Now What?

Running a Dealership During a Pandemic: Legal Issues and Federal Mandates

KEY FEDERAL RESOURCES INCLUDE:

1. The Centers for Disease Control's (CDC) online resources for businesses to plan, prepare, and respond to COVID-19. The CDC also has guidance for critical infrastructure workers and, in the case of a suspected or confirmed infections, the CDC offers helpful cleaning recommendations.
2. The Occupational Safety and Health Administration (OSHA) offers Guidance on Preparing Workplaces for COVID-19 with steps to take to protect employees.
3. The U.S. Equal Employment Opportunity Commission provides technical assistance question and answers related to COVID-19 and workplace anti-discrimination laws.
4. The Environmental Protection Agency (EPA) has guidance on disinfectants for use against COVID-19.

To continue reading click HERE

WVADA Convention – Has Been Rescheduled!

***Please see below WVADA's 2020 Convention Forms**

The Greenbrier Resort

WVADA 87th ANNUAL FAMILY CONVENTION

SAVE THE DATE

September 11 - 14
OPEN REGISTRATION NOW - AUGUST 28TH
REGISTER BY JULY 1ST TO RECEIVE A 10% DISCOUNT

Friday: Evening -Welcome Reception & Casino Night
Saturday: Day - Golf Scramble OR Scavenger Hunt
Evening - Block Party
Sunday: Day - Sporting Clay Tournament OR Bowling
Evening - Chairman Dinner/Reception

For more information visit our website at www.wvcar.com

Forms for WVADA 2020 Convention:

- WVADA Registration Form
- Greenbrier Room Reservation Form
- Exhibitor Registration Form

COX AUTOMOTIVE™

FOR IMMEDIATE RELEASE

Cox Automotive Forecast: April U.S. Auto Sales Volume and Pace Likely to Reach Historic Lows

- Annual vehicle sales pace in April is expected to finish near 7.5 million, down significantly from last month's 11.4 million and far below last April's 16.5 million level.
- April sales volume is expected to fall 53% from April 2019 and finish near 620,000 units.
- Auto sales activity varies widely based on the diverse geographic impact of COVID-19.

ATLANTA, April 27, 2020 – Historic lows are expected in April as the full effects of COVID-19 are felt across the U.S. auto market for the entire month. According to a forecast released by Cox Automotive, new light-vehicle sales volume is expected to finish near 620,000 units, down 53% compared to last April and down 37% compared to last month. After incorporating seasonal adjustments, the annual vehicle sales pace in April is expected to finish near 7.5 million, down significantly from last month's 11.4 million and far below last April's 16.5 million level.

The auto industry has consistent, reliable data reaching back to 1976. In that timeframe, the single lowest sales month was marked in January 2009, in the depths of the Great Recession. Total sales fell to 655,000, and the seasonally adjusted annual rate (SAAR) fell to 9.6 million. The lowest sales pace in the past 40-plus years was 8.8 million, which occurred in December 1981 during the "Double Dip" recession period. Given the massive impact of this pandemic, it seems very likely that the resulting market response in April 2020 will be history making.

Though this forecast is disheartening, there is a silver lining. According to Charlie Chesbrough, senior economist at Cox Automotive, "April is likely to be the sales bottom for the vehicle market during this crisis. Recent sales data suggests demand is starting to recover modestly after the initial shock in March and early April. Year-over-year daily declines, while still high, are consistently showing improvement over recent weeks. Some people want to buy a vehicle or need to buy a vehicle, even in a pandemic."

Dealership closures, which began in mid-March in many parts of the country, are now being lifted, and sales are slowly improving. Sales should continue to show modest improvement in May as the country gradually reopens, and dealerships implement new strategies to sell and deliver vehicles in ways that are consistent with social-distancing guidelines. For example, more than 10,000 dealers in the U.S. have signed up for Dealer Home Services from Autotrader and Kelley Blue Book, both Cox Automotive companies. And more dealers are choosing to use advanced digital retailing tools, similar to those offered by Cox Automotive, to help customers buy vehicles without visiting a dealership.

Sales Levels Vary Widely Based on Geography

Although the national U.S. auto market is expected to fall 53%, geography is a consideration this month because sales vary greatly across the country. Some places face much more severe infection rates, and consumers are very reluctant to go outdoors. Policy responses from state and local officials also vary, with many states on lock-down for weeks, and dealerships closed in large portions of the country. Sales are down everywhere, but some markets are more negatively impacted than others.

As a result of the diverse geographic impact this month, it is likely luxury and vehicles from the Japanese brands are taking a bigger hit, as those products are stronger in the Northeast and West, regions that have

To view the full Cox Automotive press release please click HERE

WVADA Welcomes New Associate Members

M&T Bank

M&T Bank Corporation is an American bank holding company headquartered in Buffalo, New York. It operates 780 branches in New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Washington, D.C., and Connecticut. M&T is ranked 462nd on the Fortune 500.

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Digital marketing, merchandising, and consulting for the automotive industry. Carsignment will take your dealership to the next level!

Hilb offers more. Only big insurance brokers can supply everything clients need. Only small ones offer the personalized service they deserve. Hilb Group is the best of both. We grow by partnering with entrepreneurial local brokers who deliver old-fashioned personal service. We support them with the valuable resources of a big player. Our clients and partners get more that way – the Hilb Difference.

Federated Insurance Claim of the Month

It's Our Business to Protect Yours
FEDERATED INSURANCE®

Federated Insurance's Claim of the Month — Could it happen to you?

A fire in the shop area of an auto dealer destroyed customer vehicles and damaged large portions of the building. Investigators did not conclude on the cause of the fire, but they believe that tools left plugged in overnight were the cause.

CLAIM AMOUNT: $3.2 Million

It's common in homes to leave appliances plugged in whether or not they are currently in use, but carrying that practice over into the auto shop can be dangerous. Flammable substances, high-voltage machinery, and other hazards that are commonplace in service areas can combine to spell disaster. And, when all the technicians have gone home for the evening, there's no one around who can potentially keep a small spark from turning into a roaring blaze. Here are some risk management practices to help you prevent fires in your shop:

- Keep unused tools unplugged, even in the daytime to help avoid forgetting them overnight.
- Store flammable substances and oil-soaked rags in closed, fire-retardant containers.
- Don't overload electrical outlets.
- Don't chain extension cords and/or power strips together.
- Keep all electrical connection points clear of debris and other objects.

Fire is among the most common — but most preventable — causes of damage at many businesses. So, don't wait until Fire Prevention Week in October to make it a priority. Conduct a daily walkthrough of you your facility, emphasize the topic at safety meetings, and always be on the lookout for fire hazards to help minimize your chances of seeing your business go up in flames.

Federated Mutual Insurance Company is recommended by 19 state and national auto dealer associations for customized insurance programs and value-added risk management services, such as Federated's Shield Network®, the Risk Management Resource Center, and the Federated Employment Practices Network®. Visit federatedinsurance.com or contact your local marketing representative for resources you can use to create or enhance your own risk management program.

This article is for general information and recommendations for risk prevention only and should not be considered legal or other expert advice. The recommendations herein may help reduce, but are not guaranteed to eliminate, any or all risk of loss. All products and services not available in all states. Qualified counsel should be sought with questions specific to your circumstances and applicable laws.

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WVCAR

On April 1, 2020, WV Governor Jim Justice announced that ***West Virginia's Primary Election*** will be ***delayed until June 9th***, past the anticipated peak of the coronavirus outbreak.

WVCar is the West Virginia Automobile and Truck Dealers Political Action Committee, and your support is vitally important in order for us to have a voice at our state capitol in Charleston. WVCar is the best platform for our message to be heard by legislators and signify our value in

West Virginia communities.

The goal of WVCar PAC is to bring all voices through WVADA to Charleston to make certain our positions are protected and strengthened. Please take the time to contribute to ensure that our voice, as dealers, is heard!

Check out our new WVCar website and make your contribution directly through the site or by clicking HERE, to fill out the form and submit either a personal check or your credit card information to WVADA.

A special thank you goes out to all of our members who have already donated:

CHAMPIONS CLUB

Paul Astorg
Bill Cole
Hal Green
Nick Green
Joey Holland
Jonathan Lerose
Rodney Lerose
Chris Miller
Matt Miller
Bob Moses
Jason Moses
Steve Moses
Fred Parsons
Roberta Robinson-Olejasz
Suzanne Moses-Persinger
Keith Powell
Charlotte Pyle
Jim Robinson
Fred Timbrook

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Check under the Hood. Is there performance and reliability? What about your business? Just as you want your automobile to take you safely where you want to go, you need your law firm to guide your business through the variety of legal challenges, internally or externally, with performance and reliability.

Let Pullin, Fowler, Flanagan, Brown & Poe trial attorneys handle the diverse checklist of legal issues your business is confronted with. One law firm creates less confusion and a better understanding of your business – leading to continuity of knowledge for representation. ***It's all under one name.***

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In The Community

Pictured left to right -Justin Turner (LRMC), Ryan Pennington (LRMC), Wally Thornhill (Owner, Thornhill Auto Group), Nathan Thornhill.

Ford Motor Company donated 1**,000 face shields to the Logan Regional Medical Center.** These shields are going straight to the staff battling Covid-19 day in and day out. Thank you!

Thank you WOWK for your ad supporting our WV Dealers!

Dealer Association Can Sue Mazda, Says Court

We are pleased to report a significant and favorable decision in a lawsuit that the New Jersey Coalition of Auto Retailers (NJ CAR) brought against Mazda Motor of America for violating the New Jersey Franchises Practices Act. In this case, NJ CAR sued Mazda for declaratory and injunctive relief alleging that the manufacturer's Brand Experience Program 2.0, by creating price differentials and denying benefits to certain New Jersey dealers over others, violated three provisions of the New Jersey law:

- The program's provision of per-vehicle discounts to Mazda dealers based on their compliance with certain criteria unlawfully created vehicle price differentials among all New Jersey Mazda dealerships;
- The program unlawfully denied benefits to Mazda dealers that do not have exclusive Mazda facilities, but rather use their facilities for multiple brands ("dualled facilities"); and
- The program unlawfully denied benefits to Mazda dealers that do not have an exclusive, image-compliant facility.

However, rather than ruling on any of these claims, the trial court held that NJ CAR didn't even have the right to have its case heard—in legal terms that the association lacked standing to sue. NJ CAR immediately appealed, and the court of appeals reversed. In so doing, the appeals court vindicated NJ CAR's ability to assert legal rights that its members are unable to assert individually, either because of the prohibitive cost of litigation or threat of reprisals from powerful automakers.In its decision the appellate court held that NJ CAR does have standing and a right to appear before the federal courts to defend the legal rights of franchised new-car and -truck retailers.

NADA provided strong support to NJ CAR in this matter. In addition to funding some of NJ CAR's costs on appeal, NADA retained former U.S. Solicitor General Donald Verrilli to prepare an amicus curiae brief. General Verrilli's firm also participated in the presentation

of oral argument.

This is an important decision that trade associations around the country will be able to cite to help persuade courts in their jurisdictions to recognize the important advocacy role those associations play on behalf of their members.

Mike Alford
Chairman, Regulatory Affairs Committee