



Driving New Hampshire Forward

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STAFF

Publisher: Larry Foss
Editorial Director: Peter J. McNamara
Managing Editor: Nathaniel Stout
Design and Layout: Lisa Lavoie
Advertising Coordinator: Michael Rosenblum
Photographer: Michael Rosenblum

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NHADA Business Education Conference & Partner Expo

May 10, 2017, Radisson Hotel Manchester

Save the date for the 2017 NHADA Business Education Conference & Partner Expo.

We are putting together business education sessions to meet the needs of NHADA owners and managers. An NHADA Partner vendor expo will be a big part of the event.

At the end of the day, NHADA Workers' Compensation Trust (WCT)

rebate checks will be distributed to those member-company dealer principals who have pre-registered for, and attended, the event.

Watch for partner and member registration materials that will include a complete lineup of education sessions.

If you have any questions, please contact Jean Conlon at jconlon@nhada.com or 800-852-3372.

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Cover: A view of the service bay at S ubaru of Keene.

Photo by Ryan Hale, collage by Nat Stout

Inspection Station Employees Arrested

Peter J. McNamara, NHADA President

The recent well-publicized arrests of vehicle technicians and service managers from a NH dealership highlight the simple fact that inspection violations can threaten your business by loss of inspection and/or dealership license, loss of technicians and creation of a public relations issue.

It is incumbent upon the inspection station owners to keep an eye on what technicians are doing (or not doing) in their shop to ensure the integrity of the inspection process. As a technician or manager, the headline of this most recent article should be enough of a warning to properly conduct inspections.

In the situation referenced above, several technicians were sharing a single

user ID and password of one of the other employees. Some techs were never licensed by the state to inspect vehicles and therefore did not have permission to inspect vehicles or have access to the NHOST unit. It may seem obvious but needs to be said: to conduct official state inspections, the technician must be licensed by the State to conduct such inspections.

The dealership has had to deal with a public relations nightmare caused by the arrests and the subsequent media coverage. Upon finding out about the internal actions, I understand the dealership had contacted affected customers and offered to re-inspect the vehicles, among other



Peter McNamara

offers. I also understand the shop had many meetings with the State Police during the lengthy investigation and very nearly lost its inspection privileges.

Owners should ensure that all techs conducting inspections have an official state license.

The owner should also conduct periodic spot checks to see how many inspections are conducted by your technicians in a given day. If you notice an abnormally high number of inspections in a given day, you should further investigate the situation. Not sure how to get manager access? I've taken the liberty to include a partial reprint a Summer 2012 *Dateline:NH* article (page 5), which *Inspection Stations – continued on page 4*



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Inspection stations – continued from page 3

provides additional tips on monitoring inspections at your shop.

How to get an inspection license: If you have experienced techs who are not licensed by the NH Department of Safety (DOS), they can receive their license either by attending one of the “all in one” certifications. NHADA members receive notice of these from NHADA, and notices are also provided on the NHOST units. Alternatively, a candidates can attend regularly scheduled sessions held by State Police on the first Tuesday of the month, followed by a field visit for a skills test. I emphasize “experienced technician”, as passing the examination takes experience and studying.

New rules: The official copy of the latest inspection rules can be found at online <http://bit.ly/2bVmZL9> or on the NHOST unit. The NHADA created a handy unofficial version of the new rules, which shows all the changes made, and which can be found online at <http://bit.ly/2hk3OJW>.

NHOST unit notifications: The State periodically sends out messages through the NHOST init. I’ve copied three messages below in case you or your team has not seen them.

RE: Blue Lights on vehicles

Date: September 13, 2016

There has been a change to RSA 266:78 that effects the current rule. The DMV is working to correct the rule so that it coincides with the law change, but in the interim please comply with the law as stated below:

Currently, Saf-C 3215.02(c) (2) provides “The approved color of emergency lights shall be as follows: (2) Blue lights, red lights, and white or clear colored strobe lights for: a. law enforcement vehicles; b. police cruisers; and c. private vehicles of law enforcement officers, in accordance with the requirements of RSA 266:78.”

As you can see, the rule has not yet been updated to reflect the statutory authority for a single, rear-facing blue light on emergency response vehicles. Since the statute trumps the rule, no mechanics should be failing inspections on any vehicle properly displaying such a light.

As amended, the statute allows a single, rear-facing light to be installed on “emergency response vehicles owned or leased by city, town, village district, or federal fire departments, forestry departments, or emergency medical departments, or emergency response

vehicles owned or leased by a private ambulance service contracted with a city, town, or village district.”

RE: Resetting Passwords

Date: August 18, 2016

A new requirement of the NHOST system to improve security is to have mechanic passwords expire every 90 days. This means that all mechanics using the NHOST unit will need to provide a new password when their password expires.

Please review the video on the unit for resetting your password for a refresher on the process.

If you are at the screen for changing your password, you can simply click on the “Help” button to access the video. Or, to access this video from the “Main Menu” click on the “Information and Training Material” button. Then click on the “Software Overview Videos” button. Finally click on the “About Passwords” button, this will start the video.

RE: REMINDER - Model Year Inspection Requirements

Date: January 6, 2016

This email is being sent as a reminder to all New Hampshire inspection stations about RSA 266:59-b.IV which reads as follows:

“This section (Emission Control Equipment) shall not apply to vehicles 20 or more model years old which shall be determined by subtracting the model year of the vehicle from the calendar year in which the inspection occurs.”

This means that in 2016 vehicles that are model year 1996 or older will not be prompted for an emissions test by the NHOST unit as part of the annual inspection program. However, they are still required to be reported electronically through the NHOST testing equipment. 📌

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Inspections Violations Can Threaten Your Business

Peter J. McNamara, NHADA President

In 2009, the NH Department of Safety began a crackdown on vehicle inspections and technicians who were violating certain inspection laws. Though things have improved since that enforcement action began, the NH State Police have indicated that inspection violations are still occurring:

- Technicians are opting out of the OBD II tests (only pre-1996 vehicles or motorcycles are eligible for the opt out);
- There are incidents of OBD II tampering (a vehicle has failed its emissions inspection and the inspection station has used a different vehicle to gain a passing result on the NHOST unit and a sticker, all without repairing the vehicle); and
- Some mechanics are sharing passcodes.

How can I see if techs are tampering with the OBD II test (a.k.a. clean scanning, ghosting, or cloning)?

To check for clean scanning, run history reports from the NHOST units or have duplicate reports printed for each vehicle. Look for the time stamps: if a car fails the OBD II test and then passes the test a few minutes later, you likely have a problem.

How can I see if techs are skipping the OBD II test?

There are three ways to determine if your techs are opting out of the OBD II tests:

- Go to the “Administrators Menu” on the Gordon-Darby machine, click on the “History Inquiry.” There you can examine all inspections done on the unit by date (or by VIN) for the past 60 days. Do this every 30 or 60 days and look for test counts that match

expected volumes for the inspections the stations has performed.

- Go to the “Administrators Menu” on the Gordon-Darby machine, click on the “Sticker Inquiry” then “Display Sticker Registry.” Look at a series of stickers. (The sticker books come with 25 stickers.) Punch in a sticker number and it will give you the history of the full book. If you see gaps indicated by stars in the series of stickers, then you have a problem.
- Skip the Gordon-Darby machine and instead run reports on your accounting software: compare how much you spent on stickers to how much you’ve spent on the Gordon-Darby OBD II tests. If you bought 1,000 stickers but only bought 200 OBD II tests, you have a problem.

How do I get Manager Access?

To obtain the Manager Access Permission Form online, visit: <http://bit.ly/2h4MQmT>.

What if I don’t know how to run a history report?

There is a video on the NHOST unit under ‘Information and Training > Admin Menu Functions > History Inquiry Video’ that explains how to use the History Inquiry function on the NHOST unit. A helpline is available to answer any questions on NHOST unit operations at 800-383-4124.

What else can I do to ensure problems don’t occur?

- Make aware and train all of your technicians on the proper process and seriousness of these issues and violations. Meet with your techs eye-to-eye.
- Offer a training session on the issues that includes having your technicians

sign a disclaimer that states they are acknowledging the illegality of, and that they will not engage in, OBD II tampering or skip the OBD II tests.

- Let your techs know that all tampering cases and THE skipping of OBD II tests are easily tracked by the police.
- Reinforce with your techs the importance of keeping their passcodes private and to change them if they ever think it is known by anyone besides themselves.
- Record in writing all of these steps you take in case you are called into a hearing.

What does OBD II tampering skipping OBD II tests, or sharing of passcodes mean to you and your technicians?

The tech loses his inspection license. The shop loses its inspection license. Fines and penalties are levied. Possible state and federal criminal charges loom. (One dealer was fighting criminal charges at the time this article was written.) A dealership buys back every vehicle it sold where tampering occurred. Also, even before a hearing is scheduled, DOS officers sometimes alert customers who purchased tampered vehicles about tampering and inform them of their rights under RSA 266:59-b.

What can happen if I sold a vehicle but didn’t inform the customer that an OBD II failure occurred and the car wasn’t repaired?

Under RSA 266:59-b, the purchaser is entitled to a refund of the purchase price and reasonable attorney’s fees. Imagine buying back 90-plus vehicles — a situation faced by at least one NH dealer.

This article was originally published in the Summer 2012 issue of *Dateline: NH*. 



Appellate Court Affirms Car Dealer is ECOA “Creditor” and Must Give Adverse Action Notice

L. Jean Noonan, Hudson Cook, LLP*

Car dealers, car buyers, and even courts have long been uncertain whether a car dealer is a “creditor” under the Equal Credit Opportunity Act (ECOA) and Regulation B, which must give a consumer an adverse action notice when the consumer does not qualify for credit. The U.S. Court of Appeals for the Sixth Circuit recently affirmed a lower court ruling that the car dealer was a creditor and violated the ECOA and Reg. B when it did not provide a notice of adverse action. Here’s what happened.

SeTara Tyson bought a used car from Sterling Rental, Inc., doing business as Car Source. Tyson qualified for a grant from the State of Michigan for the down payment. She provided Car Source with her two most recent pay stubs, which included her year-to-date earnings. The dealer entered her income into the computer program for Credit Acceptance Corporation — the intended assignee of the contract — but the entered amount was incorrect and considerably overstated her income. Based on the CAC program,

Car Source structured the terms of the contract to generate the most favorable terms for the dealership that would keep Tyson’s monthly payment below CAC’s maximum payment based on her monthly income. Tyson signed a retail installment sale contract and left the dealership with the car. For Car Source, so far, so good.

Two days later, Tyson returned to Car Source in response to a call from the dealership. At this point, things began to go downhill for Car Source. During the intervening two days, CAC informed Car Source that Tyson’s monthly income on the application was wrong. Because of this error, CAC would not pay an advance to Car Source. Car Source asked Tyson to pay an additional \$1,500 down, but Tyson declined and ultimately left the car with the dealership. Car Source did not provide Tyson with an adverse action notice. Tyson sued Car Source and its owners in federal district court for violating the ECOA by failing to give her an adverse action notice and for their conversion of her car under Michigan law. The trial court granted summary judgment to Tyson on the adverse action

issue, holding that Car Source was a creditor under the ECOA and Reg. B. However, the trial court denied Tyson’s request for an injunction, holding that equitable relief is not available to private parties under the ECOA. The trial court also denied her claim for conversion. Both sides appealed.

The appellate court noted that the adverse action issue turned on whether Car Source was a “creditor” under the ECOA and Reg. B. The ECOA says that a “creditor” is

- (1) any person who regularly extends, renews, or continues credit;
- (2) any person who regularly arranges for the extension, renewal, or continuation of credit; or
- (3) any assignee of an original creditor who participates in the decision to extend, renew, or continue credit.

Reg. B treats these three types of creditors differently. In particular, a person who qualifies as a creditor under clause (2) is considered a creditor only for the purpose of the ECOA’s rules against discrimination and discouragement on a prohibited basis. In other words, middlemen who merely arrange credit need not give adverse action notices. Car Source and its owners argued that Car Source was only a middleman between Tyson and CAC and that CAC was the “true” creditor.

The appellate court disagreed. It held that Car Source regularly participated in the credit decision by setting the terms of the credit. The court noted the testimony of a Car Source owner that the company determines how much to finance, how much interest to charge, and the size of the monthly payments. CAC’s only role

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2017 Legislative Session Is On Its Way!

Dan Bennett, Vice President of Government Relations

The 2017 legislative session is lining up to be busy, with legislators' aims to tackle a great many critical issues for our state and your business. At the time of this writing, new committees and chairmanships were being announced and worked on as the new legislature took shape and determined priorities.

Over 765 bills had been filed by mid-December, with another 42 filed but subsequently withdrawn.

NH operates on biennial budgets, and it is a budget year; this will be a huge focus all session long. Governor-elect Chris Sununu takes his first stab at the budget in February, followed by the House and then the Senate, with the process wrapping up in June. A variety of policy issues such as concealed carrying of weapons, election law reform,

legalization of recreational marijuana, establishment of the right to work laws, the heroin and opioid epidemic have already entered into discussion. The possible lowering of business taxes has received a great deal of exposure so far.

From the bills filed, NHADA has already identified critical issues in order to help ensure you have a great workplace and a productive and profitable business.

We will track bills dealing with repeal of the OBD II emissions program, changing the motorcycle inspection interval to two years, establishing paid family medical leave in NH, autonomous registration of vehicles, and defense of the hands-free driving law. Before the legislature as well



Dan Bennett

are many ATV bills involving, among other things, a youth helmet study, youth operators, open containers and mandatory equipment. Workforce issues, especially those that will help with career and technical education opportunities, are receiving emphasis as well.

We will once again need your input and voice in our legislative activity. As we have always said, "Our voice at the Statehouse in Concord is only as loud as yours back home!"

Stay tuned for more information as the 2017 session opens up.

Let me know if you have any questions on the above, or any, legislative matters. I can be reached at dbennett@nhada.com or call 800-852-3372. 

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ECOA – continued from page 6

in the transaction is to determine whether to pay an advance under the terms set by Car Source.

In this case, the Sixth Circuit joined the Seventh Circuit in holding that a dealer is a creditor taking adverse action when it declines to refer an application to potential assignees. But this case extended the ruling in *Treadway v. Gateway Chevrolet Oldsmobile Inc.*, 362 F.3d 971 (7th Cir. 2004). The *Tyson* case held that even a middleman is a creditor if it regularly participates in credit decisions and takes an adverse action.

The Sixth Circuit also held that the ECOA permits a court to award injunctive relief, reversing the trial court on this point. Finally, the appellate court held that the trial court erred in denying Tyson’s claim for conversion. Car Source’s rights to the car had terminated by the time Tyson returned the car to the dealership. Therefore, Tyson had a claim against Car Source for conversion.

What is the significance of this case for dealers, especially those in the Sixth Circuit states of Michigan, Ohio, Kentucky, and Tennessee? First, almost every dealer is a creditor who participates in the credit decision. In an indirect credit transaction, the dealer is the original creditor. Dealers

typically set the terms of the contract, even though they may consult the rate sheets of potential assignees when doing so.

Every dealer should have procedures in place for giving applicants adverse action notices when they take adverse action. For consumer applicants, these notices must be in writing. The notices can either contain the principal, specific reasons or say that the dealer will provide the reasons on request. There are other requirements for adverse action notices, so consult your legal counsel.

Dealers often ask if they are required to send an adverse action notice if the potential assignees send adverse action notices to the consumer. That question remains unanswered by courts in many parts of the country. Reg. B permits one creditor to send an adverse action notice on behalf of another creditor. Let’s take the case where the dealer sends the car buyer’s application for a credit decision to Bank A and Finance Company B. Both potential assignees decline the application and send adverse action notices. A good argument exists that those notices take care of the dealer’s obligation if the notices meet the Reg. B requirement that the notices identify the dealer.

In the *Tyson* case, Car Source could

not rely on this argument. CAC was apparently willing to take assignment of the Car Source contract; it simply was not willing to pay the dealer an advance. The appellate court correctly noted that the determination regarding the advance was a consequence that fell solely on Car Source and did not affect Tyson. In this situation, Car Source alone made the adverse action decision.

The final question in dealer adverse action cases is, “What reason should the dealer give the consumer who doesn’t get credit?” Sometimes dealers assert that the reason is something like, “No finance source would buy your contract on terms acceptable to me.” Although this may be true, it does not qualify as a specific reason for denial. The dealer must be prepared to tell the consumer the reasons why no finance source would buy the contract. If the dealer isn’t sure why, he or she should ask.

With the *Tyson* case, the compliance world has gotten tougher for dealers. Courts can award individual consumers up to \$10,000 in punitive damages for failing to give a proper adverse action notice, in addition to court costs and attorneys’ fees. In a class action, damages are capped at \$500,000 or 1 percent of the dealer’s net worth. The Federal Trade Commission can seek \$40,000 per violation in an ECOA enforcement action. These potential costs make ensuring your adverse action compliance procedures are up to snuff a very wise investment.

Tyson v. Sterling Rental, Inc., 2016 U.S. App. LEXIS 16258 (6th Cir. (E.D. Mich.) September 2, 2016).

*L. Jean Noonan is a partner in the Washington, D.C., office of Hudson Cook, LLP. Jean can be reached at 202-327-9700 or by email at jnoonan@hudco.com. 📌

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Where are the Techs? A Service Director's Perspective

Rick Gauthier, Banks Chevrolet-Cadillac-Buick-GMC, NHAEF Director

For years we have struggled with finding quality technicians who are willing and able to keep pace with the technology. The workforce development program, a NH Job Training Grant that allows NHADA members to send their entry-level employees to college auto tech courses for half-price, plays a vital role in our "player development" strategy.



Rick Gauthier

We are able to provide structured training to existing employees who have already proven themselves to have a good work ethic. The employee is still able to work full time to support him/herself, and learn skills that would otherwise be unavailable to help them develop a career.

We have trained entry level employees aspiring to become certified technicians, we had a female service advisor attend the "Intro to Automotive Repair" course so she could enhance her technical understanding, and an experienced technician who had always struggled with electrical take the "Advanced Electronics" at Lakes Region Community College. All of our employees who have attended the training have benefited tremendously. I have found in many cases that helping an employee develop career skills creates a degree of loyalty from that individual, which otherwise might not exist.

The path from entry level to experienced is long, and takes patience and sacrifice from both the employer and employee. Not every investment will be a success story, and selecting the right individuals to commit the time and adapt their schedule to coincide with being at school on time is challenging, but the long-term return on investment far outweighs the alternative to doing nothing.

The Spring 2017 courses take place evenings at Manchester Community College and Lakes Region Community College. *Classes begin the week of January 17, so don't delay.*

If you answer "Yes" to these three questions, then contact NHADA for the solution to your problem

1. Are you short a technician or two right now or will you have an open technician position in the next few years?
2. Do you have a current employee or know someone that has the right attitude and potential to become at least a C level tech? (It could be your detailer, your lot attendant, your lube tech, etc.)
3. If I told you that NHADA has money to give to you to train that person to be your technician, and that we have training classes lined up, would you be interested in hearing more?

Go to www.nhada.com and select Education Solutions and Auto Tech Courses to learn more and download registration forms. If you have questions regarding the grant, email Jean Conlon at jconlon@nhada.com. 🇺🇸

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OSHA Recordkeeping and Injury Reporting Update

Matt Foster, Loss Prevention Representative

The auto industry is now in the second year of compliance with record-keeping standards from the Occupational Safety and Health Administration (OSHA). Now there may be new, additional requirements you need to follow.

Effective January 1, 2017, OSHA requires that some of the recorded information for injuries and illnesses be submitted to OSHA electronically. That information is the same as what you are currently required to keep.

So who is going to be required to submit their information? What needs to be submitted? And how does it need to be submitted?

OSHA now requires that:

- establishments with 250 or more employees, and establishments with 20-249 employees that are classified in certain high risk industries submit their 2016 Form 300A electronically by July 1, 2017.

OSHA Form 300A, the "Summary of Work-Related Injuries and Illnesses", will be compiled by the NHADA Workers' Compensation Trust (WCT) and sent out to all WCT members again this year. When

you receive this form, ensure that it is signed and posted in the facility from *at least* February 1 to April 30 of the following year.

For those required to submit electronically, the submittal process is still being worked on, but OSHA will have a secure website that will include three methods by which your information can be submitted. OSHA is scheduled to go live with this website in February 2017.

In addition to the new submittal requirements, OSHA has added three provisions to ensure accurate and thorough injury and illness reporting. Employers shall ensure that employees understand their right to report any work-related injury or illness without worrying about retaliation. This can be easily met by making sure that the *OSHA Job Safety and Health – It's The Law* poster on worker rights (April 2015 or later) is posted for all employees to see.

(NHAD Services, Inc. - Products Division, your NHADA store, provides the laminated "All-in-One" mandated posters. Check nhadastore.com for Federal Poster [NH-Poster-FED], or call 800-852-3372.)



Matt Foster

The employer shall ensure that the procedure for reporting be reasonable and must not deter employees from reporting. An employer may not retaliate against any employee for the reporting of a work-related injury.

Legal counsel has informed us that post-accident drug testing may be a form of retaliation against a reporting employee. If the employer wants to conduct post-injury drug testing, they must have a reasonable basis for doing so. See the article published In Motion by James A. MacClure IV, Esq. *OSHA Guidance: New Rules on How to Handle Reports of Workplace Injuries or Illnesses* for more information at <http://bit.ly/2h9lqrKj>.

For more information on the recent changes to the OSHA recordkeeping and reporting standard, keep a look out for related seminars here at NHADA. If you have any questions, feel free to contact me at mfoster@nhada.com or another member of the Loss Prevention Department at 800-852-3372. ▲



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Auto Dealers and Town Clerks Connect

Mary Reynolds, President of the NHCTCA

On behalf of the NH City and Town Clerks' Association (NHCTCA), I would like to thank the NHADA for allowing us to communicate with your membership through your newsletter. We are hopeful that a positive relationship can be gained by communication.

Not many people realize there is a distinct connection between auto dealers and town and city clerks. Once citizens have gone to the auto dealer to purchase the necessary vehicle, they must visit the town or city clerk in their community to register the newly purchased vehicle.

We clerks strive to ensure our customers receive quality and accurate service and that they walk away feeling the transaction was smooth and seamless. To ensure this

kind of positive experience continues, the town and city clerks have a few requests.

- Whoever signs a Certificate of Title Application (CTA) should have the driver's license number recorded above Box 1. This includes a dealer representative signing for a lease vehicle.
- If a customer is purchasing a vehicle in a trust, the registrants name should not be placed on the CTA. When titling a vehicle in a trust in NH, the registration will be processed by the town or city clerk with the registered owner's name and the trust, but the title will only show the trust. A tricky situation, we know, but adding the customer's name to the CTA defeats the purpose of the trust ownership.
- Each person on a CTA must be placed on a registration for that vehicle; in the same turn, someone not listed on a CTA cannot be placed on the registration by the clerk. Always make sure that the purchasers of the vehicle want the registration to remain the same — husband and wife both on it, one taken off, etc. — before entering the CTA. Someone may need to get a spouse or other party to sign paperwork for you, but this can save you a lot of time

and customers some fees if it is done to the customer's specifications.

- Some vehicles have so many sub models (SE, LE, i5, etc.), and customers do not always know which sub-model they purchased. It would be very helpful if inventory could be recorded with this sub-model to be reflected on Box 8. It would also help if you let your customers know that town and city clerks can, and will most likely, ask for the window sticker for a brand new vehicle in order to make sure the information being entered into the State system is correct. If we all make it a habit to remind everyone it will become second nature before long.



Thank you to the NHADA membership for giving us this opportunity. Please feel free to extend the same communication to our membership. Please email dbennett@nhada.com with any information you would like passed along to your clerks, and we will be happy to share with our membership.

We send wishes for a Joyous New Year!

DMV TITLE TIP Title Applications Missing Information

Fresh from the desk of NH Division of Motor Vehicles Title Bureau Supervisor Priscilla Vaughan, please pay serious attention to the issue below:

For all applications for title that are owned by a corporation, partnership, or association, the person signing in box 26 must certify under penalty of perjury, that he/she is authorized to sign on behalf of the owner. Many applications are missing the printed names. Some older versions of applications may say "Name" as opposed to "Printed Name". Please write the printed name of the person signing on behalf of the company.

Please be mindful of this as, going forward, the DMV will suspend all applications that are not competed in full.

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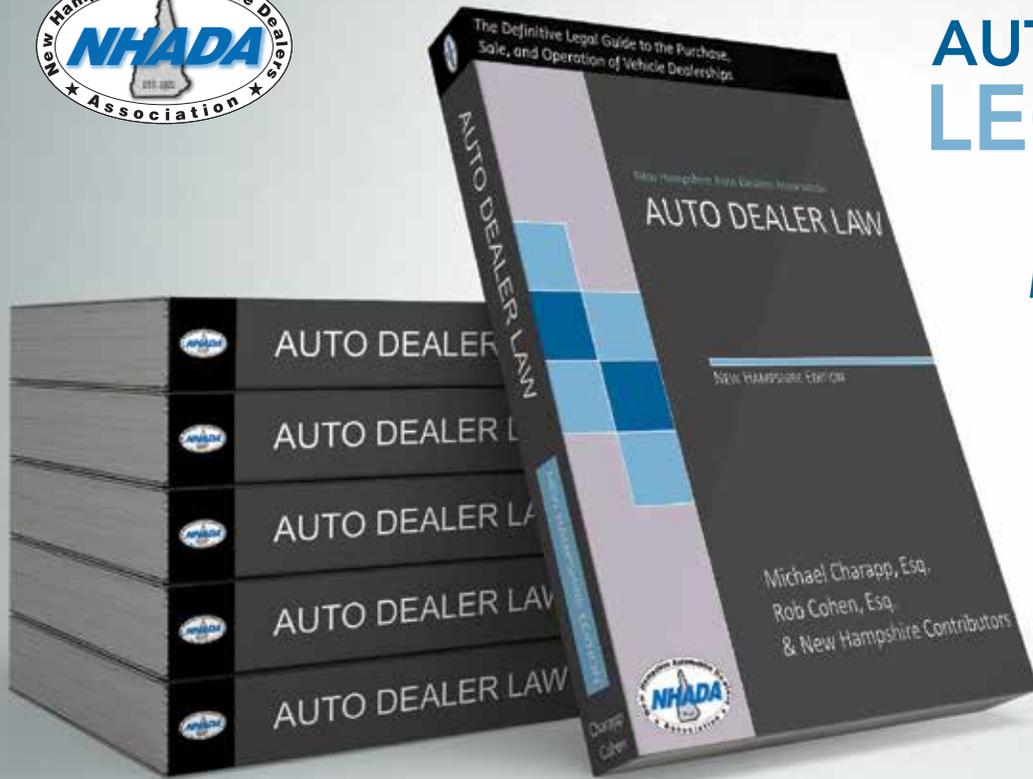
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Future Women Techs

Jean Conlon, Programs Administrator

There are too few automotive technicians to go around, with more than 400 openings in NH. Yet half of the potential work force, women, are noticeably absent at many repair shops.

That is changing. During visits to dealerships and repair shops, we are seeing more women on the front line as service advisors and managers, as well as a few under a lift with a scan tool. As technology changes, so do the opportunities for women.

Our education foundation, the NHAEF, has seen an influx of extremely qualified women applying for automotive technology scholarships. They represent the future of our industry. We would

like to introduce you to three students who recently received scholarships.

We would like to see more women consider careers in the automotive industry. With new technology, job security, good pay, continuing education and opportunities for growth, the field has much to offer.

Learn more about scholarships through the NHAEF. Contact Jean Conlon at 800-852-3372 or jconlon@nhada.com.



Jean Conlon

Alexis Champagne of Littleton is in her second year at White Mountains Community College and is pursuing a degree in Automotive Service Management.

Teacher Denise Lafitte reports, "Alexis is an enthusiastic worker, who displays initiative, creativity and patience within our school community. Her personality lends itself to being

supportive of family, friends, and community. Ally has the ability to balance her course load and job, which demonstrates

her high level of organization and communication skills."



Alexis intends to work in a local automotive shop in Littleton and "help the people of my own community, especially with their most-used daily item, their cars."

Alyssa Newcomb is also in her second year at MCC, also within the Chrysler CAP program. Like so many technicians, her love of cars came about with her father teaching her at an early age. As her resume indicates and her automotive technology instructor Todd Mikonis attests, Alyssa is "a hardworking and dedicated student." She has a plan for her future and will go far."



Larry Foss, current NHADA chairman and president of Foss Motors and, where Alyssa works in an internship agrees. "Alyssa knew at a young age that she wanted to pursue a career in the automotive field following in her father's footsteps.

"She has a passion for working on automobiles which shines thru her work," he said.



Julia Milos of Salem is in her second year at Manchester Community College (MCC) and is in the Chrysler CAP program.

She is working in an internship at Allen Mello Chrysler Dodge

Jeep Ram in Nashua and is excited about having an opportunity to work with the newest technology and to continually be learning new skills.

Allen Mello service manager Mike Arcand reports, "Julia is very ambitious, working three jobs while going to school. She also likes working on her 95 mustang. Julia is a honor student and we are pleased that she plans to continue her career at Allen Mello."

In high school, Julia was Deputy Corps Commander in the Air Force Junior Reserve Officers Training Corp and the Skills USA treasurer. Her leadership continues at MCC; she is the vice president of the MCC Senate. With her work ethic and leadership skills, Julia will go far in her chosen profession.

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Follow NH's Environmental Services' Guidelines for Used Oil and Universal Waste

Dustin Howe (Loss Prevention Representative)

Used oil is defined as "any oil that has been refined from crude oil and any synthetic oil that, through use or handling, has become unsuitable for its original purpose due to the presence of physical or chemical impurities or loss of original properties." Once this happens the used oil is categorized as a regulated waste. There are a few different options for disposing of used oil, which include burning in a used-oil furnace, taking it to an authorized recycler or hiring a registered hazardous waste transporter for recycling.

The removal of used oil from a vehicle and subsequent storing of it should occur over an impervious surface. Used oil should never be put in a dented, cracked, rusty, unlabeled drum or tank.

To prevent spills, use a funnel when transferring used oil to a storage container. If spills cannot be avoided, place the



Dustin Howe

container on a drip pan to collect the spilled oil. All used oil tanks and containers must be labeled "Used Oil for Recycle". Used oil that is mixed with gasoline, solvents, antifreeze and gas additives cannot be burned legally; it must be managed as hazardous waste. Used engine oil may be mixed with other types of uncontaminated oil and lubricants such as, transmission fluid, differential oil, brake fluid, power-steering fluid and transaxle fluid.

Once the transferring of used oil from one container to tanks or drums is completed, all caps and covers must be tightly sealed. A spill kit should be present at used-oil storage area and should include a bucket, absorbent material (Speedy Dry, Kitty Litter), a scoop or shovel and personal protective equipment.

Used oil filters that are fully drained are not classified as a hazardous waste and can be sent to a scrap metal recycler along with other scrap metal in your facility if the hauler or facility allows it. Used oil filters must be punctured and drained over a drip rack or drip table at room temperature or warmer for 12 hours, or use a filter crusher, which is the best way to fully drain the filter.

If your storage tank is above ground and holds more than 660 gallons of petroleum, or if you have multiple containers that collectively hold more than 1,320 gallons of petroleum product, you must be registered with the NH Department of Environmental Services (NHDES) as an Above-ground Storage Tank (AST) and meet AST standards. Underground Storage Tanks (UST), and partially underground storage tanks, must be registered with the NHDES and meet rigorous UST standards. If storage tanks are outside, they must be protected from outdoor elements such as rain and debris among other things. All used oil collection containers shall be secured in a secondary containment structure that is leak proof and can hold at least 110 percent of the volume of the largest container and must have a roof.

All spills must be cleaned up immediately.

Universal wastes are products that contain hazardous material that could potentially harm workers and damage the environment, such as antifreeze, rechargeable batteries, cathode ray tubes, lamps, mercury containing devices, and pesticides. The following is a guideline for material handling and procedures:

- Properly manage the waste through labeling and storage.
- Place the label facing towards you on the container.
- Make sure the containers are closed and in good condition.

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NHADA Cruisin' Convention June 25-27, 2017

Red Jacket Mountain View Resort, North Conway, NH

Jean Conlon, Programs Administrator

Back by popular demand: Two free registrations to this year's family convention in June will be allowed each NHADA member company.

The NHADA Board of Directors recent voted that benefit for franchised and independent NHADA members. The free registrations may be used for owners or managers and their family or guest.

That's all the more reason you should plan now to attend the NHADA Cruisin' Convention from June 25 to 27 at the Red Jacket Mountain View Resort in North Conway.

Free Early Bird registration for

members has a \$450 value including:

- Bob Marley Comedy Show on Sunday night;
- Dinner and entertainment on Monday night;
- Waterpark admission;
- Mini-spa (limited spots, subject to availability);
- Wine tasting;
- Sunday evening reception;
- Sunday sit-down dinner;
- Monday breakfast;
- Monday buffet lunch;
- Tuesday breakfast;
- Kids' Club; and
- Annual Meeting on Tuesday with

awards & cash prizes.

We are also working on a Cruisin' theme and invite members to bring their classic cars to the event — more on this to come!

The hotel reservations and the golf tournament are not included in the free registration.

Standard rooms for June 25 and 26 are \$129 per night, plus tax. Townhouses are going fast and are at \$229 per night, plus tax. Call 800-672-0500 and use reference code 289168. Rates are guaranteed through May 26, 2016.

Watch for registration information!

- Do not mix materials together.
- Make sure to write down the accumulation start date.
- Keep track of the universal waste inventory.
- Protect waste from outside elements.
- Do not exceed the one-year storage time limit.

Here are procedures for handling used batteries:

- Waste battery containers must be labeled: "Used Batteries," "Waste Batteries," or "Universal Waste-Batteries".
- Used batteries should be managed in a container that will not allow them or their contents to enter the environment.
- Batteries should be stored away from sources of sparks or flames.
- Containers should be labeled with the earliest date that any waste was added to the container.
- Battery containers should not be tightly sealed (to avoid hydrogen gas build-up).
- The casing of each battery should be kept intact and closed; leaking batteries

should be separately stored.

- An inventory of all universal wastes and their accumulation start date should be kept on-site.
- Waste batteries stored outside must be covered to prevent contact with precipitation.

For questions regarding this or any environmental-related waste contact me at dhowe@nhada.com, Dan Bennett at dbennett@nhada.com or your NHADA WCT Loss Prevention representative or call any of use at 800-852-3372. ▲

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NHADA Association Partner



Return to Work and Managing Difficult Cases

Marta Silakka, WCT Nurse Case Manager; and Pete Sheffer, WCT Director

The NHADA Workers' Compensation Trust (WCT) staff spends a considerable amount of time educating our members on the process that starts when an employee is injured. One of the most important steps is the call to us following the injury.



Marta Silakka

relationships we have with local providers; they are the specialists in their fields and agree to see our injured workers in a timely manner, which, in most cases, will be sooner



Peter Sheffer

communicating with all parties, we are able to assist the WCT member with finding appropriate TAD, helping facilitate the injured worker, and sitting down with the employer to review the light duty. We work to ensure that all parties understand the

We have reviewed in the first two segments of this series of articles what to do in assisting with medical treatment procedures when an employee is hurt. This article will start from when we receive a call following a non-life threatening injury.

Rest assured that an injured worker or employer calling in to the WCT to report the incident will never go to voice mail; that's a core philosophy here.

Marta fields the majority of these calls, but in her absence, or if she is assisting another injured worker, the call will go to another WCT staff member.

This call is extremely important because we will assist in finding the injured worker treatment by the most appropriate, in-network medical provider. The call also gives the WCT staff the opportunity to begin managing the claim, even before the employers' paperwork has been filed.

The Employer's First Report of Injury, form 8A WC, indicates that the employer has five days to file the claim notice. We believe managing the claim from day one leads to a better outcome for the injured employee and to less cost for the WCT member.

We are able to help with a medical referral because we know the treating provider, the time frame for care and the proposed date for the injured employee's return to work.

WCT prides itself in the positive

than it would be through a primary care referral.

As well, since we have assisted in the referral process, we are able to communicate with the medical providers on billing matters, obtaining the Workers' Compensation Medical Form, and assisting with any other necessary referrals.

Our staff keeps detailed notes on all calls, so we can follow up with the injured worker, the providers as needed, and with the employer to obtain the necessary paperwork to set up the claim. If we see that an injured worker sought treatment and was released to Temporary Alternative Duty (TAD), we will follow up with the employer to ensure that the injured worker has returned to work. We call to make sure that the injured employee has shared the NH Workers' Compensation Medical form with their supervisor, and we confirm that the WCT member accommodates the light duty. If necessary, we will fax the workers' compensation form to the WCT member, and together review it and discuss appropriate light duty.

All too often, a breakdown occurs in this part of the process. Injured workers can make assumptions that their employer only wants them back if they return to full duty, or the doctor is assuming full duty or no duty. Sometimes the restrictions can seem impossible to accommodate to the employer. We are here to assist WCT members when these issues arise. By

treatment and return to work plan.

With minor injuries, work on the claim may near completion with early management.

Getting the injured employee back to work following a work-related injury is the single most cost effective way to reduce workers' compensations costs.

A medical-only claim is discounted 70 percent when we calculate the WCT member's experience modification factor. One day of disability benefits paid by the NHADA WCT changes a medical-only claim to a lost-time claim and the WCT member loses the 70 percent discount. This is why early intervention and communication on a claim is critical.

Although there is a three-day waiting before disability benefits come due, that period is waived if the injured employee returns to light duty within five days of the date of injury. Stated another way, if the WCT member takes the injured employee back for light duty within the first five days, the NHADA WCT will take responsibility for paying disability benefits.

National studies have found that the sooner an employee returns to work the sooner they will recover from their injuries. The Saskatchewan Workers' Compensation Board uses the philosophy, "Return to work to heal, not heal to return to work." We recognize that occasionally getting the injured employee back to work can be challenging. The physician's job is

NH Collision Repair Laws

Familiar Policy Now a Stronger State Law

Dan Bennett, Vice President of Government Relations

Effective January 1, 2017, a new law strengthens NH’s collision repair statutes insofar as they apply to the use of aftermarket parts and disclosure of such usage. Governor Maggie Hassan signed Senate Bill 436 into law last June 3.

While the technicality of the law was merely a restatement of a 1999 NH Insurance Department bulletin, I am sure you all remember the tough legislative battle that preceded it. Having the new policy in law will provide greater strength to the consumer and the shop if or when an insurance company violates the law.

The new statutory sections and language is below:

407-D:4 Disclosure.

I. The insurer shall disclose to the claimant in writing, either on the estimate or on a separate document attached to the estimate, the following information in no smaller print than 10 point type:

This estimate has been prepared based on the use of automobile parts not made by the original manufacturer. Parts used in the repair of your vehicle by other than the original manufacturer are required to be at least equal in like kind and quality in terms of fit, quality, and performance to the original manufacturer parts they are replacing.

II. All aftermarket parts installed on the vehicle shall be clearly identified on the estimate of such repair.

III. Any insurer who fails to provide the precise statement in paragraph I shall be prohibited from requesting or requiring the use of aftermarket parts.

And:

407-D:3-A Limitation on the Use of After Market Parts.

I. No insurer of private passenger automobiles shall require or specify the use of aftermarket parts on:

(a) Vehicles that have been placed in service within the immediately preceding two years and that have 30,000 or fewer miles recorded on the odometer; or

(b) Leased vehicles if the lease provides that such parts will cause a diminution of the residual value of such vehicle.

II. In this section, “specify” includes writing repair estimates on the basis of the cost of aftermarket parts or otherwise declining to pay for the cost of original equipment manufacturer replacement parts.

It is important to be sure that your staff and your customers are familiar with the enhanced consumer protection now as provided in RSA 407.

For questions on this new law or any other collision repair-related matter, please do not hesitate to contact me at dbennett@nhada.com or 800-852-3372.

to document what the injured employee is capable of doing; it is not to disable the injured employee. It is up to the employer to determine whether they can accommodate the restrictions placed upon the injured employee.

Bernie Hecht, NHADA rehabilitation specialist, can assist members with questions about accommodating restrictions. Before a member decides there no work is available for the injured employee, based on the restrictions, they should speak to Bernie, or Pete, or Marta if Bernie is unavailable. We can help identify potential light-duty jobs that the member may not have considered.

The claims department has the right

to request that the injured employee see a physician of our choosing for an independent medical exam. Workers’ compensation carriers and the self-insured are legally permitted to obtain two IMEs per year, and the provider must be within a 50 mile radius of the injured employee’s home. An IME can help answer questions relating to the medical necessity of ongoing treatment, the causal relationship of an injury to the workplace or the extent of the injured employee’s disability. On occasion, a hearing in front of the NH Department of Labor is necessary to evaluate the injured employee’s work capacity.

The workers’ compensation claims

process moves very quickly. In order to get the injured employee back to work without losing time from work, all of the participants — from the injured employee to the front-line supervisor, to the human resources manager, to the NHADA claims staff — must communicate promptly and effectively. The injured employees’ recovery and the member’s premium and rebate are dependent upon the prompt return to work after an on-the-job injury. Our collective communication is the key to a successful return to work. Please use the NHADA WCT claim staff as your resource, contact us at 800-852-3372 or by email. 



New Members

Proficient Automotive LLC

546 Mast Road,
Goffstown, NH 03045
603-361-4514

Owner: Mr. Jason Ux

R & R Cycles, Inc.

8024 South Willow Street
Manchester, NH 03103
603-645-1488

Owner: Mr. Reginald A. Ronzello, Jr.

Safety/OBD II Inspections Statistics

Safety Inspection Results	Nov '16	Percent of Total	YTD '16	Percent of Total
Total *	120,532	100.00%	1,466,284	100.00%
Passed	96,632	80.20%	1,175,770	80.20%
Corrected	13,168	10.90%	159,029	10.80%
Rejected	6,902	5.70%	82,991	5.70%
Untested	3,830	3.20%	48,494	3.30%
OBD II Inspection Results (1996 and newer)				
Total	108,431	100.00%	1,293,097	100.00%
Passed	95,195	87.80%	1,131,511	87.50%
Rejected	8,351	7.70%	103,581	8.00%
Untested	4,885	4.50%	58,005	4.50%
* Total numbers include OBD II Inspections				
<i>Statistics provided by Gordon-Darby</i>				

2016 Unemployment Rates by Area

	Aug	Sep	Oct
United States	5.0%	4.8%	4.7%
New England	4.2%	3.8%	3.3%
Connecticut	5.6%	5.1%	4.5%
Maine	3.3%	3.4%	3.4%
Massachusetts	3.8%	3.3%	2.7%
New Hampshire	2.9%	2.6%	2.3%
Rhode Island	5.8%	5.1%	4.8%
Vermont	3.3%	3.4%	2.7%

NHADA Mission Statement: *To be the voice of the motor vehicle industry by providing services, education and investment in New Hampshire's economy.*

Title Statistics Report Ending November 2016

New Hampshire Department of Safety, Division of Motor Vehicles

	Current 12 Months	Prior 12 Months	% Change	Nov '16	Nov '15	'16 YTD	'15 YTD
Titles Issued for New and Demo Vehicles:	136,316	120,453	11.64%	8,756	9,351	121,571	112,072
Titles Issued for Used Vehicles:	267,668	229,321	14.33%	19,164	16,786	240,420	213,121
TOTAL TITLES ISSUED:	403,984	349,774	13.42%	27,920	26,137	361,991	325,193
Titles Issued with a Lien:				12,153	12,681	167,373	155,865
Titles Issued with no Lien:				15,767	13,456	194,618	169,328
Salvage Titles Issued:				1,461	572	13,224	11,149
Salvage Tags Issued:				193	151	2,109	1,851
Titles Issued for Heavy Trucks More than 15 Years Old:				34	40	446	506
Titles Issued for Heavy Trucks 15 Years Old or Less:				98	140	1,406	1,422
Titles Issued for Trailers:				843	842	12,968	10,531
Titles Issued for Motorcycles:				617	660	16,143	14,496
Titles Issued for Motor Homes:				67	82	980	862

Thank You 2016 NHADA Partners!

These Partners have answered the call and supported NHADA programs and events. Please consider your partners first when you need professional services for your business. To become a 2016 NHADA Partner please call Jean Conlon at 800-852-3372. Compiled November 29, 2016. Companies endorsed by the NHADA are listed first within each association partner level.

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