

# ILLINOIS

## AUTOMOBILE DEALER NEWS



## IADA-CVR: Leading From The Front

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Former, Illinois Assistant Attorney General,  
Deputy Chief, Consumer  
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LAW OFFICE OF  
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## ILLINOIS

AUTOMOBILE DEALER NEWS

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## IADA: One Voice



**O**n behalf of the IADA Board of Directors and staff, I would like to thank all our members for your support of association activities this past year. 2020 was a year like no other. IADA celebrated its 100th year anniversary dedicated to representing automobile and truck dealers' needs in Illinois. United through membership in IADA, members seek to achieve through "one voice" that which is impossible to achieve alone.

While a gala celebration was planned, unfortunately, the majority of meetings and conferences were put on hold as the industry and our country worked through the Covid 19 pandemic. Due to the ongoing pandemic, members of the Illinois House and Senate met for only a few days after March, the fall Veto Session was canceled, and they again met in session for a few days in January prior to the inauguration of the 102nd General Assembly.

Our legislative priority was the repeal of the \$10,000 cap on motor vehicle trade-in credits that took effect Jan. 1, 2020. The legislation did pass the Illinois Senate but languished in the House as the House leadership failed to have the legislation to repeal the trade-in cap called for a vote during the final days of the General Assembly. Our Senate sponsor has already introduced this legislation in the new legislative session!

The 102nd new legislative session convened in January, and with limited schedules, limited access to the Capitol, limited

access to hearing rooms, and limited access to members of the General Assembly, lobbying and advocacy efforts will be very different from what we are accustomed to.

Ensuring that the legislators understand our industry and the impact that proposed legislation could have on your business is a primary function of your IADA team. Being successful on this front relies on the relationships that we have built and continue to build with Representatives and Senators from every locality on your behalf.

We encourage you now more than ever to get involved in our legislative grassroots efforts. When contacted for assistance, take a moment to reach out and help educate legislators on pending legislation impacting your business! We will support you with key messaging and contact information, and we need your voices at the grassroots level to be effective.

We have an important legislative year ahead of us. We look forward to working with you as IADA begins another 100 years in our ongoing mission to serve our membership. Thank you for your support and involvement with IADA! ■

Sincerely,  
Peter J. Sander  
IADA President

# Making business easier for auto dealers. Especially now.

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# Sale of Aftermarket Voluntary Protection Products Subject To Increased Regulatory Scrutiny: Compliance Take Aways For Dealers

By Julie A. Cardosi, Law Office of Julie A. Cardosi, P.C.



In the auto industry, the sale of aftermarket or voluntary protection products ("voluntary products") is an important source of profit to a dealership. NADA has reported that dealer finance departments' sales of voluntary products continue to drive dealership revenue. Sources of revenue from the sale of these products include vehicle extended service contracts, guaranteed asset protection (GAP), and credit life and disability insurance. Other voluntary products include dent repair, window etching and products related to financing of the vehicle, among others.

The sale of these voluntary products, however, can be a regulatory "slippery slope" for dealerships finding themselves at the end of enforcement challenges by federal regulators, like the Federal Trade Commission, the Consumer Financial Protection Bureau, and Department of Justice, and state regulators, such as the Illinois Attorney's General Office. In recent years, we have assisted dealers in connection with regulatory challenges by some of these agencies over the sale of voluntary products.

So, what are the regulatory concerns? Regulators often focus on the proper disclosure of these products and various claims that rise to the level of misrepresentations concerning the products.

In Illinois, the Attorney General's Office is charged with enforcing Illinois laws intended to protect Illinois consumers against unfair and deceptive practices. The Illinois Consumer Fraud and Deceptive Business Practices Act (815 ILCS 505/1 et seq.) generally prohibits such unfair methods of competition and unfair or deceptive acts or practices which include:

- "any deception, fraud, false pretense, false promise, misrepresentation, or
- any concealment, suppression or omission of any material fact, or
- any practice described in the "Uniform Deceptive Trade Practices Act".

This law applies to advertising and to business practices and transactions.

As to the disclosure of these products, one area of scrutiny is whether the dealership has disclosed the optional or voluntary nature of the products. That is, the dealership must disclose (and be able to substantiate such disclosure) that the customer is not required to purchase these products when purchasing or leasing a vehicle, nor is the customer required to procure any product or service offered by the dealership. This extends to service contracts, financing and the other aftermarket protection products. The model NADA policy contains useful disclosure information, but it is up to each dealership to ensure their employees make certain that customers know that purchase of these products is voluntary and not required. Also, in the sale of these products, the dealership must disclose the products separately from the vehicle.

Dealerships should also ensure against any misrepresentations concerning the price or the value of the products. Aside, some products, such as service contracts, for example, may be subject to specific insurance law requirements promulgated by the state's insurance regulators. For this reason, dealers should consult with their lawyers and accountants about the structure of any service contracts they offer. In general, dealerships typically utilize a menu-based pricing system in the offer of these optional products to disclose the product costs. Again, it's imperative to ensure the customer understands the costs, along with the voluntary nature of the purchase. An important aspect is to disclose the price and monthly payment for each of the products if purchased



separately. Also, failure to systematically offer and charge the same price to each customer for the same product can subject the dealership to claims of unlawful price discrimination.

In marketing the sale of these voluntary products, dealerships can be held responsible for any claims made as to the nature or value of the products, notwithstanding the use of product vendor marketing materials. Dealers should consider requiring product vendors to indemnify the dealership from and against any and all claims, including marketing or advertising claims, and requiring vendors to procure insurance coverage (naming the dealership as an additional insured) to back up that indemnification.

Additional best practices to consider include ensuring customers are informed about submission of a claim and if the product can be cancelled, along with the cancellation process and eligibility for refunds in the event the product is cancelled. Also, it is important to ensure the dealership is consistent in the way it offers and sells these products.

## In general, dealerships typically utilize a menu-based pricing system in the offer of these optional products to disclose the product costs.

Finally, as the fate of new government regulations hang in the balance with the ushering in of a new US presidential administration and likely shifts in the balance of Congressional power, dealers would be wise to keep informed of all new legal and regulatory changes at the federal and state levels as those can and will undoubtedly impact their business practices. ■



Julie A. Cardosi is an attorney and president of the private firm, Law Office of Julie A. Cardosi, P.C., of Springfield, Illinois. She has practiced law for 35 years and represents the business

interests of franchised new vehicle dealers. Formerly in-house legal counsel for IADA, she concentrates her practice in the areas of mergers and acquisitions and other transfers of dealer ownership, franchise law, commercial law, state and federal regulatory compliance matters, including employment, and other areas impacting day-to-day dealership business operations. She has also served as former Illinois Assistant Attorney General and Deputy Chief of the Consumer Fraud Bureau of the Attorney General's Office. The material discussed in this article is for general information only and is not intended as legal advice and should not be acted upon as such. Dealers should consult their own private legal counsel for application to their specific circumstances. For more information, Julie can be reached at [jcardosi@autocounsel.com](mailto:jcardosi@autocounsel.com), or at 217-787-9782, ext. 1.

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# **IADA-CVR: Leading From The Front**

**Your only true partner with the infrastructure, experience and trusted staff to make your process the easiest.**

Back in 1999, IADA chose to work with CVR to streamline the title and registration process, and provide the members with a program that makes this part of the car selling process easier and much more convenient for the buyer. Since the start, we've been able to update and improve the program year-over-year, so the technology has continually kept up with our dealers' needs.



Your IADA support staff has over 80 years of combined experience working on dealers' IADA-CVR work.

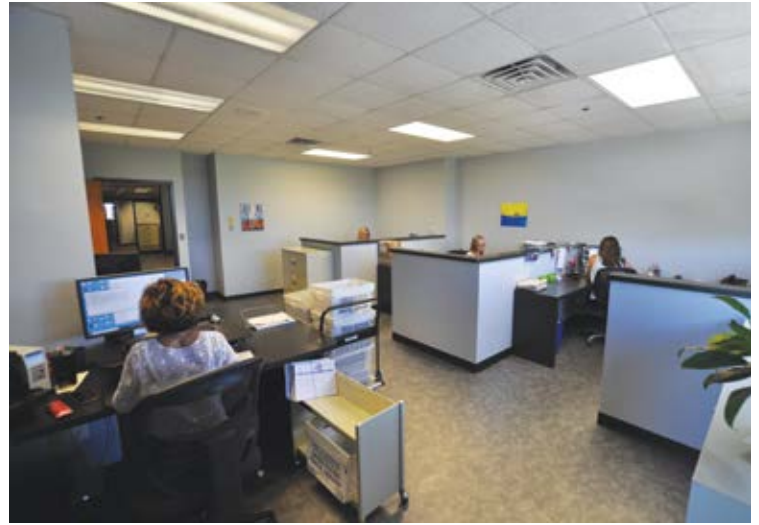


Over 1,800 clients trust their work to IADA-CVR. We process over 1.5 million transactions each year.





Each of your applications is reviewed and prepared by our IADA-CVR staff before being scanned.



On average, IADA-CVR scans 5,000 applications each day and delivers them to SOS the same day.

## GERALD



As an Office Manager with over 20 years in the auto industry, I've learned that the devil is in the details and relationships are everything! It wasn't until we switched providers from CVR that I realized how important both of these are.

It took us less than five months to switch back. During that time, we dealt with processing errors, delayed titles, and inventory issues. The little details, that CVR automatically got right from years of experience dealing with the Secretary of State, were suddenly a burden.

However, the most valuable aspect of CVR is the relationship and customer service. Instead of being unpleasant about changing providers, Joann Seckus made the transition as smooth as possible. She also made herself accessible during those months away. As soon as we were ready to switch back, she and Julie Cabrera bent over backwards to get us ready with the least amount of inconvenience to my staff and department managers. They are both always quick to respond, knowledgeable, and are friendly!

Thank you, CVR!



Stephanie Freistadt,  
Office Manager Gerald Auto Group



Your applications are scanned daily on high-speed computer image machines in high-resolution TIFF images. You have access to a 10-year history of your image files, all securely backed up with disaster recovery procedures and processes in place.





“ CVR is a great tool to have when you are creating 150+ deals per day. The CVR website is user friendly and they are always adding more features and shortcuts. You are able to create templates to store consistent information, which minimizes your entry time, all information can be entered on one page, and there is a convenient “chat” option for help. For more complicated questions, I know that I can always count on Joann Seckus, the CVR State Operations Manager. ”

Enterprise Holdings  
Wendy Formanski

License and Title Supervisor

IADA-CVR staff provide personal attention to your applications, correcting some deficiencies when possible and calling dealerships for clarifications, to ensure your transactions are processed as quickly as possible.



IADA-CVR has staff dedicated to managing your inventory return process to ensure you are in compliance with the SOS mandates and to help limit any possible SOS fines.

In addition to CVR's fulltime support staff, IADA provides phone support for your paperwork and inventory issues.



IADA-CVR has a full-time professional title partner to review all deficient applications returned from SOS. By correcting many of these applications without returning to dealers, we can save weeks and months in delayed processing time.



All applications are logged throughout the process, so dealers have specific, accurate updates on when their applications were scanned and if they were processed successfully or need corrections for SOS.

## The IADA Mission Statement

*IADA is an organization of franchised new car & truck dealers whose purpose is to promote an ethical, favorable business climate, and to serve the common needs of its members through services, education and representation.*



When dealers participate in IADA programs, they directly help protect the investments in their own dealerships. We are the state association that represents our members' interests in the legislative and regulatory arena here in Illinois. When our members participate in the association programs, they are essentially buying from themselves. It makes us all better and we as the IADA are in a much better position to help our members.





“It was already good, but now we have one centralized screen, so you don’t need to bounce around anymore to see everything. The search functions are stronger too, and there are convenient links that take you right to specific items, like ordering temporary or personalized plates. It’s just really easy to use, and the added bonus is the peace of mind that comes from knowing our customers’ cars are properly registered.”

Lisa Steinhilber,  
Office Manager,  
Uffring Auto Group

Dealers are able to hand-deliver applications, and all work is scanned the same day.



The CVR support team can provide quick answers, solution tutorials, self-help guides, manuals and in-depth technical training,





CVR support has provided solution support and customer service for Illinois dealers far longer than any other provider.

IADA-CVR maintains a warehouse where we ship over 500,000 plates each year. Your purchase orders are processed the same day they are received.



Honda BMW of Champaign has been with CVR since 2008. We have been approached by other electronic titling services; however, the CVR system is very straightforward and easy to use. The file import from our DMS system has been easy and worry free, the CVR support staff is very good and the chat feature in the cloud-based version has been very helpful. The monthly seminars and webinars with the Illinois Secretary of State and Illinois Department of Revenue are very helpful for our staff to stay current with the changes in the state as they apply to our business. The backing of the IADA also helps us know that we are in good hands with CVR. We will continue to use CVR because they have been outstanding from quick inventory supplies, software use, and support.



Larry Krisher

Asst Controller

Honda BMW of Champaign

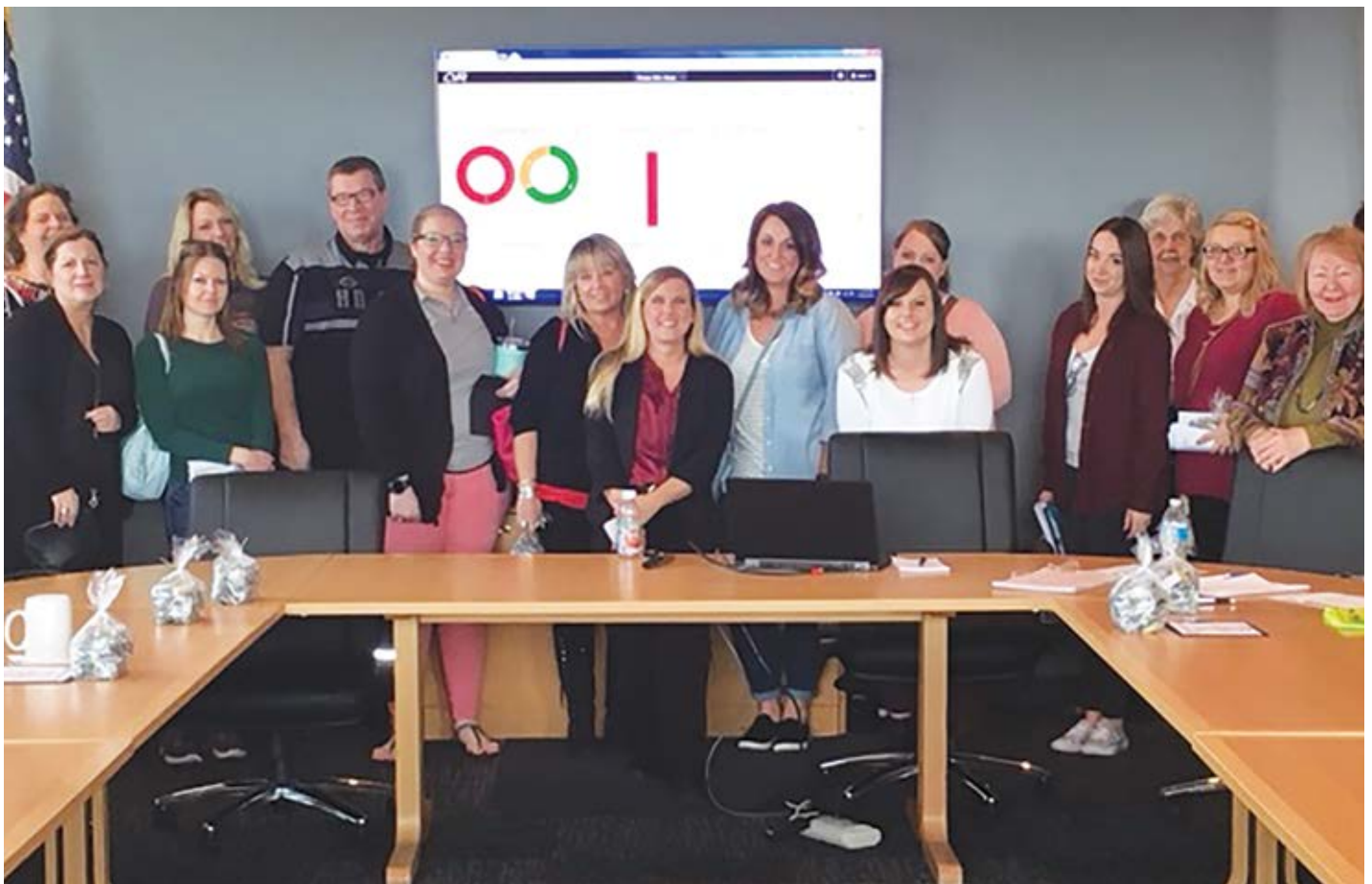
All your purchase orders are managed by IADA staff and shipped out the same day they are processed.





Your transactions, that are received and processed the same day, are also hand-delivered the same day to SOS. There is absolutely no more expedient or efficient process available.

CVR partners with ATC to offer a premium 50-state solution to assist with all your out-of-state transactions. With 44 years of experience in the out-of-state title and registration industry, depend on CVR and ATC to process your non-Illinois transactions.



We provide free monthly training seminars and webinars at our IADA headquarters. Coordinated with CVR, Secretary of State and Dept. of Revenue staff, no one else provides the opportunity to get all your training needs accomplished in one place at one time.





Training seminars are also coordinated in the Chicago area with the full panel of CVR, Secretary of State and Dept. of Revenue experts.



Our User Groups are very personal and informal, allowing for great interaction. The daily contact with members is how we continue to improve and enhance our CVR process. We never stop trying to improve the process for our clients.



Your Association, IADA, just completed its 100th anniversary. Several of the senior employees have over 220 years of combined service to our IL dealer members. This experience and continuity is one of the main factors that helps us deliver the solutions to our dealers when they ask for help.



With the cooperative efforts of everyone involved, IADA-CVR is the real and logical choice to partner with.







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***Webinars @ 1 ½ hours – geared to F&I departments***

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January 13	Seminar
February 10	Seminar – IADA Office
March 10	Webinar
April 14	Seminar – IADA Office
May 12	Webinar
June 9	Seminar – IADA Office
July 14	Webinar
August 11	Seminar – IADA Office
October	Seminar – (CATA Office)
November 10	Webinar

CVR also offers weekly webinars to assist specifically with CVR processing. To receive an invite, simply send an email request to: [IL@CVRReg.com](mailto:IL@CVRReg.com)

**These training sessions are provided by IADA at no cost to our IADA-CVR dealers.**

**Registration details are regularly emailed to our IADA members.**

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# Work the Deal

By Mark Timperley, Regional Training Director, BBDS

I started in the car business in January 2003. After selling cars for seven months and being the top salesperson for 3 of those months, I was offered the finance manager position. My sales manager told me that she would sign out a cash deal with me in the office to observe and then I would “just have to figure it out.” Talk about being thrown into the fire!

Integrated dealership technologies were just getting started in 2003 and we did not have it in my dealership yet. So, you might ask, how on earth did you get deals approved? Well, I had to handwrite an application with a deal structure and fax it over to the banks. After 30 to 45 minutes, I picked up the phone, called the bank and spoke to a buyer about the deal I had faxed over.

Over time, I started to develop a great relationship with several buyers at different banks. I got to know about their families, if they had children, what they liked to do for fun, what their favorite football team was etc. They started to trust my judgment and the background stories I would have on the customer's applications I sent them. We worked and rehashed the deal together. From adjusting money down to changing vehicles and terms, we discussed and worked together to see if there was any way we could get an approval for our customer.

I think the art of working or rehashing a deal today is lost with most new finance managers. A new finance manager today submits all their deals through a sales and finance platform. They almost view these fantastic platforms as the “Wizard”

behind the curtain. If the banks you submitted the application through say the customer is declined, then they are declined. It is out of my hands and there is nothing I can do. Wrong! Pick up the phone, have an actual conversation with the buyer at your banks. Work the deal! Rehash the deal! Yes, it takes some time and effort, but you would be amazed at how many “declined” deals can be turned into “approved” deals with a little bit of effort and imagination.

Dealers spend thousands of dollars every month advertising their business. Salespeople spend hours, sometimes days and weeks convincing a customer to purchase from them. Some finance managers spend 10 minutes submitting an application to a bank on an automated platform, get a decline and it's over? Time to move on to the next customer? No! The best finance managers pick up their phone, call the buyer they have established a relationship with and work the deal to see if there is any way they can get their customer approved. Yes, it takes some extra effort. Yes, it takes more time. Yes, it doesn't always work. But sometimes it does and when you show your salespeople that you are doing everything you possibly can to get their customer approved, that goes a long way in the relationship between sales and the finance department.

## Ideas to build a relationship with buyers

### Do's

- Always be polite and respectful when calling
- Ask how their day is going and actually care about their response

- Don't just call when you need something
- Send them a \$5 Starbucks gift card for a “Thank You” cup of coffee
- Email interesting and fun articles about things they are interested in
- Ask for their direct phone number
- Find out their work schedule
- Who do they suggest you talk to if they are off
- Let their supervisor know (by email or phone call) what a great job they are doing
- Send them some A+ easy credit deals when you can

### Don'ts

- Don't threaten the business if they can't buy the deal
- Don't ever lie
- Don't give them the same line every time
- Don't say “It's a really nice car”
- Don't ask for a supervisor regularly
- Don't be inappropriate and flirty
- Don't make promises and not follow through on them
- Don't send every vehicle over as having every conceivable option

By building a strong and real relationship with several buyers and several different banks, you will increase your chances of getting more deals bought. By getting more deals bought, you are helping your dealership sell more cars. When you sell more cars, everybody wins! ■

For more information, please contact Francis Fagan with Brown & Brown Dealer Services at 312-608-4979 or [ffagan@adgtoday.com](mailto:ffagan@adgtoday.com). Francis is the Regional Training Director for Illinois and Indiana. At Brown & Brown Dealer Services we put the emphasis on training. Visit our website for our training calendar and to meet our nationally renowned trainers. [www.AutomotiveDevelopmentGroup.com](http://www.AutomotiveDevelopmentGroup.com)



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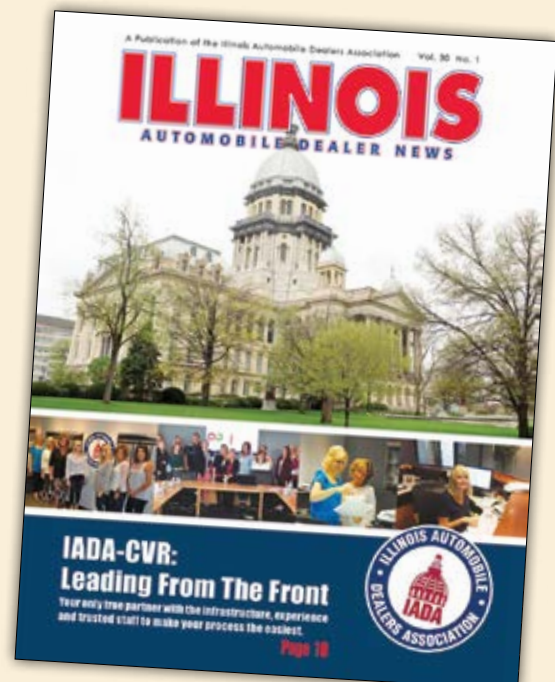
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- Train all your employees, not just your F&I team?
- Offer Commerical Insurance and Employee Benefits?
- Help keep you on the cutting edge of the industry and provide a process to maintain absolute integrity and compliance 100% of the time?

We help dealers to get better results through training and coaching their employees on our Proactive Selling System® for Sales, Service, F&I and BDC/Phone Skills. Our training has a three-prong approach:

1. Offsite Workshops
2. Onsite coaching
3. Online (on-demand) training

### 2020 Diamond Winner for F&I Training

*Winner of 16 Consecutive Dealers' Choice Diamond Level Awards from Auto Dealer Today and F&I and Showroom magazines.*

Diamond is the top award as voted on by dealers & dealer management. Recognized as a top compliance provider for the past six years via the same survey.



BBDS is an award winning and industry recognized leader in automotive dealership sales and service training.

BBDS is a full-service agency with a broad selection of offerings. We take the time to learn about your dealership, your challenges, and to create a cohesive approach to reach your goals.

