



Montana Automobile Dealers Association

SEPTEMBER 2019 NEWS BULLETIN

PRESIDENT’S MESSAGE:

It’s Time to Get Our Arms Around the Data Quagmire

Over the last decade, we’ve seen a revolution in customer expectations in the automotive retail industry. Technology has made an avalanche of information available to everyone instantaneously. Today’s consumers routinely enjoy fully integrated, real-time experiences in so many aspects of their lives, and they expect the same when buying or servicing their vehicles.

This “integration revolution”—which started with Amazon and other e-retail platforms—is at our doorstep, and it will provide dealers with massive opportunities to greatly enhance their customers’ experience. The key to this future is the seamless flow of data.

But in order for auto retailers to truly leverage data for the benefit of their customers, the auto industry must find a way to securely and efficiently integrate data flows across all channels of the automotive ecosystem—dealers, OEMs, finance companies, DMVs, vendors and the vehicle itself.

And right now we’re falling far short. A look under the hood

of the auto industry reveals that the current way we integrate, share and use customer data isn’t clear, fair, efficient or even rational in many cases. As a result, instead of building new opportunities for ourselves, we’re chasing many away.

Take, for example, the way in which OEMs and their dealers share data. Some OEMs view this as a one-way street where data should flow to them in a single direction instead of in both directions on a shared basis. Some OEMs even require dealers to share customer data with third parties without appropriate legal or practical protections.

Not only is that unfair, it’s irrational, given that it often results in consumers receiving conflicting marketing and service messages from dealers, OEMs and third parties. That’s a far cry from the predictive marketing that other industries are able to pull off regularly.

The good news is that a growing number of OEMs are starting to get it. For example, one OEM—at NADA’s urging—conducted a review of its data integrations and found, among other things, that it had more than a dozen different dealer data agreements just under its own roof.

To its credit, this OEM quickly took the opportunity to improve efficiencies and avoid duplication, and is now taking action

Continued on **PAGE 6**



James Johnson
MTADA President

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DIRECTOR'S MESSAGE:

NADA Market Beat: U.S. New Vehicle Sales Down 1.1% Year-to-Date

U.S. light-vehicle sales closed out August at a year-to-date SAAR of 16.95 million units. August sales were strong due to an additional selling weekend and the inclusion of Labor Day weekend sales events in the August sales results.

Most dealerships in Florida avoided disruptions to sales from Hurricane Dorian, while some dealerships in the Carolinas dealt with temporary shutdowns due to strong winds and heavy rains.

On the whole, though, sales were solid for the month. According to J.D. Power, retail volume was up 1.3% to a 13.67 million SAAR for the month compared to August of last year.

As has been the trend for several years now, the crossover segment continued to gain market share, representing 40.2% of all new vehicles sold. The pickup segment also posted market share gains, while all other segments declined.

For the rest of the year, we expect sales to fall slightly, closing out the year with sales of 16.8 million units. ■

NADA MARKET BEAT

Patrick Manz, NADA Senior Economist

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U.S. Light-Vehicle Sales

(Seasonally Adjusted at Annual Rates)

| | Aug 2019 | Y/Y Change % | Jan - Aug 2019 | YTD Change % |
|--------------------------|----------|--------------|----------------|--------------|
| Total Car | 4.58 | -9.7% | 4.82 | -9.2% |
| Total Light Truck | 12.41 | 5.3% | 12.13 | 2.6% |
| Domestic Light Vehicle | 13.14 | 0.3% | 13.16 | 0.1% |
| Import Light Vehicle | 3.85 | 2.4% | 3.78 | -5.0% |
| Total Light Vehicle SAAR | 16.99 | 0.8% | 16.95 | -1.1% |

More NADA Market Beat data on **PAGE 7**



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CHAIRMAN'S MESSAGE:

Have You Hosted Your Member of Congress Yet?



Charlie Gilchrist
2019 NADA Chairman

The auto industry has seen its greatest evolution in the past few years. Whether it's the rise of electrification and AV technology or the threat of broad tariffs, dealers must be more involved in the policies that affect our business. Ask yourself: How well do my elected officials understand my business? If you don't know the answer to that question yet, it might be time to host your member of Congress at the place you know best—your dealership.

The good news is that you don't have to be on the steps of Capitol Hill to meet with your Senator or Congressman. You can meet with your elected representatives while they are still home for the summer congressional recess which extends through Friday, September 6—another week after the upcoming Labor Day weekend. In my experience, that one 30-minute face-to-face meeting with your elected official can make a huge impact to our collective future.

It's a critical time in our industry and our representatives need to understand the significance of our business and

how their policies will impact our employees, customers and communities at large. Take this final week to invite a legislator to your dealership or meet with them at their local office. Now is the time to talk about how overly broad recall bills could harm your business, cripple the used-car market and create a trade-in tax that would instantly devalue a customer's trade-in. Most importantly, it's a chance to show them how dealers like you contribute to your own community and the nation's economy. Walk them around each department, demonstrate the latest and safest technologies, give them the opportunity to meet and speak with your employees. Build a line of communication with the people who create the legislation that, like it or not, dictates our day-to-day operations.

Visits with legislators take about an hour and can be arranged around your busy schedule. And if you

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Manage Costs by Maximizing Your Tax Savings.



American Fidelity Assurance Company provides a full suite of expense management services that can help you and your employees maximize tax savings and manage costs associated with various benefits. We specialize in providing employer administrative services for all of our services, which can easily coordinate with existing plans.

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SB-25306-0312

LEGAL UPDATE

New Data Protection Statute Under Fire



R. J. "Jim" Sewell, Jr.
MTADA General Counsel

As indicated in the May MTADA Newsletter, your association was successful with legislation protecting the data dealers collect from customers and store in their DMS systems. For the first time, Montana law now regulates the way DMS providers and third parties can access and use the DMS data. As the electronic age has matured, more and more customer related functions and data are included in the DMS and the demand for access to this customer data by manufacturers, vendors and others has multiplied exponentially. At the same time the DMS providers have made access to the dealer data by the dealer himself and other vendors who do business with the dealer inconvenient, onerous, burdensome and expensive, to such an extent that dealer groups have filed class action suits against DMS providers and the National Automobile Dealers Association formed a group to study the problem and recommend legislative solutions that protect the information of the consumer shared with the dealer. Following NADA guidance, the new data protection language:

- prohibits unauthorized disclosure or use by DMS providers;
- prohibits DMS providers from imposing onerous, expensive requirements for dealers to access their data.

Arizona enacted similar legislation. Reynolds and Reynolds and CDK recently filed suit against the state of Arizona in the United States District Court for the District of Arizona in Phoenix seeking a temporary and permanent injunction prohibiting implementation of the law. They believe that the new law is rife with constitutional shortcomings because:

- The DMS Law is preempted by at least five federal statutes related to data privacy and security as well as copyright protection, thereby conflicting with the Supremacy Clause of the Constitution;
- The DMS Law is so vague as to be incoherent, as Plaintiffs cannot determine what conduct violates it;
- The DMS Law interferes with and impairs Plaintiffs'

Continued on **PAGE 10**

HERE FOR YOU.

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Chairman's Message CONTINUED FROM PAGE 3

can't meet with your legislators in this final week of the recess, you can still reach out to them when they're back in Washington. Never underestimate the power of the dealer voice. Our advocacy work runs 365 days a year. We must take every opportunity to educate our elected officials on NADA's key policy issues. If you'd like to meet with your member of Congress at their local office or at your dealership, NADA can help arrange an appointment: contact Patrick Calpin, director of grassroots advocacy, pcalpin@nada.org.

Make the most of this upcoming Labor Day weekend. Our actions now will determine our future later! ■

Charlie Gilchrist is president of Gilchrist Automotive in the greater Dallas-Fort Worth.

President's Message CONTINUED FROM PAGE 1

to establish a dealer data governance strategy that controls third-party access and creates clear, rational and fair access rules.

Other forward-thinking OEMs are following suit and acknowledging that the proper management of today's rich and complex universe of data requires significant coordination. These OEMs see that an efficient, secure and compliant data integration plan isn't just possible; it's vital to brand value in the eyes of today's consumers.

Of course, it's not all good news. That's because when it comes to data integration with third-party dealership service providers, we're actually moving backwards.

Technology vendors can provide tremendous value for dealers, but some vendors have abused their access to dealership systems in an effort to obtain and leverage customer data for themselves. And for many dealers' most critical technology vendor—their DMS provider—the situation has become even more problematic.

In fact, some DMS providers have actually put more effort and investment in making data integration more complex and expensive than they have in modernizing their systems and cutting costs. These complexities, and what some have labeled the “monopolistic rents” they charge to third-party dealer service providers, stifle innovation and hamstring a dealer's ability to efficiently and securely move data from one place to another in a cost-effective manner.

It's a fallacy that the only way to securely move data and integrate systems is with more choke points, roadblocks and tolls. Technology not only exists that allows data to flow securely and openly, it is so common that it can be provided at very little cost, and with state-of-the-art control and security capabilities. For example, open and secure Application Program Interfaces (APIs) are almost ubiquitous in e-commerce. There is a reason why they are so commonly used worldwide, including for private sensitive information like credit card and bank account data: They work. Unfortunately, these tools are often not made available for dealer systems.

Given this reality, you would think that the leading DMS providers would engage their best IT people and get to work. Regrettably, the only ones they've put to work are their lawyers—and that's a shame. During the past year, several states have intervened to enact new laws to level the data playing field and better protect dealership

customer data. However, the two largest DMS providers recently sued one of those states in an attempt to evade its new law.

The world is changing, and data is quickly becoming the auto retail industry's oxygen. Dealers need partners—OEMs and vendors alike—willing to embrace this reality and work with dealers, not against them, in service of consumers. If all these parties don't work together to get this right, we will face the consequences from regulators and others, and we will hurt not only ourselves but also our customers.

The good news is that working together with their OEM partners, franchised new-car and -truck dealers can continuously improve our customers' experience and further enhance the value of the great brands they sell and service.

Sharing data efficiently and securely can be the rising tide that lifts all boats. Failing to do so could be the tidal wave that capsizes us all. The choice is clear, and the clock is ticking. ■

James Johnson is the Dealer Principle at High Plans Motors, Inc. in Wolf Point, Montana

**A Step Above
the Rest**

2019 DEALERS' CHOICE AWARDS

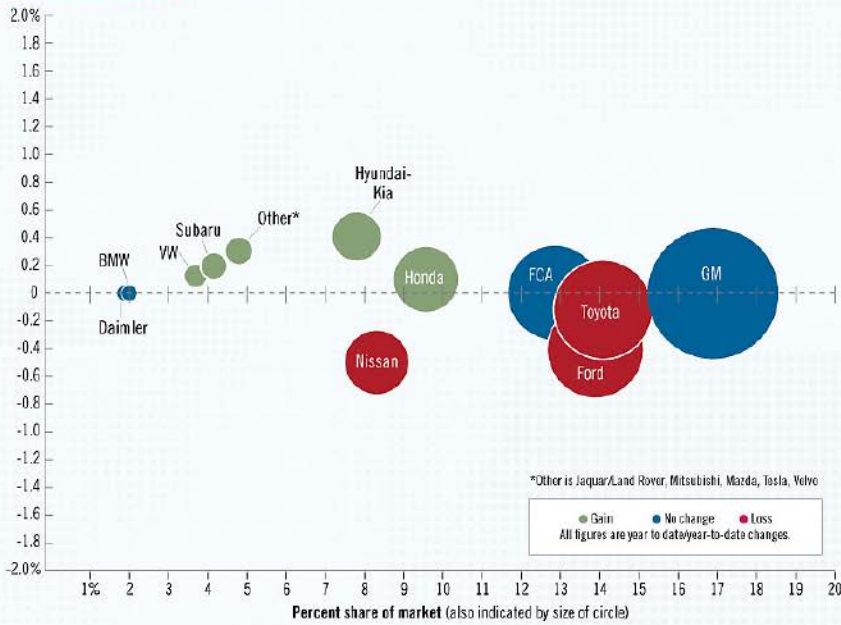
- Diamond - F&I Product Training
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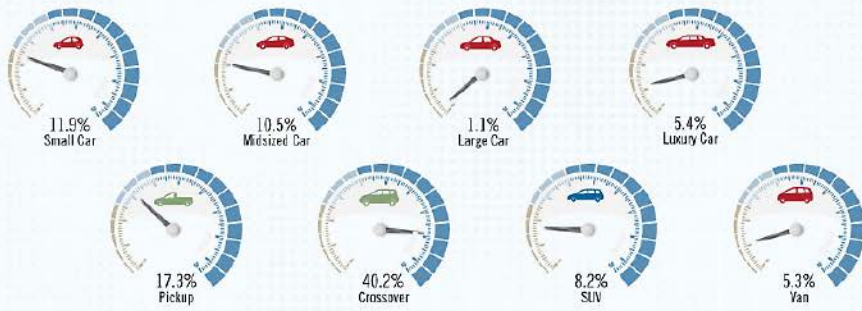
Director's Message

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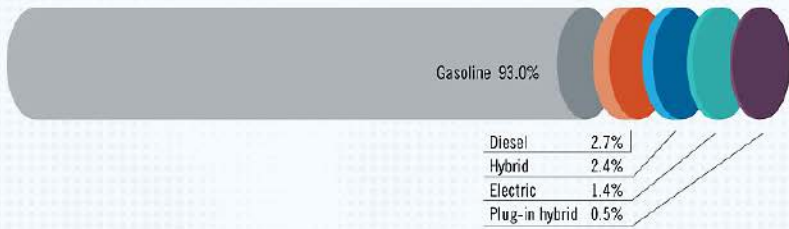
Market Share, by manufacturer



Market Share, by segment



Market Share, by powertrain



NATIONAL AUTOMOBILE DEALERS ASSOCIATION
8134 Westpark Drive, Suite 500 | Tysons, VA 22102

SOURCE: NADA AutoData



September is Child Passenger Safety Month

Every September, dealers are encouraged to participate in Child Passenger Safety Month. Through a partnership between NADA and the National Highway Traffic Safety Administration (NHTSA), Child Passenger Safety Month is a nationwide effort to educate parents about the importance of properly securing children in approved car seats, booster seats, or with seat belts when traveling.

Experts estimate that four out of five child safety seats are installed incorrectly, and that approximately 40% of children under the age of eight injured in car crashes are completely unbelted. Oftentimes, these injuries are fatal.

NADA offers free handouts for distribution at dealership inspection events. Information to help dealers plan and host a child safety seat inspection events is available online. Get more information ■

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Child Car Safety Ad Council NHTSA

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Need help with your booster seat? Visit a child safety seat inspection station or a certified child passenger safety technician near you. To find one, go to www.nhtsa.dot.gov/people/injury/childps and click on the Child Safety Seat Inspections button or call 1-888-DASH-2-DOT (1-888-327-4236).

More than 40% of children under eight who die or suffer incapacitating injuries in fatal crashes are completely unrestrained. (NHTSA)

Booster seats can be purchased at many large toy and other retail stores.



For more information about booster seats and other child passenger safety issues, go to the National Highway Traffic Safety Administration (NHTSA) web site at: www.nhtsa.dot.gov/people/injury/childps or call the DOT Auto Safety Hotline at 1-888-DASH-2-DOT (1-888-327-4236).

4 STEPS FOR KIDS

1 INFANT 2 TODDLER 3 BOOSTER 4 SAFETY BELT



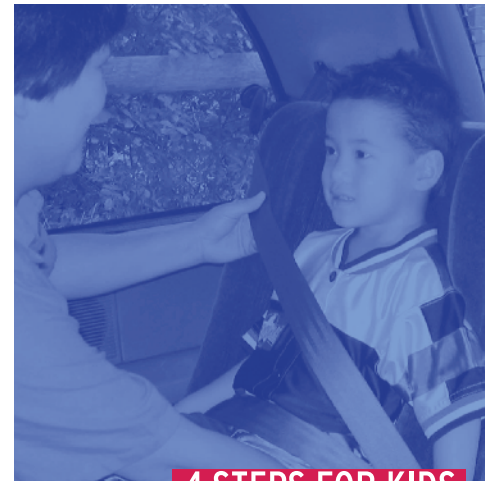
DOT HS 809 503
December 2002

4 STEPS FOR KIDS

1 INFANT 2 TODDLER 3 BOOSTER 4 SAFETY BELT

Most kids age 4 to 8 need booster seats

A PARENT'S GUIDE TO BUYING AND USING Booster Seats



4 STEPS FOR KIDS

1 INFANT 2 TODDLER 3 BOOSTER 4 SAFETY BELT

Child Passenger Safety

A PARENT'S PRIMER

GROWING UP SAFE:
It's a four-step process.

As children grow, how they sit in your car, truck or SUV should change. Save your child from injury or death by observing all four steps:



| | | | | | |
|---|-------------------------------------|--|--|-------------|--|
| 1 | REAR-FACING INFANT SEATS | | <i>in the back seat from birth to at least one year old and at least 20 pounds</i> | INFANT | |
| 2 | FORWARD-FACING TODDLER SEATS | | <i>in the back seat from age one and 20 pounds to about age four and 40 pounds</i> | TODDLER | |
| 3 | BOOSTER SEATS | | <i>in the back seat from about age four to at least age eight, unless 4'9"</i> | BOOSTER | |
| 4 | SAFETY BELTS | | <i>in the back seat at age eight or older or taller than 4'9".</i> | SAFETY BELT | |

REMEMBER: All children age 12 and under should ride in the back seat.

IT Security Tip: Are YOU Prepared for the End of Windows 7



Erin Dickey
IT Services Director
DIS Technologies

On January 14, 2020, the world will bid farewell to the beloved Windows 7 operating system. Microsoft has declared that after that date, it will no longer update or support the system. This doesn't mean that Windows 7 PCs will suddenly stop working. But if you value your data, your privacy and your sanity, it's time to upgrade.

The news of Microsoft closing down Windows 7 support should be no surprise as we have been educating clients about this since back in 2018. Without that ongoing support, Windows 7 users will become fish in a barrel to sophisticated cybercriminals looking for a quick buck. That's why it's essential that you call in the professionals to prepare your business for the switch to Windows 10 now, not later.

Upgrading your operating system well in advance of the Windows 7 end-of-life date may seem like a decision you should make for your peace of mind, but it's even more critical than that. If you are in law enforcement or the medical field, having a compliant operating system is a federal requirement.

As the clock ticks down on Windows 7, it is best to avoid the crunch. Tech companies are expecting a flood of upgrade requests as businesses scramble to leave the OS behind. Many of these IT providers will have a lot on their plate as they hurry to upgrade hundreds, if not thousands of PCs. If you wait it out, you're likely to find yourself at the back of a very long line, potentially to the point that you breeze past January without a solution. If you do, you're almost certain to regret it. ■



Windows 7

Would you like to know more about IT security strategies?

Download our free report, "The 7 Most Critical IT Security Protections Every Business Must Have in Place Now to Protect Themselves from Cybercrime, Data Breaches and Hacker Attacks". To get instant access, go to: <http://www.dismt.com/cybersecuritytips>



Legal Update CONTINUED FROM PAGE 4

contractual obligations to protect the security and integrity of the DMSs and their contractual rights to control third-party access to their systems, violating the Contracts Clause of the Constitution;

- The DMS Law results in a taking of Plaintiffs' property by requiring them to provide unlicensed third parties with access to their DMSs and allowing those parties to write data into the system—absent any discernable public benefit— without just compensation; and
- The DMS Law violates the First Amendment by requiring Plaintiffs to engage in compelled speech, and the Dormant Commerce Clause by placing an undue burden on interstate commerce without any legitimate public purpose.

In addition to these fatal constitutional flaws, they argue that the statute needlessly places sensitive consumer and proprietary data at extraordinary risk of breach. In fact, they say, enforcing this law would be antithetical to the public

good, ensuring only that Arizonans would be at a severely heightened—and very real—risk of having their most sensitive data exposed to unwanted third parties. Given the law's legion constitutional infirmities and the irreparable harm that will result if it is enforced, that enforcement should be enjoined.

The Arizona Automobile Dealers Association was recently granted permission to participate in defending the new law alongside the Arizona Attorney General's office. Their briefs are due to be filed on September 30, 2019.

The case has implications for Montana because our statute is similar to Arizona's. The lawsuit is pending in Arizona Federal Court, part of the 9th Circuit to which Montana also belongs. The District Court decision will certainly make it to the 9th Circuit Court of Appeals and its opinion would likely be binding on Montana as well.

We will keep you advised as the matter progresses. ■

DEALER'S CORNER

What do Car Dealerships Have to do with the NFL?

Ralph E. Hay was not only a great auto dealer, he was also a sports pioneer. In fact, it's safe to say that if it wasn't for this entrepreneurial auto dealer, the National Football League wouldn't exist and it certainly wouldn't be entering its 100th season this Sunday.

That's because the National Football League came to life in Hay's auto dealership in Canton, Ohio, in 1920.

Hay started his career as a salesman for a local dealership right out of high school. A few years later, he went into business for himself, selling Hupmobiles, Jordans and Pierce Arrows at his own dealership on the corner of Cleveland Avenue and Second Street SW.

Always the salesman and an innate marketer, Hay bought the local football team, the Canton Bulldogs, in 1918 to promote his business. And while pro football was gaining in popularity in the United States, there was no system in place to organize the fledgling sport. Players played on multiple teams and demanded increasingly high salaries, which meant owners were losing money.

Hay's idea: Get the team owners together to agree on terms and conditions that would benefit them all. Hay invited the three other Ohio team owners to meet at his office on August 20, 1920, and formed the American Professional Football Conference. A follow-up meeting a month later led to the formation of a national league.

"On September 17, 1920, a group of men gathered in Canton, Ohio, at the Hupmobile showroom of Ralph Hay, owner of

the hometown Bulldogs," according to the Pro Football Hall of Fame website. "The result of the meeting was the birth of the National Football League." The Hall of Fame (located in Canton to commemorate the birthplace of the NFL) owns the minutes from that meeting and notes that they "are among the most precious documents in the Pro Football Hall of Fame's collection."

Representatives from 10 teams attended that September meeting. "They were going to meet in Ralph's office, but there were 15 men there and they couldn't get into his office," Hay's grandson, Dr. James Francis King, told ABC News. "It was too small, so they went into his showroom and there were two Hupmobiles there. They sat on the fenders and running boards. He had buckets of beer on the floor, and there was a lot of cigar smoke in the room."

Cars, beer and football. It doesn't get any more American than that.

And if you're wondering what happened to the Canton Bulldogs, they did pretty well in the new league. They were the first team to win back-to-back NFL titles in 1922 and 1923, before Hay sold the money-losing team to focus on his successful dealership. "He knew the NFL would be big, but he never could have dreamed the multibillion-dollar industry that meeting he organized inside of his showroom would create," King told ABCNews. ■

Source: By Sheryll Poe, NADA Contributor

The miBenefits Mobile App Boosts Employee Understanding of

Consumers overwhelmingly prefer to interact with a mobile app over other forms of communication

Less than 20 percent of surveyed employers said their workers have a “high level of understanding” about their health benefits. And with healthcare becoming more complex all the time, this lack of understanding presents quite a challenge for companies and human resources professionals.

EBMS recognizes that better communication methods can take the pressure off the HR department, and that informed employees make better healthcare choices. The new miBenefits portal offered an easy way for employees to get plan information that affects the healthcare choices they make — like details about coverage or finding a provider. Now, the miBenefits mobile app is putting that information at their fingertips and on their smartphone screens.

“Millennials are now statistically the largest generational group in the workplace,” says Melissa Lyon, vice president of human resources at EBMS. “They’re digital natives, they don’t tend to read printed materials, and they may put off making a phone call when they have questions. A mobile app is the ideal way to empower these employees with access to plan information.”

But the miBenefits app is not just designed for younger employees. Consumer research consistently finds that the general public prefers using a dedicated mobile app, rather than a mobile or desktop browser.

Information is presented more visually in an app, navigation is simpler, and the experience is more user-friendly.

What’s more, computer ownership is declining, as more people rely solely on mobile devices to access the internet.

“The best way to engage people is to interact with them through their preferred channel,” Melissa says. “People tend to keep a smartphone by their side. So, for example, when an action is required from a health plan member, the app sends a push notification that the member is likely to see right away. Just like that, they know they’ve met their annual deductible. They’ve become more informed about their benefit status, which is a big help to HR.”

The miBenefits mobile app also has features that can help with price transparency, allow members to look up the meaning of common terms, check claims status, refill a prescription, and more. It’s a valuable tool that can simplify the benefits journey through instant, convenient access to plan information.

The miBenefits mobile app is available for download to both Apple and Android devices. ■





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