

Helping You Drive Vermont's Economy



March 30, 2022

Greetings &&First Name>>,

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DMV Implements On-Demand Sticker Program

VT DMV is now implementing a new program that enables vehicle inspection stations to print inspection stickers as needed by using a secure Automated Vehicle Inspection Program (AVIP) tablet and a special printer. The print-on-demand process is expected to create efficiencies for the DMV and Vermont Inspection Stations.

“We are taking this opportunity to continue modernization of DMV services,” said Commissioner Wanda Minoli. “The new on-demand inspection stickers will enable our Vermont business partners to issue stickers as needed, creating a more efficient and streamlined process, and reducing the burden on small business.”

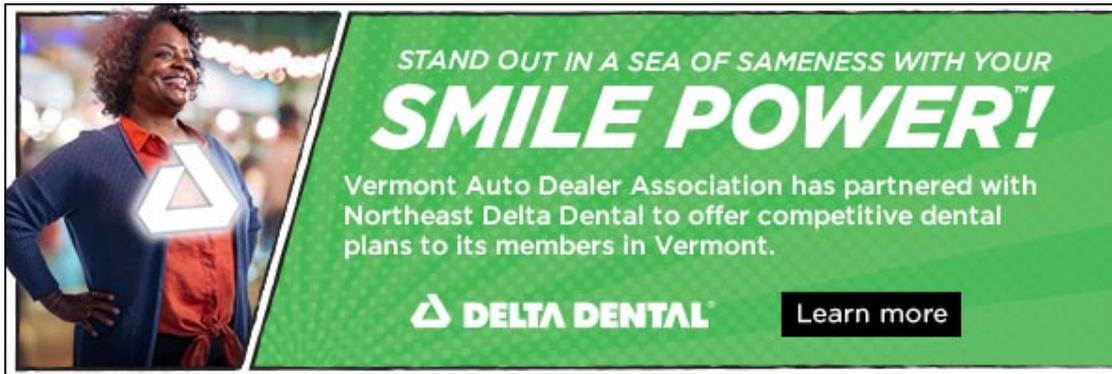
Previously, car dealerships and inspection stations ordered books of 20 stickers at a time in advance, and the actual need often did not match the on-site supply. Now, each business has a tablet and printer that enable an efficient and easy sticker-on-demand process.

“We are very excited about this,” said Robert Cody, owner of Cody Chevrolet in Montpelier. “This is such a positive change. We just print and issue each sticker as needed, and we are billed monthly for what we actually use. The cooperation between the DMV; the vendor, Parsons; and our business has been great. The support that we get is fantastic.”

The new inspection stickers will be one color with the month and year of inspection and vehicle information clearly displayed on the face of the sticker. The color will not change yearly. Like most other states with a vehicle inspection program, the new inspection stickers will now be located in the lower-left corner of the windshield.

DMV Revised Dealer Report of Sale Form - Reminder

Just a reminder that DMV has modified the Dealer Report of Sale form but the change will NOT impact dealers who do not sell boats. Dealers selling boats will have the option to modify their program to print in those fields or they can just hand write in the additional information. Dealers may continue to use up the remaining stock forms but future orders will contain these new fields.



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Northeast Delta Dental to offer competitive dental
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T-Bill Passes

The House approved legislation ([H.736](#)) last week that will spend [\\$867 million](#) next year on transportation projects. While most of that will go to fix roads and bridges, millions will be spent to get Vermonters to use less gasoline and purchase electric vehicles. Over the next five years, more than \$20 million will go to grants to install electric vehicle chargers. The legislation sets a goal of installing a Level 3 EV charger within one mile of every exit along Interstate 89 and 91 and along state highways 2, 7, and 9. [Click here](#) to check out a map where EV charging grants will be prioritized and what they are expected to cost. The Senate transportation Committee will consider any changes to the T-Bill next week.

Courtesy VT Fuel Dealers Association

In Memoriam - Gilles deLaBruere

We are sorry to report that long-time VADA member, Gilles Edmond deLaBruere, 83, died peacefully at his home in West Charleston, Vermont, surrounded by his family. He was born November 18, 1938 in West Stewartstown, New Hampshire, the tenth of 12 children to Hector and Florentine (Lestage) deLaBruere.

Gilles was a true Franco-American, who navigated both sides of the border throughout his life. In his youth, he played hockey and attended schools in Canada. He was especially proud of graduating from College Sacre-Coeur in Victoriaville, Quebec as a business student. He would later use his knowledge in the United States to pursue several business ventures.

He would travel frequently back and forth from Connecticut's French Canadian communities to the Eastern Township in Quebec where he met and married Jeannine Lavigne. Together they raised five daughters in the Northeast Kingdom, primarily in West Charleston. Later, Gilles was to raise and adopt Jeremy deLaBruere. He gained three more daughters through his marriage to Christine Butler.

Gilles and Christine shared a love of animals and family. Their home became the home to several horses along with cats and dogs who always competed for his attention. He enjoyed watching the horses frolic on his land and making sure they were well cared for. They also found homes for several rescue horses.

Grandchildren were often seen at their home learning how to hunt, fish, play pool and cards, and mix him a good Scotch. He would also teach them to tend the animals and the satisfaction of hard work well done. He was frequently seen giving them and his dogs rides on his ATV, snowmobiles, tractors, excavator, and bulldozer. Grandchildren could always count on Grandpa to take them on a ride to the hunting camp through his meticulously maintained trails. The hunting camp was one of Gilles' happy places, where a lifetime of cherished memories were created.

He shared his love of music playing the piano, harmonica, and accordion. Many of his grandchildren developed their own musical talents and loved to join their Grandpa Gilles in song at family get-togethers.

He enjoyed projects from the conception and design to completion, whether it was an ice skating rink, a hunting camp built with his brothers, an outdoor riding rink, or an addition to the house and barn.

Family was extremely important to Gilles. When his brothers and sisters began to winter in Florida, so did he and Christine. During their ten winters in Lake Worth, they enjoyed weekly family bowling, Nascar racing, and even hockey when the Tampa Bay Panthers played the Boston Bruins.

Gilles' perseverance and hard work ethic was evident throughout his career in the auto industry. He started by reconditioning cars, became known as "one a day Gilles" for selling a car a day at Ken Frawley Chevrolet, and eventually opened DeLaBruere Auto Sales in 1982. Seven years later, he acquired the

GMC franchise. The community has come to know that “DeLaBruere Delivers for You”.

He was not only dedicated to his business, but also to his employees. Even in the last few months, he reviewed weekly reports, plugging numbers into his adding machine to ensure that the computer had not made a mistake. His employees looked forward to Gilles’ weekly visit to the dealership where he provided lunch and ensured that all was running smoothly.

He showed compassion, not only to his family and business, but within the community. He frequently took in cows and eggs on trade or offered personal loans to some who could not afford a car. He would make donations to everything from local sports teams to the Newport Jazz Festival. He is a lifetime member of the Elks.

Gilles could always be counted on for his generosity. Gilles knew and loved so many people. He was a friend to all and always saw the good in others. He will be greatly missed by all who knew and loved him. He is survived by his wife Christine deLaBruere and many children, grandchildren, and siblings. Gilles is predeceased by his granddaughter Alexandra deLaBruere, brothers Roland, Maurice, Gerard, Rene, Roger, Eugene and sister Teresa.

Wake will be held on Friday, April 1 at Church of God from 5 to 8 p.m. Funeral will be held at Church of God on April 2 at 11:00 a.m. You can also join us virtually on the live stream on Church of God Facebook Page.

In lieu of flowers, the family would like donations made to the Newport Church of God Living Waters Hospice House Project by sending donations to Church of God PO Box 245 Newport, Vermont 05855 or to the Gerda’s Equine Rescue by sending donations to Gerda's Equine Rescue, PO B0X 1352, West Townshend, VT 05359. On-line condolences at curtis-britch.com.

Arrangements are entrusted to the care of Curtis-Birtch & Bouffard Funeral Home & Cremation Service, locally family owned and operated.

CFPB Targets Unfair Discrimination in Consumer Finance

Discrimination or improper exclusion can trigger liability under ban on unfair acts and practices

The Consumer Financial Protection Bureau (CFPB) recently announced

changes to its supervisory operations to better protect families and communities from illegal discrimination, including in situations where fair lending laws may not apply. In the course of examining banks' and other companies' compliance with consumer protection rules, the CFPB will scrutinize discriminatory conduct that violates the federal prohibition against unfair practices. The CFPB will closely examine financial institutions' decision-making in advertising, pricing, and other areas to ensure that companies are appropriately testing for and eliminating illegal discrimination.

"When a person is denied access to a bank account because of their religion or race, this is unambiguously unfair," said CFPB Director Rohit Chopra. "We will be expanding our anti-discrimination efforts to combat discriminatory practices across the board in consumer finance."

The CFPB enforces several laws that can target discriminatory practices. Government regulators and private plaintiffs have commonly relied on the Equal Credit Opportunity Act (ECOA), a fair lending law which covers extensions of credit. However, certain discriminatory practices may also trigger liability under the Consumer Financial Protection Act (CFPA), which prohibits unfair, deceptive and abusive acts and practices (UDAAPs).

The CFPB published an updated exam manual today for evaluating UDAAPs, which notes that discrimination may meet the criteria for "unfairness" by causing substantial harm to consumers that they cannot reasonably avoid, where that harm is not outweighed by countervailing benefits to consumers or competition. Consumers can be harmed by discrimination regardless of whether it is intentional. Discrimination can be unfair in cases where the conduct may also be covered by ECOA, as well as in instances where ECOA does not apply. For example, denying access to a checking account because the individual is of a particular race could be an unfair practice even in those instances where ECOA may not apply.

The CFPB will examine for discrimination in all consumer finance markets, including credit, servicing, collections, consumer reporting, payments, remittances, and deposits. CFPB examiners will require supervised companies to show their processes for assessing risks and discriminatory outcomes, including documentation of customer demographics and the impact of products and fees on different demographic groups. The CFPB will look at how companies test and monitor their decision-making processes for unfair discrimination, as well as discrimination under ECOA.

For questions, or for information about NADA's optional fair credit and voluntary protection products (VPP) policies, please reach out to NADA's Paul Metrey at pmetrey@nada.org.

Want to advertise your products or services to our members?

Congrats to Dan Luneau, Vermont's Time Dealer of the Year



Each year Ally, TIME and the National Automobile Dealers Association (NADA) team up to celebrate the many ways auto dealers are doing it right in their industry and giving back with extraordinary contributions to their community.

"I take pride in the successful continuation of a family business with a 50-year history of contributing to the local economy, providing well-paying jobs and benefits and delivering a valuable, reliable product and service to our customers."

Luneau was a sergeant in the United States Army from 1968 to 1971 and served on the ski patrol at an Armed Forces Recreation Center in Berchtesgaden, Germany. He is a lifetime member of the VFW (Veterans of Foreign Wars) and American Legion.

In 1973, Luneau earned a degree in accounting, cum laude, from Champlain College in Burlington, Vermont. It was that same year that his career in the retail automobile industry commenced.

"I accepted a job offer from my prospective father-in-law, Floyd Handy, to be the service manager at his Toyota and Dodge dealership in Saint Albans," he said. "In reality, my responsibilities included 'anything that needed doing.'"

Luneau has performed or directed nearly every function at the dealership and considered Handy a great mentor. After a few years, Handy left to pursue a second career in politics, serving as mayor of Saint Albans and state legislator.

“He offered advice if asked but from that point on never involved himself in day-to-day operations nor interfered with any decisions,” Luneau said. In 1995, Luneau became co-owner of the family business with his wife, Karen, and his brother-in-law, Daniel, and today the operation also includes a Chevrolet dealership, used-car lot and rental car company. Two of his three sons are the next generation to join the company.

“Handy Toyota was my primary focus,” he said. “It is the longest-standing Toyota dealership in Vermont and among the earliest Toyota stores in the Boston Region.” But the road to success had many twists and turns as Luneau entered the car business at the time of the 1973 oil embargo, which greatly affected the global economy and the auto industry as a whole.

“It was a valuable learning opportunity,” he said. “Survival meant doing more with less and working creatively – and that attitude has remained with me.”

Luneau also credits his rural upbringing with providing the necessary tools to be successful in the business world. “Perseverance, dedication and hard work are traits instilled and nurtured in every farm kid,” he said. “Success also necessitated working cooperatively with family, and dealerships frequently resemble farms from an ownership and operations perspective.”

A lifelong resident of Saint Albans, Luneau partners with countless organizations through volunteerism and donations. He spent many years coaching baseball, from T-ball through high school. “I had the pleasure of being on the leadership team that expanded the number of baseball fields available to Saint Albans Little League,” he said. “We added scoreboards, a press box, fencing, concession stand and, most importantly, a sustainable financing model.”

His dealerships also support youth sports, homeless shelters, food pantries, educational programs, workforce development and charitable drives for various nonprofit organizations.

“I truly enjoy the car business,” Luneau said. “I am proud to be a Toyota dealer and sell a quality product, while working with people I respect and serving a community that is my lifeblood.”

Luneau was nominated for the TIME Dealer of the Year award by Marilyn

Miller, Executive Director of Vermont Vehicle and Automotive Distributors Association. Luneau and his wife, Karen, have three sons and seven grandchildren.

[NADA](#) | [TIME Dealer of the Year](#) | [Ally Auto](#)

3 Key Takeaways for Employers as Biden Signs the “Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act” into Law

On March 3, 2022, President Biden signed into law the “Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act.” Inspired by the #MeToo movement, the Act quickly passed both houses of Congress in a rare showing of bipartisan support. This new legislation prevents employers from enforcing pre-dispute arbitration agreements without the employee’s consent in cases involving sexual assault and sexual harassment. Note, the Act is limited to claims of sexual harassment/assault, but it may signal big changes for employment contracts down the road. Below here are three key takeaways to help you understand this new law:

The Ball Is in the Employee’s Court: Going forward: (i) an employee alleging sexual harassment against your dealership may, but is not required, to pursue claims of sexual harassment in court; and (ii) the employee may elect to bring such claims individually or as a class. Although employees can bring sexual harassment and/or sexual assault claims in court, but employees can still elect to pursue arbitration.

Courts, Not Arbitrators, Would Decide Whether Claims Are Subject to Arbitration: If an employee files a sexual harassment or sexual assault claim in federal court, it is for the court, not an arbitrator, to apply federal law and determine whether the claims are subject to arbitration. Therefore, once an employee chooses to litigate a claim of sexual harassment or sexual assault in federal court, the case is likely to remain there.

The Biden Administration Will Likely Seek to Further Limit Arbitration of Employment Disputes: Biden’s promise to use this law as a starting point to address other subjects of mandatory arbitration is of concern to dealerships in the future as broader legislation may further empower plaintiffs and vastly

increase the number and cost of civil lawsuits. In light of the bipartisan support behind this new law, your dealership should prepare for additional legislation surrounding arbitration agreements in the employment realm.

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FTC Provides Data Security Guidance in Connection with Enforcement Action

The Federal Trade Commission (FTC) sued online retailing platform CafePress in connection with a data breach, alleging a series of violations under Section 5 of the FTC Act. The FTC has now issued data security guidance to small businesses based on [“Lessons from the CafePress case.”](#) Dealers are encouraged to review this FTC guidance and work with their vendors, IT staff, and counsel to ensure that it is accounted for in their Safeguards Rule and data security compliance efforts. [Click here for more information.](#)

Source: NADA

Changes Required to Comply with Amended Safeguards Rules

Dealerships must make changes to comply with the amended FTC Safeguards Rule. The final amendments to the Safeguards Rule were issued in fall 2021 and dealerships have one year from the date of the rule publication to comply with most of the new requirements.

Some of the changes include:

- Designating “a qualified individual responsible for overseeing and implementing your information security program and enforcing your information security program.”
- Completing a written risk assessment that addresses specific areas of risk.
- Implementing controls for access to information systems.
- Encrypting data and implementing multi-factor authentication.
- Monitoring and logging both authorized and unauthorized activity.
- Monitoring service providers.

NADA Driven Guide to the FTC Safeguards Rule

Take a look at NADA's **comprehensive and updated** [*Driven Guide to the FTC Safeguards Rule*](#), which was released last week. Written primarily by a former FTC attorney, the *Guide* contains extensive **guidance on compliance with new requirements**, as well as IT guidance from a professional IT firm. In addition, the *Guide* includes appendices that contain sample policies and links to governmental and other regulatory guidance on data security. NADA will continue to provide compliance guidance throughout the year; in the meantime, dealers are encouraged to review the *Guide* and work closely with their vendors, IT professionals, attorneys, OEM partners, and others to ensure that they can fully comply with the new requirements by the deadline of December 9, 2022.

Review IT Security Strategy Annually

It's a best practice to review network security policies and procedures at least annually. The review should include the following:

Password policies.

Employee passwords should have length and complexity requirements in line with current best practices. Additionally, passwords should be changed after a set period of time. (Experts recommend requiring password changes every 30, 60, or 90 days.)

Locking computers.

Talk to your IT provider about whether implementing a group policy for the length of time a computer can be inactive before the screen locks. Many experts recommend 10–15 minutes, but that can change depending on the sensitivity of information accessed or where the computer is located.

Employee roster and access.

When an employee leaves your organization or you stop doing business with a vendor who had access to your network, make sure to remove their credentials. Reviewing a list of who has access annually—or more frequently—will catch any departures that may have been missed.

Network security.

All dealerships will be required to have multifactor authentication implemented in order to comply with the new [FTC Safeguards Rule](#). Dealerships should conduct a comprehensive review of their network security with their IT team, making sure the tools and strategies are in line with best practices. Items for evaluation should include the dealership's firewall and other tools, such as endpoint detection and response, phishing prevention, and antivirus software.

Off-site backups.

When was the last time your off-site backups were validated? If the answer is that you don't know (or worse, that you don't back up off-site), that needs to change immediately. Off-site backups provide both the security of having a restoration point if something happens to your network and geographic separation in the case of a natural disaster.

Cyber liability insurance.

Review your cyber liability insurance with your IT team and your insurance provider. If your dealership hasn't yet purchased cyber liability insurance, it's time to strongly consider it.

Disaster recovery plan.

You need to be prepared if disaster strikes, and a significant part of getting back to work is getting your network back online. Dealership management and the IT team should work together to develop a comprehensive plan addressing what to do in the event of a security breach or other disaster. Once prepared, that plan needs to be reviewed on a regular basis so that leadership has an established playbook to follow when in crisis mode.

Reminder: Posting of OSHA 300A Form Required February 1st through April 30th

Dealerships with 10 or more employees at any time during a calendar year are required to maintain their OSHA 300 Logs. Produced from the 300 logs is the OSHA 300A - Summary of Work-Related Injuries and Illnesses form (second tab of the OSHA 300 excel or pdf document). The 300A is designed to give a summary of total injuries and illnesses in the calendar year, lists the total hours worked, and total amount of days away from work or restricted time from incidents. The summary is to be posted in a visible place in the facility from

February 1st - April 30th. Any employee common area will suffice. Not doing so will result in an OSHA Citation.

- DO NOT post the 300 Log (1st tab) which lists individual names of injured employees.
- DO NOT submit your information directly to OSHA unless you are specifically asked to do so by OSHA or the Bureau of Labor Statistics (BLS). (If you do not identify as an auto dealer as your primary business, you may be required to submit your logs. Here is a list of all of the establishment types that must submit their data to OSHA automatically: <https://www.osha.gov/recordkeeping/naics-codes-electronic-submission>.)
- DO NOT put all the stores in your dealership group on one set of logs. Each establishment must have their own set of logs.
- DO keep your 300 Forms on file for a minimum of 5 years following the end of the calendar year. This includes the 300 Log (1st tab), 300A (2nd tab), and OSHA 301 (3rd tab) for each individual case listed on the log. It is acceptable to use the First Report of Injury form that you receive from submitting a work comp claim in lieu of filling out a 301 for each claim.
- DO your best to have an accurate representation of the requested data on the forms. Willfully withholding or altering information will result in a larger citation.
- DO NOT wait until the end of the year to fill out your 300 Logs as you are required to update them as incidents occur. A compliance officer can ask for the current year's 300 Log, and it's in your best interest to be able to produce it.

Workers' Comp Safety Corner

Eye injuries and hearing loss are possible with employees using tire machines to mount and balance tires. Make sure all employees use eye and hearing protection when using tire machines and bead blasters. Also, we recommend signs requiring PPE use be posted in the area.



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