

Oklahoma Independent Automobile Dealers Association

# DEALERS' RESOURCE

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Dealer Settles \$1Million for misrepresentation

Advertising Violations

Privacy4Cars

Newly Licensed Dealers

Salesperson License is Not Transferable.....

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# DEALERS' RESOURCE

## INSIDE

DIRECTORS MESSAGE

FTC SETTLES...

OIADA MEMBERSHIP...

ADVERTISING VIOL...

SALESPERSON LIC...

PRIVACY4CARS..

NEWLY LICENSED  
DEALERS....

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## Director's Message

*Advertising Violations continue to invite audit and investigations for Oklahoma Car Dealers in state and country wide. and fines are being assessed. The UMVD&MH Commission has warned Oklahoma dealers and the rules are clear. A copy of the advertising rules can be found on the Used Motor Vehicle, Dismantler, & Manufactured Housing Commission website <https://oklahoma.gov/oumvdmh.html> under Rules and Regulations.*

*Advertising continues to be an issue as more and more dealers move online testing the waters with little to no experience in education of the rules or allowing salespeople or employees to advertise for them. Let's be honest, you or I can scroll through Facebook or Marketplace at any given time and find violations, I will remind you once again...lets be careful with our words.*

*Review the Advertising Violations in this copy of Dealers' Resource to or visit [okiada.com](http://okiada.com) to keep updated with what is expected of you and your staff when it comes to advertising your vehicles on social media or online.*

*The Mason Treat Act has been in effect since September 1st for Oklahomans. This new law made changes to temporary license plates, created a new pre-registration process and registration for Authorized Temporary License Plate Vendors. Please be sure your dealership is purchasing tags from the 4 of the registered vendors for Oklahoma. These approved vendors are listed on your Used and New Commission websites. Using a vendor that is not approved by the Commissions is a violation in the Rules and could invite audit and fines to your dealership.*

*It has been an honor to be able to meet a great number of you through the implementation of the education of this new law in recent months whether virtually or in person. Please continue to reach out as we all navigate this together with continued questions or concerns.*

*As always :Your voice and support as dealers and industry leaders is principal to your success. I urge you to commit to getting involved and reaching out to your representatives and legislative leaders in matters that directly effect you as Oklahoma dealers and joining your auto dealer associations.*

*You can find and contact your legislator at*

<http://www.oklegislature.gov/FindMyLegislature.aspx?>

# FTC settles misrepresentation claims against online dealer for \$1M in consumer redress

My hooptie rollin', tailpipe draggin' heat don't work an' my girl geeeps naggin' Sir Mix-a Lot loved his car, problems and all, but the customers of one particular online used car dealer were far from singing that dealer's praises. While the future of the CARS Rule is uncertain, the Federal Trade Commission's enforcement focus on the auto industry is unwavering.



On July 10, a district court entered the FTC and a used cars dealer's stipulated order for permanent injunction, monetary judgment, and other relief. According to the complaint's allegations, the dealer's website promised customers a 184-point mechanical, electrical, and cosmetic inspection of all vehicles listed for sale; quick delivery with "your vehicle arriv(ing) within 14 days" and an easy online sales process. The FTC alleged that, rather than fulfill these promises, the dealer violated the FTC Act, the FTC's Trade Regulation Rule Concerning the Sale of Mail, Internet, or Telephone Order Merchandise ("MITOR"), the FTC's Used Motor Vehicle Trade Regulation Rule ("Used Car Rule"), and the FTC's Rule Governing Pre-Sale Availability of the Written Warranty Terms ("Pre-Sale Availability Rule") through various misrepresentation in the dealer's advertising, delivery promises, and warranty disclosures.

Section 5(a) of the FTC Act prohibits "unfair or deceptive acts or practices in or affecting commerce." According to the complain, numerous consumers reported mechanical and cosmetic issues with the cars they received, including significant brake problems that impacted the ability to drive the vehicle safely. The MITOR prohibits a dealer from soliciting the purchase of a vehicle unless, at the time of the solicitation, the dealer has a reasonable expectation of shipping the order within the time it clearly and conspicuously states. According to the FTC, the dealer promised to ship vehicles within 14 days of the order. However, numerous consumers reported delays in receiving vehicles, some well outside of the 14 days, and difficulty in reaching the dealer or obtaining information about the status of their orders. The dealer's failure to ship the orders within that time frame triggered the MITOR's requirement that the dealer offer the consumer the opportunity to consent to the delay in shipping or to cancel the order and receive a prompt refund. The FTC alleged that the dealer did not do so and did not maintain requisite compliance records.

The used Car Rule, issued pursuant to the FTC's authority under the Magnuson-Moss Warranty Act, requires dealers to prominently and conspicuously display a "Buyers Guide," which is a uniform method for disclosing warranty information to protect consumers from potential post-purchase problems. The FTC alleged that the dealer required consumers to create an account and pay a deposit to hold a selected vehicle. The dealer only presented a Buyers Guide after the consumer had selected the vehicle to purchase, provided personal information, and paid a deposit.

The Pre-Sale Availability Rule, also issued pursuant to the FTC's authority under the MMWA, requires dealers who sell a vehicle with a written warranty to make the text of the warranty readily available for examination by prospective buyers. The FTX alleged that the dealer sold a limited warranty with vehicles but only presented a copy of the warranty as part of the package to finalize the transaction, which was after the consumer had selected the vehicle to purchase, provided personal information, and paid a deposit.

Under the settlement, the dealer agreed to pay \$1 million to be used for consumer relief. Earlier this year, months before this enforcement action was announced, the dealer declared that it was winding down its online used vehicle operations. Nevertheless, the settlement included the permanent injunction of the following practices, among others, some of which are not limited to the sale of used vehicles:

- Misrepresenting the degree to which the good or service has completed a thorough inspection process before being offered for sale
- Misrepresenting the mechanical condition of a used vehicle
- Misrepresenting the time within which the good or service will ship or the consumer will receive the good or service
- Misrepresenting any other fact material to a consumer concerning any good or service
- Failing to provide buyers with the option to either consent to delay in shipping or to cancel the order and receive a prompt refund if the dealer is unable to ship the order within the promised time period or the time period permitted under the MITOR
- Failing to display a properly completed Buyers Guide through a hyperlink that is prominently and conspicuously displayed with each used vehicle offered for sale before offering the used vehicle for sale online
- Misrepresenting the terms of any warranty offered in connection with the sale of a used vehicle
- Failing to make the text of a written warranty readily available for examination by the prospective buyer by displaying it in close proximity to the warranted product or furnishing it upon request prior to the sale
- Failing to provide the Buyers Guide in Spanish for sales conducted in Spanish

The dealer also agreed to submit to compliance reporting for 10 years, create certain records for 10 years, and retain those records for five years.

Continued...

This settlement is a reminder of many existing dealer obligations in connection with the sale of used vehicles and foreshadows the FTC's application of its rules to developments in the automotive industry and means of consumer interaction.

For instance:

- Dealers selling vehicles online must still comply with presale Buyers Guide and warranty notice obligations. The fact that a buyer doesn't actually see the vehicle until later does not alter or extend the proximity, conspicuousness, or temporal disclosure requirements.
- Where a sale is conducted in Spanish, the dealer must provide the Buyers Guide in Spanish.
- When delivery time frames are delayed, dealers must promptly communicate with consumers and either obtain their consent to a later delivery or cancel the order and promptly refund any monies paid.



*Julia Whitelock is a partner in the Washington, D.C., office of Hudson Cook.*

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*Julia Whitelock has given permission to OIADA to re-publish this article.*



**This settlement is a reminder of many existing dealer obligations in connection with the sale of used vehicles and foreshadows the FTC's application of its rules to developments in the automotive industry and means of consumer interaction.**

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# High-Level Expertise

- Diminished Value
- Appraisal Clause Evaluations
- Expert Witness Qualified
- Estate Sales
- Consignment
- Buyer's Location Service

Product cycles, parts sourcing, manufacturing techniques, and the level of complexity are all radically different for specialty and high-line vehicles that for the standard American brand vehicle. Thus, that lightly dented stamped-steel door panel on your Ford might cost \$50 to repair. That same dent in the hand-formed aluminum door panel of a Lamborghini can cost more than \$1000. Knowing the difference between these two can prevent a costly mistake when purchasing a high performance vehicle.

When buying or evaluating a high performance specialty vehicle, ask questions of the expertise and knowledge of Bud Bauer. Gregory J. "Bud" Bauer of Bauer Car Connection. "At Bauer Cars, our only business is the evaluation or sales of pre-owned foreign and specialty vehicles. It is something we have been doing for over 50 years. In fact, we are one of the few in Oklahoma that are recognized by courts and insurance companies as an "expert" for evaluation purposes."

In the 1950's the first pre-owned, specialty, European and exotic car dealership was Trophy Motors at 1115 N

Broadway in Oklahoma City, founded by Mr. Charles L. Bauer. Many of Oklahoma City's first Ferraris, Cobras, Rolls Royce, and Jaguars were sold at Trophy Motors.

Bud Bauer at Bauer Car Connection assists clients with all aspects of the car buying experience. Over 40 years of experience and knowledge serving as and Oklahoma Automotive Expert. Skilled in car sales, buying consulta-

more responsibility as sales manager at Jackie Cooper for BMW and Rolls Royce vehicles. In 1983, Mr. Bauer won the BMW Product Knowledge Award. Very few in the auto industry locally can point to such an extensive history with high-end, specialty and European autos that date to the late 1970's and early 1980's.

**...independent expert  
to settle disputes  
on car values,  
diminished values, &  
documentation issues.**

tion, automotive mediation, appraisals, and diminished value reporting.

In 1979 he got his first full time job selling cars at Bolen Imports, and sold a car his first day on the job, a British-made 1979 MGB sports car. With growing expertise and knowledge came more responsibility. He was promoted to new car sales manager for Fiats, Alfa-Romeo, and Ferrari. A little later came even







In 1987, Mr. Bauer started Bauer Car Connection at 710 W Wilshire. This business was and is devoted almost exclusively to high end, specialty and high performance category. This was the first totally indoor showroom for such cars. Though far more expensive to maintain than an outdoor display spaces are the only way to maintain a high value auto in pristine condition. The first sale at his new company was a French-made, sea foam green Peugeot 504 diesel. It was a car that he knew well. The business purchased the car from the original owner, the same gentleman to whom Mr. Bauer had sold it to brand new at Bolen Imports. Like extensive expertise for evaluation, knowing the previous owner and history of cars is a common characteristic for the inventory at Bauer

Car Connection. The firm Does Not deal with auction or other no history vehicles.

In 1994, the firm moved to it's current location at 2921 W Hefner Rd, Oklahoma City, OK. Previously the home of Albro's Bicycle Shop built in 1972, this 11,000 sq foot building is capable of holding 26 cars inside its showroom. The facility also has a small shop and maintenance area. Like the previous location, all inventory, be it company-owned or a customer's car on consignment, is kept inside, temperature controlled, and alarm protected.

**Bauer Car Connection's and Bud Bauer's reputation and knowledge is sufficiently well respected that the company is sought after as an independent expert to settle disputes on car values, diminished values, and documentation issues. Today, the firm is**

**used often to settle cases by courts, insurance companies, law firms and individuals to determine the value of a vehicle or the quality of repairs that may have been performed. The primary business remains the evaluation and sale of high-end pre-owned foreign and specialty vehicles for the company or it's consignment customers.**

**Licensed in Oklahoma since 1979, Bud has been selling cars for 46 years. Started Bauer Cars in 1987 and been in the car appraisal and consulting business for 33 years.**

**Consult with Mr. Bauer regarding car purchases and automotive investments.**

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OCHOA AUTO SALES- TULSA  
OKIE NATION AUTOPLEX-TULSA  
RIGHT PRICE AUTO AUCTION- SAPULPA  
SANCHEZ AUTOS, LLC—GUTHRIE  
THOMAS AUTO SALES- VINITA  
VYSS MOTORS, LLC- OKC  
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PRAIRIE MOTORS, LLC- NOWATA  
RICHLY ROOTED AUTO SALES-OKC  
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TNR AUTOMOTIVE- OKC  
VARSITY BUS SALES, LLC- CLAREMORE

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BILL KNIGHT FORD OF BARTLESVILLE  
CREAGER AUTOS- DEWEY  
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F&B AUTO SALES- OKC  
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KESSLER AUTO- SAPULPA  
NORTH 40 TRUCKS-CHECOTAH  
PRIME MOTORS- OKC  
RED BUFFALO AS & TRADING CO- WEATHERFORD  
SOUTH 9 AUTO SALES- DURANT  
SPEED INC. MOTORSPORTS- OKC

# Oklahoma Independent Automobile Dealers Association

The OIADA (Oklahoma Independent Automobile Dealers Associations) is a statewide association that represents the unique interest of the states Independent Auto Dealers.

The association works to protect dealers from unfair regulations and legislation on a state level. We are an inclusive community advancing automobile dealers through advocacy, education , promotion and unification. Our members share best practices that protect and advance the industry.

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The road for an Independent Auto Dealer can be uncertain, but it doesn't have to be.

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 <p>\$200 Off Buy Fee or \$125 Off Sale Fee</p>	 <p>\$100 Off First 5 Cars Buy Fee Online or In Person 1st Hotel Stay when visiting on us</p>	 <p>\$150 Off A Buy Fee</p>



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Advertising Violations continue to invite audit and investigations for Oklahoma Car Dealers and fines are being assessed. The commission has warned Oklahoma dealers and the rules are clear. A copy of the advertising rules can be found on the Used Motor Vehicle, Dismantler, & Manufactured Housing Commission website <https://oklahoma.gov/oumvdmhc.html> under Rules and Regulations. Advertising continues to be an issue as more and more dealers move online testing the waters with little to no experience in education of the rules or allowing salespeople or employees to advertise for them. Let's be honest, you or I can scroll through Facebook or Marketplace at any given time and find violations, I will remind you once again...lets be careful with our words.

**"Advertisement"** means an oral, written, graphic or pictorial statement made in the course of soliciting business, including, without limitation, a statement or representation contained in a newspaper, magazine, publication, notice, sign, poster, display, circular, pamphlet, letter, or on the Internet, radio, television, or any other type of media.

**"Bait advertisement"** means an alluring but insincere offer to sell a product of which the primary purpose is to obtain leads to persons interested in buying merchandise of the type advertised and to switch consumers

from buying the advertised product in order to sell some other product at a higher price or on a basis more advantageous to the advertiser.



**"Clear and Conspicuous"** means that the statement, representation, or disclosure is of such size, color, contrast, and audibility and is presented so as to be readily noticed and understood. All language and terms, including abbreviations, shall be used in accordance with their common or ordinary usage and meaning.

**"Dealership addendum"** means a form which is to be displayed on a window of a new motor or used vehicle when the dealer installs special features, equipment, parts or accessories, or charges for services required to prepare a vehicle for delivery to a buyer. The addendum is to disclose:

(A) That it is supplemental and it should not be deceptively similar in appearance to the manufacturer's label, which is required to be affixed by every manufacturer to the windshield or side window of each new and used motor vehicle under the Automobile Information Disclosure Act;

(B) Any added feature, service, equipment, part, or accessory charged and added by the dealership and the retail price thereof;

(C) Any additional charge to the selling price such as additional dealership markup; and,

(D) The total dealer selling price

**"Demonstrator"** means those vehicles that are of the current or previous model year which have not been sold, titled or registered to any type of purchaser and are used by dealership personnel for demonstration purposes. Service vehicles, courtesy cars, daily rentals, loaners, factory program cars, driver education and factory executive cars shall not be described as "demonstrator" vehicles. Demonstrators may be advertised for sale, as such, only by a franchised dealer of the same line-make of vehicle.



**"Factory executive/official vehicle"** means a new motor vehicle with an original Manufacturer's Statement of Origin, or used motor vehicle with a Certificate of Title that has been used exclusively by an executive or official of the dealer's franchising manufacturer, distributor, or their subsidiaries. The advertiser shall state clearly whether the vehicle is a new or used vehicle.

**"Rebate" or "Cash back"** means a sum of money refunded to a purchaser or for the benefit of the purchaser. The purchaser may choose to reduce the amount of the purchase price by the sum of money or the purchaser may opt for the money to be returned to the purchaser for his or her benefit.

**"Program car"** means a car that is purchased at a manufacturer's closed auction or sold by or directly from the manufacturer or distributor which is a current or previous year model, that has been previously tagged and/or titled, and returned to the manufacturer for disposal.



**"Licensee"** means any person required to obtain a license from the Oklahoma Used Motor Vehicle, Dismantler, and MH commission.

**"Disclosure"** means required information that is clear, conspicuous, and accurate. In print and internet advertisements, disclosures shall be located either adjacent to the price or in an area clearly marked with reference symbols. In audio advertisements, disclosures shall be clear and understandable in pace and volume and shall be located at the end of the advertisement. In a television or video advertisement, the disclosure must appear continuously on the screen for a minimum of ten seconds.



**"Dealer-added fee"** means an amount charged by the dealer to the customer in connection with the sale or lease of a new or used motor vehicle including, but not limited to, processing fee, documentary fee, service and handling fee, administrative fee, closing fee, or ADP (additional dealer profit) fee. "Dealer-added fee" does not mean legally required charges such as a lien entry filing fee. It is prohibited to state or imply that a dealer-added fee is required by law or by any government agency.

**For TITLE 765. OKLAHOMA UMVD&MHC  
COMMISSION RULES AND REGULATIONS**

**please click the link below.**

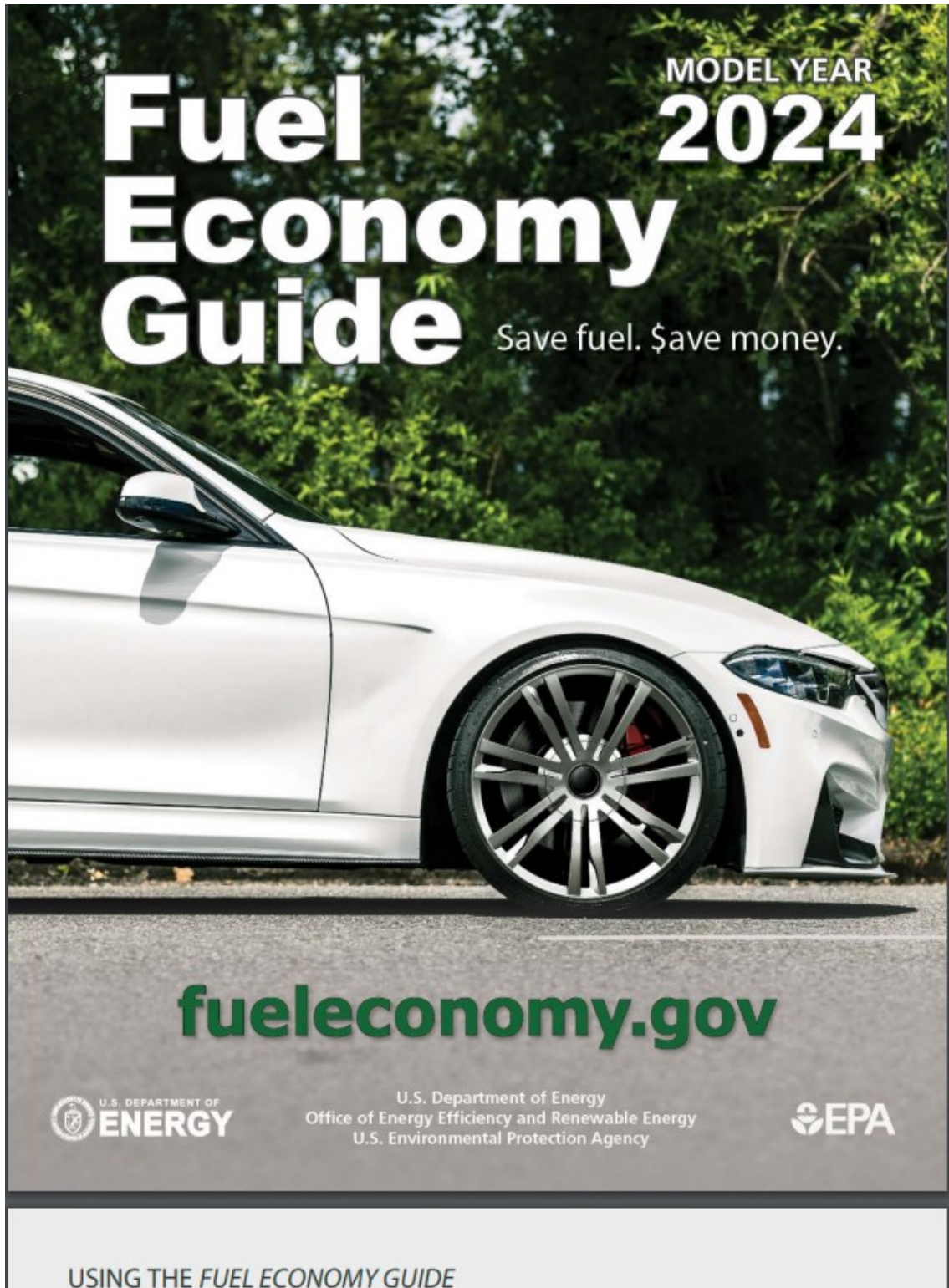
**[Title-765-UMVPC-Rules-and-Regulations.pdf \(oklahoma.gov\)](https://www.oklahoma.gov/umvd/mhc/rules-regulations)**



**Federal law requires new-car dealers to  
provide the Guide to Customer upon request.**

**The guide provides detailed fuel economy estimates for model year 2024 light-duty vehicles,  
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dealers must display the GUIDE and provide copies to customers upon request.**

**Click Guide to download your Fuel Economy Guide for 2024**



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 tim@daxauction.com



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 jeff@daxauction.com



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Used Motor Vehicle, Dismantler,  
and Manufactured Housing  
Commission

## A SALESPERSON LICENSE IS NOT TRANSFERABLE!

- A person must apply for a salesperson license with the dealership where they plan to work.
- A Salesperson license is not transferable from one job to the next.
- A properly completed application, application fee, copy of drivers license with an OSBI Background check is needed.
- A Person with a felony is not able to work at all until they have been approved by the commissioners.



**Just been hired by a vehicle dealer to sell cars?**

**Congratulations!**

**But before you begin , you must obtain a salesperson license from the  
OMVD&MHC**

**To do so, complete the [Application for Used Motor Vehicle Salesperson's Certificate of Registration](#) and send it along with the \$50 payment to the address on the form.**

**Include a copy of your criminal history background report or [Oklahoma State Bureau of Investigation](#) report, Copy of current OK driver's license.**

**The license only allows you to sell vehicles for the employer listed on your application. If you change dealerships, your new employer will need to reapply .**

# Selling Cars, Not Personal Information

By Andrea Amico—founder & CEO of Privacy4Cars

In the aftermath of the FTC’s recently expanded Safeguards Rule to more clearly encompass protection of consumers’ electronic Personal Information, dealerships and legal counsel are probably very busy staying on top of a host of new requirements. From having a *qualified individual* in charge of managing the security program at the dealership and to translating “having administrative, technical, and physical safeguards in place” into pragmatic solutions and processes that produce both robust results and detailed compliance records.

Your legal team is probably working on “clean desk” policies and securing physical files, especially among the sales, service and F&I staff, but also expanding similar protections and restrictions to data in dealerships’ CRM, DMS, and even the loaner management systems. Last year the California AG indicated that the subject of one of their first CCPA investigations was an automotive business that collected Personal Information from participants in their loaner and extended test drive pro-

gram. Not to mention the work needed to train and retrain staff on privacy and security measures to make sure those policies “live and breathe” every day at your dealerships and are appropriately logged to provide evidence of compliance.

In this flurry of activity, it is likely that the



largest un-encrypted and easy to access repository of your customers’ data is probably being overlooked: *The Personal Information being left behind in vehicles that change hands.* If you ever sat in a trade-in, lease return, or loaner you know what we are talking

about: the home addresses, previous routes, text messages, identifiers, and a lot more may be at anybody’s fingertips. **Your largest database of customer PI is on the lot... and is for sale!**

This treasure trove of consumer data is a large, looming risk for your internal or external dealer clients for four reasons:

- ⇒ Personal Information is left behind in vehicles frequently and is easy to discover;
- ⇒ This issue is increasingly in the sight of regulators and plaintiff attorneys;
- ⇒ With rapidly advancing technology, the problem of data left in cars is evolving from a privacy and data security issue to a safety issue, further raising the bar on financial and reputation exposure for dealerships; and
- ⇒ Consumers are increasingly aware and there is a massive divide in outcomes in customer satisfaction, willingness, to buy, and desire to purchase additional services depending whether a dealership actively demonstrates care for consumers' privacy or not.

In this article we will discuss the first two points.

## **Personal Information is left behind in vehicles frequently and is easy to discover**

At Privacy4Cars we perform on a regular basis audits at wholesale, retail, and rental lots to check how often PI is left behind in vehicles after they exchange hands. We found out that in 2021 more than 4 out of 5 vehicles in the US were resold while still containing the Personal Information of the previous owners and family members (which may include minors). This constitutes a wide spread breach affecting tens of millions of dealerships customers every year.

In our experience, it can often be easy to re-identify the previous owners and passengers and build detailed personal profiles simply by taking a few photos or video during a test drive, like the following example. Extracting further information that is not “obviously visible” or exploiting consumers with scams and social engineering based on knowledge of data in cars is also much easier than most, even in the industry, believe.





I know firsthand, having taught my then 8 year old daughter how to hack a car with just a cheap burner phone so she could still read text messages in the car. We have also demonstrated in separate security disclosures to the Automotive Information Security and Analysis Center (Auto-ISAC) other exploits, either developed independently in our R&D or by collaborating with university researchers, including recently a technique that expands what we were able to do with “CarsBlues” in 2018 and seems to be working with 100% of vehicles in circulation equipped with Bluetooth.

One does not need to be an expert to find the Personal Information of previous owners and occupants either; when we sent mystery shoppers to 72 different, large, reputable franchise dealerships, they reported that they found Personal Information of consumers at 88% of those dealerships, just by simply test driving one or two cars of their choice. Dealers should evaluate likely scenarios, such as: what would happen if a customer who bought a used car drove to the home of another customer who traded in their vehicle and started an altercation (we hear of this happening a few times already). Or what would happen if, every day, a plaintiff attorney test drove a couple of cars in the morning, called the old owner, and filed a suit against the dealership and dealer principle by the afternoon?

## **This issue is increasingly in the sight of regulators and plaintiff attorneys**

We already mentioned the recent FTC increased focus on safeguarding electronic information. While US Congress seems to be unable to pass national Privacy Laws, a growing number of states are filling the gap. Today, only a dozen states do not have a privacy law being debated or passed.

Privacy laws are not the only laws that matter; there are over 200 state laws that regulate in one way or another the data collected, stored, and shared by vehicles. Among those, it is worth mentioning that most states have Data Security Acts and Data Disposal Acts. Those laws by and large mandate businesses to have “reasonable security” and that they cannot retain or disclose personal records unless there is a “reasonable business purpose.” As dealers evaluate the risk exposure of their own dealership or clients, it is probably worth asking: how would you explain in front of a judge and jury that leaving somebody’s home address and garage door codes stored in a vehicle for sale “reasonable security?”

What “business purpose” could you advocate for keeping this information easy to access for anybody with the keys, including staff and potential customers? It is worth noting that the National Institute for Standards and Technologies’ (NIST) Special Publication 800-88; Guidelines for Media Sanitization clearly states that clearing data from media storing Personal Information (such as a vehicle’s infotainment system ) is the minimum standard (NIST guidelines are often referenced in court cases to define “reasonableness”).

This is no longer a case of hypotheticals. Class actions brought by consumers highlight this growing risk of businesses leaving behind previous consumers’ Personal Information in vehicles instead of deleting it before sale. Morgan Stanley recently settled a class action lawsuit for \$60 million—and had already been fined \$60 million by NY state authorities — for leaving their customers’ Personal Information in electronic devices for sale. It’s not just the 8-figure settlement: plaintiff attorneys Morgan & Morgan and Nussbaum’s successful settlement made Morgan Stanley responsible for covering plaintiff costs related to the data breach (up to \$10,000 per class member), cover 2 years of Identity Theft monitoring and remedy, but also caused the bank to have to significantly step up their oversight and controls over Personal Information, especially

around device disposal and unencrypted data. We believe the parallels with the issue of Personal Information left in vehicles are uncanny.

SIXT and Hertz settled for hundreds of thousands with single plaintiffs over accusation of not properly disclosing the collection and exposure of navigation and phone data in their rentals. A similar settlement could be crippling—or a death blow—if the defendant was a dealership. Just last December in a similar case, a San Diego judge dismissed Avis Budget’s motion to demur and greenlit what is likely to be a painful and expensive discovery process. Importantly, the judge noted that Avis Budget was unsuccessful in disproving either of the three key points of the case:

- (a) that vehicles collect Personal Information (including sensitive and potentially damaging data such as GPS and phone records),
- (b) that the data collection and likely exposure to future renters was deceptive because not properly disclosed to consumers, and
- (c )that given no “reasonable consumer” would have paid the same amount had they known of the data collection and risks, this is a case of unfair competition.



Dealer counsels should not be surprised to hear that many of America's auto finance companies, from OEM captives and national banks to regional subprime lenders and credit unions have expanded their policies on the removal of personal property to now include the deletion of the electronic Personal Information left by their customers every time the name of their institution is on the title and before putting the vehicle back into the stream of commerce.

We recommend that dealers take an overarching look at the needs to safeguard consumer Personal Information, including the data stored in the vehicles on their lots.



*A version of this article first appeared on the February 2022 issue of The Defender, The National Association of Dealer Counsel Newsletter.*

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Andrea Amico has given OIADA permission to republish this article.

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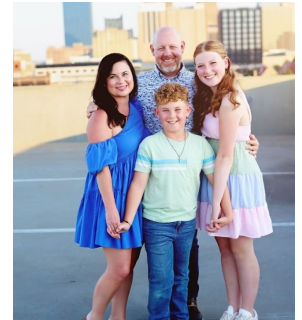
You can find out information about Chad & Andrea & get pricing by visiting their website at [riskybizconsulting.com](http://riskybizconsulting.com)

### Leadership through Ownership?

"There is a common misconception about leadership these days, especially with our emerging generation. Sometimes our younger leaders think that leadership is a title or that it's something that is given to you based upon your position or status. But the reality is, a great leader is one who understands what it truly takes to be a leader people will follow.

I believe this is where ownership comes in as a leader. It's been called "extreme ownership" by [Jocko Willink](#) and is a foundation of truly good leaders. Taking ownership in everything in your world means much more than taking credit for success. In fact, it's just the opposite. A leader should also own every mistake wholly, and never blame anyone else for the team or company failures but themselves and always give credit for the win to his or her team.

You want to build trust and respect with the team you lead? Start taking ownership and responsibility for everything you touch and give public credit and praise to those you lead. This won't happen overnight, but once a track record of leadership by ownership is established, others will gladly follow!" Chad Pennington, Founder of Risky Business Consulting



### Why partner with us?

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Hwy 33 Truck and Trailer	Lee Auto Sales	
Sales	Lee's Truck & Auto Sales,	

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Nissan of Lawton	Pucketts Used Cars	Solutions Auto Group	Truetruck HD
Noss Motorsports, LLC	R & J Motors, LLC	Southlake Auto Group, llc	Tulsa Auto Service and Sales
Nowco Motorsports, llc	Randy Bowen Chevrolet, Inc.	Speedtail Auto Sales, llc	Twister Auto Sales
NVP Warranty	Randy Mitchell Auto	Split Rock Auto Sales, llc	Union Ideal Car Sales
OK Auto Remarketing	Ray Hibdon's Car Choice	Sports & Imports, Inc.	Universal M H/Used Cars
OK Work Trucks	Ray's Used Cars	Stanley's Motor Co	Vision Motorsports
Okahoma RV Center	Red Line Auto Sports, Inc.	Sterling Credit Corp.	Watson Auto Sales
Oklahoma Auto Exchange	Regal Car Sales & Credit	Streamline RECON / Solutionworks	Wetzel Agency, Inc. Loftis & Wetzel
Oklahoma Auto Sales	Rick Sparks Auto Sales	Sunshine Auto Sales	WG Auto Collection, LLC
Oklahoma Motor Cars	Risen 1 Motorsports, Inc	Sunshine Motors, llp	Wheatland Motor Company
Oklahoma Patriot Auto Sales	RJ's Cars & Trucks	Swedish Import Repair, Inc	Wheels of OKC
One Stop Auto	Roanda Motors	Switzer & Son Select AS, LLC	White's Auto Sales
One-Ten Motors, llc	Rocket Motors	T & T Auto Sales. Inc.	Wholesale Motors, Inc.
OT Truck & Tractor Sales	Romeros Auto Center	Tallgrass Motors, LLC	Wilson Used Cars
Overdrive automotive center	Ron Miller Motor Co.	Taylor Auto Sales, Inc.	XLR8 Motor Sports
Paramount Capitol Motors/&Elite	Ron's Cycleland	Temple of Zoom Motorsports	Yukon 66 Sports and Imports
Parker's Used Cars	Roper Land and Lake Vehicles	The Car Man, LLC	Z 66 Auto Auction
Patriot Auto Group—	Rt 66 Auto Auction of El Reno, LL	The Key	Zenith Automotive Sales
All locations :	S. Brown & Associates	The Pickup Shop	
Performance Auto Connection	Sal's Auto Sales	The Truck Shop, LLC	
Pheasant Run Auto Sales Tulsa & Claremore	Sam Wampler's Freedom Ford Eufaula	Thomas' Auto Sales	
Poskey's Auto and Repair	Scissortail Auto Sales	Thoroughbred Motors, Inc.-note	
Post Oak Toyota	Scott Auto Sales	Tio Chuy's Auto Sales	
PPL Motorhomes	Scott's Motor Cars	Tio Chuy's Auto Sales #2	
Preferred Auto Sales, Inc.	Shockley's Auto Sales, Inc.	TLC Auto Gallery	
Preowned Nation Auto Sales	Shreve Truck & Equip. Sales	Toliver Chevrolet	
Primos Auto Credit Inc	Smalygo Auto Wholesale, Inc.	Town & Country Auto, Inc.	
		Tri-State Wrecker Sales	
		Tru Honest Cars	

