

Drive: NH

N° 18	VOL 3	Issue 6 2021	NHADA
A PUBLICATION OF THE NEW HAMPSHIRE AUTOMOBILE DEALERS ASSOCIATION		HIGH SCHOOL AUTO INSTRUCTORS FROM ACROSS NH ATTEND NHADA'S TRAINING	



**NHAD Services –
Products Division
Welcomes Chris Marston
As Products Manager**

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**Defensive Driving in
the Retail Automotive
Industry Training Video
Now Available**

Read more on p. 15

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NHADA'S BIG RAFFLE &
SILENT AUCTION
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Get ready for a night full of networking, entertainment, and one lucky person winning \$25,000!

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AND WE ONLY NEED ONE
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To be successful in Concord, NHADA will need you and your grassroots voice to help us win.

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NHADA WCT Loss Prevention has created a brief training video with best practices for defensive driving with a specific emphasis on safe vehicle operation in the retail automotive industry.

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\$25,000 GRAND PRIZE
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Save the Date!

NHADA'S BIG RAFFLE & SILENT AUCTION WEDNESDAY, FEB. 9, 2022

Get ready for a night full of networking, entertainment, and one lucky person winning \$25,000! All while helping to support the Education Foundation and our scholarship program. Last year the Education Foundation was able to give out \$100,000 in scholarships to high school and post-secondary students. Your support helps to ensure a strong pipeline for the automotive workforce.

Last year's virtual silent auction was a hit and will be back again this year to kick off the event with early item previewing. Don't worry; we will also have all of the items live at the event as well. We are actively seeking silent auction donations and sponsorships for the event. Reach out today to learn about the different opportunities to get your name out there and support the future automotive workforce.

Tickets are on sale now.

Already purchased your ticket? Thank you!

Haven't purchased your ticket yet? Give us a call and we will be happy to assist you. Each \$100 raffle ticket includes an invitation for two to attend the event live. Only 1,000 tickets will be sold for a chance to win \$25,000. The \$25,000 winnings may be used at ANY NHADA member or partner business toward the purchase of a car, truck, motorcycle, RV, snowmobile, tractor, or for services or other purchases. The grand prize may also be used for tuition at one of the schools



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within the Community College System of New Hampshire (CCSNH) or the University System of New Hampshire (USNH) and must be used in the same year as your high school graduation. 📌

For more information on the event or to purchase your raffle ticket, please reach out to Kaleena Guzman at kguzman@nhada.com or 603-224-2369.



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The 2022 Legislative Session is Near, and We Only Need One Thing: YOU!



DAN BENNETT

V.P. OF GOVERNMENTAL AFFAIRS &
ENVIRONMENTAL SPECIALIST

To be successful in Concord, NHADA will need you and your grassroots voice to help us win. **Your voice and strong reputation in the community have proven to be one of the most powerful assets in our lobbying efforts.**

Beginning in January, the Legislature will start to hear bills for the 2022 session. As of right now, there are 875 different bill filings on an incredibly wide variety of topics. Our elected officials will diligently get through all bills as best they can to decide their fates by the first of June, then head back to the district to campaign for the September primary and November general elections.

As of now, there are at least three bills filed that propose to repeal or modify the annual vehicle safety inspection program. Opposing these bills will be one of NHADA's highest priorities. We hope that you will make it one of yours too.

As the session unfolds, the NHADA legislative team and committee will review all bills of impact, track, and weigh in on them – for better or for worse. When the time is right, we will issue calls to action to which we hope you and your staff will respond. Through our legislative outreach system, we will make it as easy as a few clicks to enable you to contact your legislator and provide your opinion on important bills. Please take advantage of this system.

Additionally, we will post relative information and invite you to attend sessions to hear the debates, as well as “packing the room,” which always helps.

Stay tuned as the session rolls out, be ready to take action, and remember: **Our Voice in Concord is Only as Loud as Yours at Home. ↓**

If you have any questions, contact Dan at dbennett@nhada.com or 603-224-2369.

High School Auto Instructors from across NH attend NHADA's training



KATE AMROL

WORKFORCE DEVELOPMENT
COORDINATOR



The NHADA Foundation, in partnership with Nashua Community College, hosted the annual CTE Instructor Training Conference this month. The event provided the high school instructors with 15 hours toward their required ASE training. There were 24 instructors in attendance from schools across NH. This event supports the goals of the NHADA Foundation in building the workforce pipeline through the education and training of future technicians.

The need for qualified technicians in the automotive industry is at an all-time high. With the rapidly evolving technology in this field, the new crop of technicians coming through the pipeline needs to be knowledgeable about traditional auto mechanics and also be willing to learn about the new technology. Finding ways to balance this will be essential to the success and growth of the industry. With that in mind, quite a few of the training topics focused on advancing technologies.

Instructors received training from State Inspector Jeff Charette and Trooper First Class Fagan on the State Inspection process and updates. Many schools have their own state inspection licenses, and students learn the multi-point inspection as part of their education and perform inspections on live customer cars. Staying up-to-date on changes is essential to this process.

Snap-On representative Cory Nelson also held training on Advanced Driver Assistance Systems (ADAS) and thermodynamics and the evolving technology in the tool field.

On Day Two of the training, Timothy Kosnar and Sean Markell from Mazda North American Operations performed demonstrations on new vehicle technology



THE NEED FOR QUALIFIED TECHNICIANS IN THE AUTOMOTIVE INDUSTRY IS AT AN ALL-TIME HIGH.

such as ADAS and CAN-bus systems. They also presented the new Mazda automotive student training program (MAST) that will roll out at Nashua Community College in the Fall of 2022. This program provides certified training in conjunction with NCC automotive courses and on-the-job training with mentors in Mazda service departments. It comes with many incentives for students who join, such as tool and tuition reimbursement and enrollment in the DRIVE program to lease a vehicle from Mazda.

In the afternoon, we were joined by John Sawyer Jr., Vice President of Portsmouth Ford and Derek Federico, Service Manager, to discuss the industry outlook on Electric Vehicles. "While there is still a lot of unknown, we recognize that EV is coming and we should start preparing now," Sawyer Jr. said. "Laying the foundation with students in regard to safety and awareness is a great place to start."

They brought a Ford Mustang Mach-E with them for the instructors to check out. NCC was also a recipient

of an electric Switch vehicle through a grant from the Department of Education, and instructors got the chance to take the Switch for a drive.

The event wrapped up with small group discussions regarding curriculum planning, enrollment trends and recruitment, internships, and technology in the classroom. Brian Bishop from TechEd products was on hand to demo their zSpace product, a virtual reality learning tool incorporating the ASE curriculum into the training modules.

Lisa Diggins, instructor for Huot Career Center in Laconia, said, "I found it helpful to catch up with the state troopers and learn the new laws that have been updated over the past 20 years also collaborating with my peers, learning and interacting with a lot of different people, electric vehicles, and adaptive vehicles." 📌

For more information, please reach out to Kate Amrol at kamrol@nhada.com or 603-224-2369.

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NHAD Services – PRODUCTS DIVISION WELCOMES CHRIS MARSTON AS PRODUCTS MANAGER



PETE MCNAMARA

NHADA PRESIDENT



CHRIS IS VERY EXCITED TO EMBARK ON NEW CHALLENGES AND MEET THE NHADA MEMBERS IN HIS TRAVELS AND AT EVENTS.

NHADA is pleased to announce Chris Marston as the new Products Manager for NHADA's Products Division. Chris will oversee a sales team to ensure that the Products division hits its marks set forth by the Board of Directors. The division sells products from its online store, LotDrop.com.

LotDrop.com is the official online store of the NHADA Products Division, where motor vehicle businesses can shop a vast library of supplies, forms, lot décor, apparel, and custom and promotional items.

Chris has an associate degree in Science & Business Administration from NHTI, where he graduated with honors while working full time. He brings 10 years of experience as a retail store manager for a farm/feed/lawn/garden business right in Bow. He also spent three years in purchasing in the Aerospace field. Some of the parts he was involved in purchasing have been used by SpaceX and others were used in planes and helicopters.

Chris grew up in Pittsfield, NH, where his family still owns and operates a ninth-generation dairy farm. His family also owns and operates a school bus business. Along those lines, Chris really enjoys agricultural fairs – he used to exhibit dairy cows as 4-H projects at most major NH fairs. Chris also enjoys hiking, snowboarding, playing basketball, trivia and keeping up with Boston sports teams. He resides in Alton, NH, with his wife of 13 years, Crystal and their son Kent.

At NHADA, he will be taking over for Products Director Brian Duplessis, who will be transitioning to full-time in his capacity as Loss Prevention Supervisor.

Chris is very excited to embark on new challenges and meet the NHADA members in his travels and at events. If you see him, don't be afraid to say hi! For products information or to get a quote on an item, Chris can be reached directly at cmarston@nhada.com or 603-224-2369. 📍

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*Bob Boggus
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NHADA Fights for Proper Collision Repairs

On Oct. 14, 2021, New Hampshire Supreme Court heard oral arguments in the case of Keene Auto Body v. State Farm. As Keene Auto Body (KAB) was acting on its own behalf without legal representation, the NHADA tapped into its Legal Defense Funds to hire outside counsel to file a “friend of the court” brief to ensure that the court received a thorough and in-depth legal briefing and oral arguments.

The facts of the case are as follows: a State Farm insured brought their damaged vehicle to KAB for repairs. The insured assigned the policy over to KAB. KAB then provided estimates to State Farm for the proper repair of the vehicle. State Farm refused to cover some of the repairs forcing KAB to file a small claims action to ensure

the vehicle was repaired correctly. The trial court ruled against KAB without a written opinion.

The primary issue before the Court is whether an insured is allowed to assign their policy to a body shop after an accident has occurred. Many insurance companies have clauses in their automobile policies that prohibit the assignment of the policy.

KAB owner Steve Piispanen was first up for oral arguments. Then attorney Ned Sackman from Bernstein Shur handled the next 10 minutes of arguments focusing on the assignability matter.

The legal research by attorneys Sackman and Hilary Holmes Rheume revealed that most states have found the assignment prohibition in the insurance policy should

not apply to a post-loss or post-accident scenario. Even the lawyer representing State Farm agreed during the oral arguments that most states recognize this exemption. The majority of states have ruled this way because the insurance company's risk does not grow with this assignment since the accident has already occurred. However, the assignment of an insurance contract or policy before an accident has occurred can affect the risk faced by the insurance company. For example, an insurance company's risk would increase dramatically if a 50-year-old driver with an impeccable driving record assigned their insurance policy to a 16-year-old who has a history of drinking and driving.

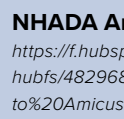
NHADA has long been an advocate for the 100 body shops that are members of the association, especially ensuring that vehicles are properly repaired. That advocacy has included legislative, legal and educational work. The court is expected to rule approximately 60 days after this oral argument. 📌

The written briefs can be found here:



NHADA Amicus Brief

<https://f.hubspotusercontent30.net/hubfs/4829685/Headlines/20210723%20NHADA%20Amicus%20Brief%20FINAL.pdf>



NHADA Amicus Appendix

<https://f.hubspotusercontent30.net/hubfs/4829685/Headlines/Appendix%20to%20Amicus%20Brief.pdf>



State Farm Brief

<https://f.hubspotusercontent30.net/hubfs/4829685/Headlines/20210823%20State%20Farm%20Brief.pdf>



State Farm Appendix

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Reply Brief

[https://f.hubspotusercontent30.net/hubfs/4829685/Headlines/Reply%20Brief%20\(final\).pdf](https://f.hubspotusercontent30.net/hubfs/4829685/Headlines/Reply%20Brief%20(final).pdf)

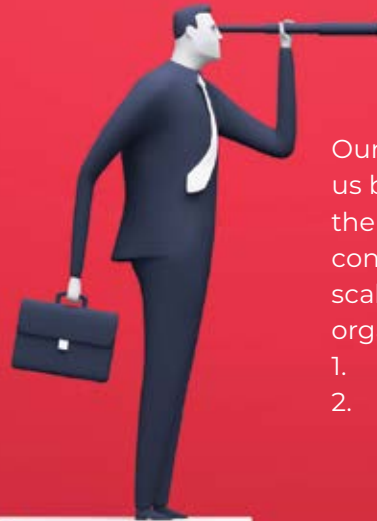
The recording of the oral arguments can be found here:

<https://livestream.com/nhjb/events/9484886/videos/226590848>



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Situations That May Not be Thought of as Workers' Comp, but Should be Reported



DEBORAH HANDRAHAN

MEMBER SERVICES COORDINATOR

The New Hampshire Workers' Compensation Statute, RSA 281-A:2, XI defines injury as an "accidental injury or death arising out of and in the course of employment." Both criteria must be met for a claim to be compensable.

Not all injuries that occur in the course of employment are compensable. There has to be a risk or hazard created by the employment that is the cause of the injury.

Risk of employment has been the subject of several New Hampshire Supreme Court cases. The most recent of which, the Appeal of James Margeson 162 N.H. 273 (2011), more clearly defined what risks are employment-related. The Supreme Court broke these types of risk into four categories:

1. **Employment-related risks** were described as "all of the obvious kinds of injuries that one thinks of at once as industrial injuries." The Court went on to say, "Typically, a slip and fall is only attributable to an employment-related risk if it results from tripping on a defect or falling on an uneven or slippery surface on an employer's premises."
2. **Personal Risks** are those that are "so clearly personal that even if they take effect while the employee is on the job, they could not possibly be attributed to the employment." Such risks would include a fall while walking caused by a seizure or a bad knee.
3. **Mixed Risks** which "involve a personal risk and an employment risk combining to produce injury." The

Court stated: "While not all injuries resulting from mixed risks are compensable, the concurrence of personal risk does not necessarily defeat compensability if the employee's employment was also a substantial contributing factor to the injury."

4. **Neutral Risks** are "of neither distinctly employment nor distinctly personal character." These are the claims that are the most controversial of modern Workers' Compensation law, according to the New Hampshire Supreme Court, and these cases must be decided based on the facts of the individual case.

While many accidental injuries are clearly work-related or not work-related, some situations arise that are not as definitive:

- **Injuries that occur before or after employees "punch in/out" of work** The New Hampshire Supreme Court has decided that commuting to and from work is not considered part of the course of employment. However, the Court has decided that injuries sustained when an employee is walking to or from their car in a designated parking area, whether punched in or not, is considered in the course of employment. Whether the injury was caused by a risk or hazard created by the employment has to be determined by the facts of the case.
- **Injuries that occur due to motor vehicle accidents** When an employee is injured in a motor vehicle accident during their employment, there is frequently confusion about whether a workers' compensation

claim should be filed. Some employers believe it should be handled through auto insurance. However, the employee's injuries must be handled like any other employee injury in the workplace. An Employer's First Report of Injury must be promptly filed with NHADA WCT. The injured employee should seek treatment with a provider within Windham's Work Injury Network. If the injury was the responsibility of the other driver, the NHADA WCT claims staff will work to recoup any payments made on the claim from the responsible driver.

- **All Injuries an employee wants to claim as work-related** If an employee wants to file a workers' compensation claim, the employer must complete a First Report of Injury, regardless of the circumstances, as soon as it is reported to them. NHADA WCT will conduct a thorough investigation to determine if it meets the criteria outlined by The NH Workers' Compensation Statute for a compensable injury.

In summary, we encourage members to promptly file an Employer's First Report of Injury whenever they know of an injury. If you are unsure, please contact Peter Sheffer, WCT Director, at psheffer@nhada.com or Deborah Handrahan,



NOT ALL INJURIES THAT OCCUR IN THE COURSE OF EMPLOYMENT ARE COMPENSABLE. THERE HAS TO BE A RISK OR HAZARD CREATED BY THE EMPLOYMENT THAT IS THE CAUSE OF THE INJURY.

Member Services Coordinator at dhandrahan@nhada.com, or call 603-224-2369 for assistance.

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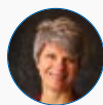
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Ranges are based on Harvard Pilgrim's data. Actual service prices vary by provider type and location.

- Your health plan may require a referral and/or prior authorization before you receive services from the lower-cost provider.
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- Rewards are considered taxable income; please consult with your tax advisor.

We are always happy to explain more about these and other benefits to our members. Please email me directly at lpreve@nhada.com or call 603-224-2369 for further details. ▲

Defensive Driving in the Retail Automotive Industry Training Video Now Available

NHADA WCT Loss Prevention has created a brief training video with best practices for defensive driving with a specific emphasis on safe vehicle operation in the retail automotive industry. Automotive businesses are busy places with significant amounts of traffic and driving exposure. This activity presents hazards to drivers, pedestrians, and property. In fact, it's the number one cited employee safety concern at NHADA member safety committees. Motor vehicle accidents are violent events that can result in serious injury and death. With

this in mind, we created a video with many ways to improve driver safety at dealerships.

Any questions, please contact Matt Foster at mfoster@nhada.com or 603-224-2369. 📞



Safety Training

<https://www.nhada.com/driver-safety-training>

Member Anniversaries

Member	Years	Owner
Bonneville & Son, Inc.	75	Ed Bonneville
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Keene Chrysler, Inc.	50	Mike Korpi
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Fairfields Cadillac Buick GMC Inc.	25	David Gale
Gate City Collision Center	25	Mark Piekarski
Hillsboro Ford Inc.	25	Dennis Roberts
Lambert's Auto & Truck Recyclers, Inc.	25	Scott Snedecker
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<https://lotdrop.com/collections/car-protection-collection>

Safety Glasses Save Eyes



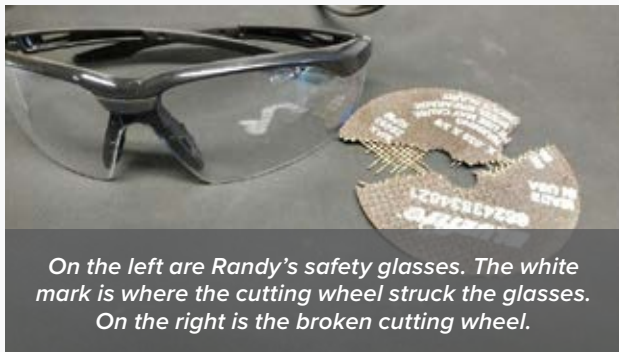
DUSTIN HOWE

LOSS PREVENTION COORDINATOR

We have all gotten something in our eyes before, and we all know how irritating and painful it can be. Fortunately, most of the time, it's either an eyelash or some dirt, but for Randy, it could have been a lot worse.

It was just like any other day. Randy had a routine job of cutting off a bracket from a truck, so he changed out an old cutting wheel and put on a brand new one. After tightening the cutting wheel, he began to cut the bracket. As soon as the cutting wheel touched the bracket, it shattered. It happened so quickly that Randy didn't even realize what had occurred.

After a few moments, Randy noticed that the cutting wheel hit him square in the safety glasses. He took them off and noticed a gouge taken out of the left lens. "One second, the wheel was there, and then all of a sudden it was gone, and something hit me in the face," he said.



On the left are Randy's safety glasses. The white mark is where the cutting wheel struck the glasses. On the right is the broken cutting wheel.

This shows the importance of taking precautions and wearing safety glasses to protect your eyes because if Randy were not wearing his safety glasses, he would have lost his left eye. It is very important to make sure your eyes are protected because we only have one pair of them.

Safety glasses are made and designed to help prevent major eye injuries from happening, but for this to be true, you need to be wearing your safety glasses while working with tools and on or underneath vehicles.

The following are the New Hampshire Automobile Dealers Association statistics about eye injuries and prevention:

- The third most common injuries are eye injuries.
- NHADA has spent an average of \$20,955.00 on safety glasses per year since 2016.
- There has been a total of 535 eye-related injury claims since 2016.
- NHADA has paid a total of \$313,409.07 on eye injuries alone since 2016.
- The amount paid in workers' compensation per year for eye injuries has started to increase slightly since 2016 (\$35,680.55 to a projected \$38,426.66), a 7.7% increase.
- The number of reported eye injuries in 2016 was 88 (7.3 per month), and through October 2021, there have been 73 injuries (7.3 per month).
- The average amount paid per eye injury has increased by 8.19% since 2016 (\$405.46 per claim to \$438.66 per claim).

We have created an eye protection policy that has outlined when employees must wear eye protection while performing specific tasks. This policy should be communicated to all employees along with being posted and enforced.



Eye Protection Policy

<https://knowledge.nhada.com/eye-protection-policy>

If anyone needs safety glasses or an eye protection policy, please contact your Loss Prevention Representative by office phone 603-224-2369 or by email which can be found at, <https://www.nhada.com/about/team> ↓



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<https://www.nhada.com/about/team>

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(2021 Partners at time of printing deadline)

By the Numbers

2021 Unemployment Rates by Area

	Aug.	Sept.	Oct.
United States	5.2%	4.8%	4.6%
New England	5.3%	5.2%	5.2%
Connecticut	7.2%	6.8%	6.4%
Maine	4.9%	4.8%	4.9%
Massachusetts	5.0%	5.2%	5.3%
New Hampshire	3.0%	2.9%	2.9%
Rhode Island	5.8%	5.2%	5.4%
Vermont	3.0%	2.8%	2.8%

Safety/OBD II Inspection Statistics

SAFETY Inspection Results	October '21	Percent of Total	YTD '21	Percent of Total
TOTAL	129,380	100.0%	1,361,328	100.0%
PASS	108,294	83.7%	1,142,524	83.9%
CORRECTED	12,281	9.5%	128,321	9.4%
REJECTED	6,401	4.9%	64,263	4.7%
UNTESTED	2,404	1.9%	26,220	1.9%
OBD Inspection Results (20 yrs. old or newer)	October '21	Percent of Total	YTD '21	Percent of Total
TOTAL	111,675	100.0%	1,172,318	100.0%
PASS	99,510	89.1%	1,044,634	89.1%
REJECTED	7,407	6.6%	81,040	6.9%
UNTESTED	4,758	4.3%	46,644	4.0%

Title Statistics Report October 2021

New Hampshire Department of Safety, Division of Motor Vehicles

	Current 12 months	Prior 12 months	% of change	Oct '21	Oct '20	21 YTD	20 YTD
TITLES ISSUED FOR NEW AND DEMO VEHICLES	130,375	119,744	8.15	11,879	20,319	109,688	99,251
TITLE ISSUED FOR USED VEHICLES	273,525	243,770	10.88	27,014	33,762	230,663	211,363
TOTAL TITLES ISSUED	403,900	363,514	10.00	38,893	54,081	340,351	310,614
TITLES ISSUED WITH A LIEN				18,347	28,078	149,592	141,942
TITLES ISSUED WITH NO LIEN				20,546	26,003	190,759	168,672
SALVAGE TITLES ISSUED				1,099	1,170	9,338	11,498
SALVAGE TAGS				247	214	1,724	1,879
HEAVY TRUCKS MORE THAN 19 YEARS				41	39	349	311
HEAVY TRUCKS 19 YEARS AND LESS				162	200	1,632	1,470
TITLES ISSUED FOR TRAILERS				2,114	2,540	17,854	14,053
TITLES ISSUED FOR MOTORCYCLES				1,821	2,451	17,461	15,808
TITLES ISSUED FOR MOTOR HOMES				195	181	1,295	993



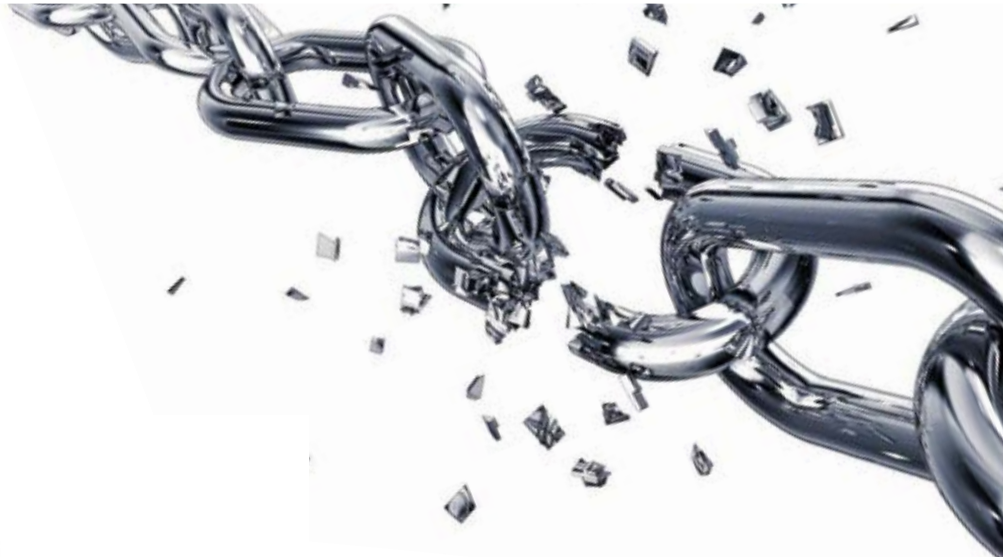
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