



Virginia Independent Automobile Dealers Association, Inc.
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www.VIADA.org

March 1, 2018

William Childress
Executive Director
Motor Vehicle Dealer Board
2201 W. Broad St, Ste 104
Richmond, VA 23220

RE: Guidance Document on Dealership Closings

Dear Mr. Childress:

On behalf of the VIADA Board of Directors, this letter is to express our concerns regarding the recent guidance document and its impact on our members who operate a small (1-2 person) dealership.

Although they adhere to the code and post their hours correctly, oftentimes there are instances when the dealer needs to leave the establishment. There are several but the most prevalent reason is when a customer wants to do a test drive. Due to liability issues and potential theft, the dealer cannot let the customer leave the lot with the car and he must go with them. The most that the dealership would be closed is 15-20 minutes. Having to email and/or fax a MVDB 40 is excessive, in our opinion, and an exception should be granted at least for those instances. Posting a conspicuous notice at the dealership entrance with the departure time, expected return time, dealer cell phone number, and that the dealer is conducting a test drive should be enough to let both the consumer and the field representative know the dealer will return shortly.

The majority of our members abide by the law and should not be penalized due to the transgressions of those who don't. By applying the requirement across the board to all unfairly adds an additional burden to our members' ability to make a living and hiring another employee only adds to that burden.

We respectfully ask that an exception be made – or at least leniency be given by your field representatives and your staff – when dealing with our small dealership members.

I'm sure that this unintended consequence for small dealers was not considered when the guideline was created. We are happy to work with you to devise an acceptable way so as not to disadvantage our small dealer members from providing a choice to consumers of where and with whom they wish to purchase a vehicle. For those dealers who flagrantly violate their posted business hours, you have justifiable cause to penalize them. But when it impacts those who do not violate their posted hours, we feel the guideline requirement is overreaching and unnecessarily burdensome.

Sincerely,

Leigh M. Dicks, CAE
Executive Director

Cc: Richard Holcolm, DMV Commissioner