



# Monthly Bulletin

## Chairman's Corner

Dear CNCDA Members,

As we enter this new year, I'd like to express my deep condolences for all our members, associates, employees, and families who are enduring the tragic Southern California Wildfires. Our hearts are with you all. Please reach out to me or the CNCDA staff if there's anything we can do to support you during this difficult time.



I am happy to serve as your 2025 Chairman and build on the incredible momentum our association has achieved. First and foremost, I want to express my gratitude to our Immediate Past Chair, David Simpson. His guidance helped our association achieve significant milestones for CNCDA, and I appreciate his leadership.

2024 was a massive year for CNCDA, with our long-fought PAGA reform victory, which many of us worked toward for years. This accomplishment and our strengthened legislative relationships give us a great position going into 2025.

I'd also like to welcome my new fellow 2025 board and committee members. I look forward to serving with you all in the year ahead.

Recently, our Legislative Committee set critical priorities for 2025, including increasing the document processing charge (DPC), addressing OEM competition, and creating a realistic, attainable path forward to meet the California Air Resources Board's ACCII 100% ZEV mandate by 2035, which is already impacting our dealers. These are significant undertakings, but I believe CNCDA is well-positioned to tackle them head-on.

A key focus of mine this year is ensuring record-breaking dealer attendance at Dealer Day on March 26, 2025, in Sacramento. We need well over 100 dealers to join us in advocating directly with legislators. Your dealer day attendance will be crucial as we urge legislators to update the DPC to reflect the true costs dealers face. Please consider spending just one day in Sacramento to make a difference in our industry. [You can register for 2025 Dealer Day here.](#)

I'd also like to remind you to complete our Economic Impact Report. This data is vital for CNCDA's advocacy efforts and is a powerful tool we use on Dealer Day to demonstrate our industry's impact. The survey is quick to complete and essential when talking to legislators. [Click here to complete the EIR Survey.](#)




Lastly, I look forward to seeing many of you at the CNCDA Welcome Party at the NADA Show in New Orleans on January 24 at Le Méridien. We already have a large number of people registered, so if you are a dealer, please [RSVP here](#) and plan to drop by and say hello.

I'm excited about what lies ahead, and I know that together, we can achieve great things for our association and the industry in 2025.

Best regards,

**Robb Hernandez,**  
Chairman, CNCDA  
Camino Real Chevrolet

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# Welcome 2025 Board of Directors

**By: CNCDA Staff**

Your association would like to extend a warm welcome and heartfelt thanks to our new 2025 Board of Directors for their commitment to serving and leading CNCDA. Their dedication will be invaluable as we navigate the challenges and opportunities ahead, and together, we will continue to protect and strengthen the interests of California's franchised new car and truck dealers.



**Robb Hernandez**  
Chairman  
*Camino Real Chevrolet*



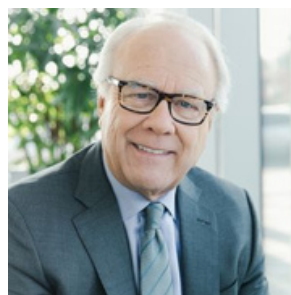
**Jessie Dosanjh**  
Vice Chair  
*Stevens Creek Chevrolet*



**Devinder Singh Bains**  
Secretary/ Treasurer  
*Turlock Chrysler Dodge  
Jeep Ram*



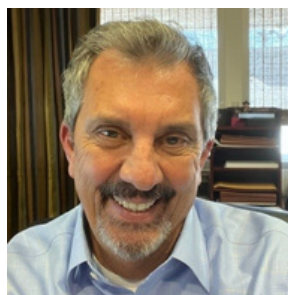
**David Simpson**  
Immediate Past Chair  
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Buena Park  
Simpson Chevrolet of Garden Grove  
Simpson Chevrolet of Irvine*



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Region 1 Vice President  
*The Niello Company*



**Mark Normandin**  
Region 2 Vice President  
*Normandin Chrysler Dodge  
Jeep Ram*



**Ted Nicholas**  
Region 3 Vice President  
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Cadillac*



**John Oh**  
Region 4 Vice President  
*Lexus of Westminster*



**Rinaldi Halim**  
Region 5 Vice President  
*Sierra Automotive Group*

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Matthew Hall, *AutoNation Western  
Region*  
Taz Harvey, *Dublin Mazda*  
Rick Niello, *The Niello Company*  
Tony Toohey, *Auburn Toyota*

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Ryan Fitzpatrick, *Coliseum Lexus of  
Oakland*  
Dave Moeller, *City Toyota*  
Mark Normandin, *Normandin Chrysler  
Jeep Dodge Ram*  
Devinder Singh Bains, *Turlock Chrysler  
Dodge Jeep Ram*

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Don Groppetti, *Nissan of Visalia*  
Bill Hatfield, *Hatfield Buick GMC*  
Ted Nicholas, *Three-Way Chevrolet  
Cadillac*  
Ellena Woodhams-Sweet,  
*Fresno Acura*

## REGION 4

James Graham, *Santa Margarita Ford*  
Bruce Hamlin, *Guaranty Chevrolet Motors, Inc.*  
Jared Hardin, *Hardin Buick GMC*  
John Oh, *Lexus of Westminster*  
David Simpson, *Simpson Buick GMC Cadillac of Buena Park*

## REGION 5

Anne Boland, *Bob Smith BMW*  
Tom George, *Thorson Motor Center*  
Sal Gonzalez, *Culver City Volvo*  
Rinaldi Halim, *Sierra Automotive Group*  
Robb Hernandez, *Camino Real Chevrolet*



# 2025 Compliance Checklist

By: **Anthony Bento, Chief Legal Officer**



With the new year comes new compliance obligations. Below is a list of items you should review to ensure your dealership is compliant in 2025.

## Dealership Operations

- **Driver insurance minimums.** Beginning January 1, 2025, minimum insurance requirements for drivers increase to \$30,000 for liability resulting in injury or death of one person, \$60,000 for multiple persons, and \$15,000 for property damage. Any forms referencing outdated requirements should be updated. [Learn more on Page 24 of CNCDA's 2022 Legislative Summary.](#)
- **Document retention policy.** Recent updates to DMV regulations allow dealers to electronically retain sales and lease documents that are electronically executed. Consider updating your retention policy accordingly. [Learn more in CNCDA's May 2024 Bulletin.](#)
- **Customer refund restrictions.** Effective January 1, 2025, businesses can no longer restrict the ability of consumers from making statements about the business as a condition of receiving a refund. Dealers should review any customer-facing agreements to ensure that they follow this new law. [Learn more on Page 14 of CNCDA's 2024 Legislative Summary.](#)
- **Late title transfers.** DMV is maintaining aggressive enforcement against dealers that are unable to transfer title to customers within the statutory period. Dealers should review their sales practices accordingly. [Learn more in CNCDA's March 2024 Bulletin.](#)



## Employment Checklist

- **Employee handbook.** Review and revise your employee handbook to incorporate changes in the law, like the new leave policy requirements. Beginning January 1, 2025, businesses cannot require employees to take vacation or PTO before paid family leave benefits. [Learn more on Page 34 of CNCDA's 2024 Legislative Summary.](#)
- **Employee pay plans.** It's a good idea to periodically evaluate your pay plans due to continued changes to employment law and increases to state and local minimum wages. Fine, Boggs, and Perkins LLP distributes free sample pay plans to CNCDA members. You can visit their website at <https://www.employerlawyers.com/>.
- **Payroll audits.** PAGA reform greatly limits a business's exposure to penalties if the business takes "all reasonable steps" to comply with the Labor Code. One such reasonable step is periodic payroll audits.
- **Employment poster set.** A new year means new posters. Dealers can obtain the updated poster set from their Reynolds and Reynolds representative.

# Help CNCDA Help YOU: Submit Your EIR Survey Today

By: **Autumn Heacox, Director of Communications & Marketing**

Your dealership's success depends on strong advocacy. CNCDA's [Annual Economic Impact Survey](#) is a VITAL tool we use to advocate for you at the California State Capitol.

TWO WAYS TO COMPLETE THE ANONYMOUS SURVEY:

- [DOWNLOAD](#) AND COMPLETE THE PDF.  
OR
- COMPLETE THE SURVEY VIA [SURVEY MONKEY ONLINE HERE.](#)

**Please complete the survey by February 10, 2025.**

Your voice ensures we continue making an impact as we represent YOUR DEALERSHIP INTERESTS in Sacramento. Thank you for your help and participation.



## CNCDA Urges DMV to Address Unlawful Referral Programs by Tesla and Rivian

**By: Autumn Heacox,  
Director of Communications & Marketing**



CNCDA has once again called on the Department of Motor Vehicles (DMV) to enforce existing laws against ongoing illegal customer referral programs by Tesla and Rivian. These programs violate multiple California statutes, including prohibitions against paying referral or "bird dog" fees to unlicensed individuals.

Tesla has been conducting its referral program for over a decade, despite warnings from the DMV as far back as 2015. In recent years, Rivian has followed suit with its own illegal referral program, which offers rewards and incentives to customers for bringing in new buyers.

CNCDA has expressed concern that the DMV's lack of enforcement creates an unfair playing field, as ethical dealers are disadvantaged by abiding by laws that Tesla and Rivian seem to ignore. CNCDA is urging the DMV to act swiftly to protect consumers and ensure that all dealers, regardless of their size or business model, follow the same consumer protection laws that apply to everyone in California's automotive industry.

[For more details, read the letter from CNCDA to the DMV here.](#)

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### CNCDA BUZZWORDS

**"We strengthened our franchise law in California in 2023. And one of the major provisions was beefing up our anti-competition statute. Scout engaged in the bill as it moved through the legislature. In fact, we took some amendments at their request."**

*– Brian Maas, California New Car Dealers Association President, CBT News, Dec. 26, 2024*

## California's New Prohibition Against Mandatory Meetings May Be Doomed

**By: John Boggs, Fine, Boggs  
& Perkins LLP**



California enacted Senate Bill 399, which became effective January 1, 2025. The bill, while marketed by the legislature as an employer anti-intimidation law, in reality is aimed at stopping mandatory meetings held by the employer, even when employees are on the clock and being paid. It seems almost unbelievable that an employer cannot require an employee to attend a meeting while being paid, but that is exactly what the new law does.

The new law prohibits mandatory employer meetings where political and/or religious topics may be discussed. It specifically prohibits an employer from subjecting, or threatening to subject, an employee to discharge, discrimination, retaliation, or any other adverse action because the employee declines to attend an employer-sponsored meeting or affirmatively declines to participate in, receive, or listen to any communications with the employer or its agents or representatives, the purpose of which is to communicate the employer's opinion about religious or political matters.

It is clear this new law is aimed at stopping employers from holding mandatory meetings on such topics as having a union or not having a union, as well as a variety of other topics that can easily be spun into a political or religious topic—not very difficult to do in today's world. If the employee refuses to attend the meeting, the employer must pay the employee, nevertheless, as though in attendance. The new law also imposes a civil penalty of \$500 on an employer who violates these provisions.

This new law was undoubtedly supported and pushed by unions hoping to stop so-called "captive audience" meetings. This new law severely impacts a Dealer's ability to conduct mandatory meetings that touch on subjects that include religious and political matters, including the decision to join or support a labor organization such as a union. Labor groups said these so-called captive audience meetings intimidate workers from exercising their right to unionize; business groups argued it interferes with employers' right to free speech, including discussing how political or policy developments affect their workplaces.

As we reported in the New Laws Seminars, we expected a challenge to the new law at some point, claiming the new law is a violation of free speech, is unconstitutional, or is a violation of federal labor law. As expected, that challenge has now begun in the form of a new lawsuit against the State of California. A group of businesses are suing to stop the enforcement of the new law. The California Restaurant Trade Association and the Chamber of Commerce filed the suit in federal court on New Year's Eve, a day before the new law was to go into effect, seeking to block it from being enforced. Similar laws in other states have been successfully blocked, but in Oregon, the law was upheld. So, given that, it is anyone's guess what will happen.

We will likely see the results of this litigation and whether an injunction will be granted against the State of California sometime this year. For now, dealerships should comply with the new law until further notice.

*The Association and its counsel will continue to follow developments and notify dealers if anything changes. For questions, contact John Boggs at Fine, Boggs and Perkins LLP at 650.712.8908 or [jboggs@employerlawyers.com](mailto:jboggs@employerlawyers.com) for the latest available information.*



# Welcome California's New State Legislators

**By: Andrea Daugherty, Political Engagement Manager**

This year, the California State Legislature welcomes a large number of new representatives. Many of these new legislators have the potential to serve for the next 12 years, so it is vital to build relationships now. We encourage all dealer members to review the maps below to see if you have a new state senator or assemblymember representing your store(s). If you have a new legislator, please reach out and introduce yourself, invite them to visit your dealership or attend one of their events. Or please plan on joining us in Sacramento and meet them at [Dealer Day on March 26.](#)

If you would like an introduction, [email Andrea Daugherty](#), CNCDA's Political Engagement Manager, for help.



CNCDA Board Member, Sal Gonzales (Culver City Volvo Cars) and his daughter, Annie, enjoying a Los Angeles Chargers game in December with Senator Angelique Ashby and California Senate Majority Leader, Senator Lena A. Gonzalez, MBA.

## New California Assembly Members



## New California Senate Members



# Business vs. Personal Transactions

**By: Les Swizer, Legal & Regulatory Affairs Counsel**



CNCDA's Legal Hotline has received several inquiries regarding the differences between personal-use and business-use transactions. Below is a summary of the extensive content we cover on the state requirements for consumer transactions related to this issue. Dealer members can access more information in CNCDA's [Dealership Operations Guide](#), and [F&I Compliance Manual](#), available, along with other compliance manuals, at [CNCDA Comply](#).



The Automobile Sales Finance Act (ASFA), also known as the Rees-Levering Motor Vehicle Sales and Finance Act, applies to purchases involving an extension of credit primarily for personal or family purposes. ASFA sets forth the disclosures required in every conditional sale contract subject to ASFA, and it also mandates that every conditional sale contract contain the disclosures required by Regulation Z, issued by the Federal Reserve Board under the federal Truth-in-Lending Act.

California has protections in place for lessees as well. The California Vehicle Leasing Act and, on the federal level, Regulation M, protect consumers from predatory lending practices. Regulation M, issued by the Federal Reserve Board, implements portions of the Truth-in-Lending Act designated as the Consumer Leasing Act.

None of the aforementioned laws apply to vehicles sold for primarily business purposes.

It is strongly recommended that a "use acknowledgment" provision be a part of any contract for vehicle sale or lease used by a dealer. This provision should clearly indicate whether the vehicle will be used primarily for business purposes or for personal, family, or household purposes.

With respect to each transaction, the seller or lessor should determine whether the leased vehicle will be used primarily for personal, family, or household purposes or other purposes. This inquiry should be made before the contract is finalized and should be determined as accurately as possible. If the lessee/buyer is an individual and the possibility exists that the primary purpose of the vehicle will be personal in nature, then the transaction should be treated as a vehicle sale or lease for personal use, and all applicable consumer protection requirements should be followed. While most corporate and business firm purchases might appear to be commercial, the Act envisions that some may nevertheless be primarily for a personal or family purpose. When in doubt, resolve this in favor of personal use. For example, on the sale/lease of a pickup truck that the buyer/lessee frequently uses for both a business and family purpose, prudent practice would be to treat such a sale as one for a personal or family purpose.

While commercial transactions do not fall under the statutory and regulatory framework discussed above, there are still advertising, disclosure, and other requirements under California Financing Law, the Uniform Commercial Code, and the California Commercial Code, that will certainly apply to these transactions. Further, Dealers should be aware of tax, licensing, and government fees applicable to commercial transactions. Dealers should consult with competent counsel to ensure their commercial contract forms are compliant with local, state, and federal laws, and may want to consider a brief training/refresher with sales and finance staff to ensure a thorough analysis is conducted into the use of the vehicle being offered in each transaction purporting to be a commercial transaction.

If you have any questions or wish to discuss further, please do not hesitate to reach out to the legal hotline at 916-441-2599, or [legalhotline@cncda.org](mailto:legalhotline@cncda.org).

## PAGA Reform: Free Webinar Presented by the LWDA

**By: CalChamber**

CNCDA's PAGA coalition partner, the California Chamber of Commerce, has teamed up with the California Labor and Workforce Development Agency (LWDA). This is the first PAGA educational offering from the LWDA post-reform. You'll learn:

- Proactive and prospective compliance steps that employers can take to limit liability exposure;
- An employer's ability to cure wage statements and other violations;
- Early resolution opportunities once litigation is filed — just to name a few.

This webinar includes an informative discussion with the LWDA — which receives all PAGA claim notices and administers the cure process for employers — on PAGA, wage and hour compliance, and how employers can navigate these recent changes.

January 17, 2025, 10– 11 AM

Registration is required. Online seats are limited. [CLICK HERE TO REGISTER.](#)



## NMVB 50th Anniversary Industry Roundtable

**By: California New Motor Vehicle Board**

We cordially invite you to the California New Motor Vehicle Board's 50th Anniversary Industry Roundtable on March 27, 2025. This event will bring together leading law firms specializing in new motor vehicle franchise law, California new motor vehicle dealers, manufacturers and distributors, and private and public community organizations for a day of insightful discussions and networking opportunities.

Tentative Event Schedule:

- Learn from industry experts as they discuss hot topics impacting the new motor vehicle industry
- Hear from DMV and NMVB leaders as they discuss crucial regulatory and program updates
- Join us as we explore effective governance through public-private partnerships
- Interact with industry experts, community organizations, and government officials
- Engage with policymakers on the issues important to you and your constituents
- Create community-government connections



Location: California Natural Resources Agency, 715 P Street, Sacramento, CA 95814.

[PLEASE RSVP HERE IF YOU ARE INTERESTED.](#)

## Vitu Acquires Dealertrack Registration and Titling Businesses from Cox Automotive

**By: Vitu**

Vitu has successfully closed on its acquisition of the Dealertrack registration and titling businesses from Cox Automotive. The registration and titling businesses include RTS (Registration and Titling Solutions), RegUSA (Nationwide Title and Registration), Accelerated Title, and CMS (Collateral Management Services). This acquisition does not impact any other Cox Automotive Dealertrack solutions or services.



CNCDA has spoken with Vitu representatives and they reaffirmed their commitment to delivering California dealers seamless service and support. For CNCDA members, it's business as usual — please continue to use the same support and Account Executive contacts. To learn more, visit Vitu's website, [here](#).

CNCDA values our enduring partnership with Vitu, and encourage everyone to continue business as usual. To learn more, read the statement on [Vitu's website click here](#).



# Drive, Defend, Lead: Why Political Advocacy Matters to Me

*By: Jeremy Cappalo, Reliable Buick GMC Cadillac, NextGen Steering Committee*



Before I started working in the automotive industry, I was part of the Naval Aviation community where I picked up a lot of phrases. There are many that I would be happy to share with anyone over a beer or bourbon, but one in particular stands out. "Fly, Fight, Lead" is the motto for the Commander, Naval Air Forces, based out of San Diego, CA. This team oversees all Naval Aviation and understands the importance of managing a massive organization. They have determined that "Fly, Fight, Lead" are the three most important things to focus on.

As dealers, general managers, partners, or future leaders, we are tasked with three important responsibilities that each chart a clear path to the importance of advocacy. We are asked to **"Drive, Defend, Lead"**.

We are tasked with **driving** our stores to success. We are inundated with KPIs that outnumber the stars and factory requirements that change faster than we can even read our latest OEM email alert. Our job is to adapt to all the moving targets, communicate the changes to our teams, and strive to come out on top. We balance factory desires with profitability, turn rate with inventory requests, scheduling with availability, and so on. We keep a lot of plates spinning. In this environment, having an advocate helps to minimize the "knee-jerk" reactions that many federal entities, local authorities, or OEMs would implement based on countless external factors. It's priceless to have someone keeping an eye on the horizon while we have our faces in the trench.

We are often called upon to **defend** our people and our businesses. Many of the threats we face do not stem from our own actions or mistakes within our stores, but rather from external forces making decisions without a full understanding of our operations. Without representation and a voice in these decision-making forums, we will continue to lose ground and miss the opportunity to create a workplace where people love to work, and customers love to shop. It may sound surprising, but many of us have customers who truly enjoy their visits! Ill-considered regulations, poorly drafted legislation, and legal opportunists all pose significant threats to our business. We need a presence in these decision-making forums that we currently lack. We need an advocate with some legal tenacity.

Finally, it is important for us to take the **lead**. As business owners, we need to be highly engaged, present, and concerned. We must understand that if we fail to take the lead, we will lose our ability to push back against challenges. Frivolous lawsuits will increase, regulations will become more punitive, and our protections will disappear. If our dealer network can demonstrate that we are not willing to simply accept whatever comes our way, we have an opportunity to show the next generation what an amazing opportunity and honor it is to run a small business. We need to lead with conviction and care so that our supporters have the power to make a difference on our behalf.

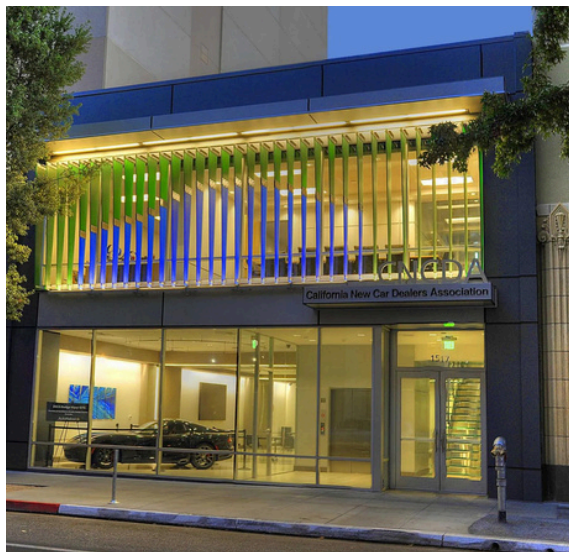
"Drive, Defend, Lead" may sound a bit forced and not as catchy as "Fly, Fight, Lead", but if it helps attract more people to the cause, then I hope it resonates with you.

I participate so I can help ensure our business remains a part of our community for generations to come, and to continue taking care of our employees, vendors, and clients.

I ask the next generation of California's automotive dealer leaders to join us. Please consider attending our CNCDA NextGen Reception the evening before Dealer Day in Sacramento. We will gather to network and discuss how we can continue to lead and advocate for our industry. It's an opportunity to connect with our peers and share our goals before we advocate at Dealer Day.

Let's make our voices heard and show how dedicated the next generation of leaders is to driving real change for our dealerships.

[For more information about the NextGen Reception the evening before 2025 Dealer Day, click here.](#)



## CNCDA ACH & Mailing Reminder

**By: CNCDA Staff**

CNCDA's remittance address for payments has changed! Please note the "remit to" address below and update in your dealership payment system.

**California New Car Dealers Association**  
**1517 L Street**  
**Sacramento, CA 95814**

CNCDA is accepting payments for all events, webinars, membership, etc. via:  
 ACH, Credit Card, and Check

Call us at (916) 441-2599 or [membership@cncda.org](mailto:membership@cncda.org) with questions. Thank You!

## Book Your Meeting in the Showroom

**By: McKenna Bediamol, Administrative Coordinator**

Kick-off 2025 by booking The Showroom for your board meeting, fundraiser, or team-building event. FREE to use and a short walk from the State Capitol, The Showroom offers a versatile space with accommodations including AV equipment, high-speed wireless internet, and catering options (for a separate fee).

To display your vehicle or host your next meeting, fundraiser, or cocktail reception, contact Cathy Mason, Director of Operations, at **(916) 441-2599 ext. 115** or [cmason@cncda.org](mailto:cmason@cncda.org).



**2025**  
**GUIDE**  
 Sponsorship  
 Opportunities

## CNCDA 2025 Sponsor Opportunities

**By: Rebecca Matulich, Director of Events & Partnerships**

Vendors: If you'd like to join CNCDA's first in-person event of 2025, [CNCDA's 2025 NADA Show Welcome Party in New Orleans](#), be sure to become a sponsor today!

Check out all 2025 sponsor benefits [HERE](#).

Please contact Rebecca Matulich, Director of Events & Partnerships, at [rmatulich@cncda.org](mailto:rmatulich@cncda.org) with questions and to secure your 2025 CNCDA sponsorship today.

A HUGE thank you to the sponsors who have already committed to a partnership with CNCDA in 2025!



## Upcoming Events: Register Today!



**vitu | NTX**

MEMBER TRAINING:  
**VITU'S NTX E-TITLING IS CHANGING TITLING ACQUISITION**

TWO SESSIONS OFFERED:

~~JANUARY 8~~ 10- 10:30 AM OR FEBRUARY 13 10- 10:30 AM

**REGISTER NOW!**  
REGISTRATION IS COMPLIMENTARY

Join California's franchised new car and truck dealers for our most important annual advocacy event.

Your participation is the key to our success!

**REGISTER NOW AT**  
[www.cncda.org/events](http://www.cncda.org/events)

**REGISTER TODAY!**

**CNCDA**  
**DEALER DAY 2025**  
MARCH 26 | SACRAMENTO

***SPONSORSHIPS***  
STILL AVAILABLE!  
[CLICK HERE](#)



# Thank You Sponsors



# 2025 SPONSORS

## DIAMOND



## TITANIUM



## PLATINUM



## GOLD



## SILVER



*Thank you for reading!*

THE CALIFORNIA NEW CAR DEALERS ASSOCIATION	916-441-2599
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