

February 2016

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**WANADA Recognizes
 Executive Director Bruce Gould**

At its December 8th, 2015 annual meeting, WANADA's Chairman Dick Patterson presented a special Board Resolution to Bruce Gould who will retire effective March 31, 2016. Bruce Gould who has been the MVDB's Executive Director for 19 years helped establish the

Board. The Resolution states, "The unprecedented level of public/private sector collaboration between Virginia auto dealers and regulators in the Commonwealth through MVDB during Mr. Gould's tenure has substantially improved the retail automobile busi-

ness." "Under his leadership, MVDB has become a model motor vehicle dealer board in the U.S.," said Patterson, "and dealers statewide and their customers benefited mightily by his fair approach."

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Taxes on Service Agreements

It has come to our attention that tax on service agreements/contracts/warranties are not being calculated properly on some buyers orders. In the buyers order example given, notice line # 14. Only 1/2 (50%) of the retail price of the service agreement is taxed at the state RETAIL sales tax rate. The state RETAIL Sales tax rate is 5.3%, unless the sale is in Northern Virginia and Hampton Roads; then the retail

sales tax is 6%. Service contracts are NOT included in the Virginia Titling tax, which is sometimes referred to as sales and use tax (SUT), or Virginia title tax. Other overcharges we are seeing is in the DMV fees, (line # 11). Please be sure you are charging the correct DMV fees, and again, not overcharging. Line # 15 should ONLY be used if you are a DMV online dealer, and the current DMV online fee is \$10.00.

	Base Price	(1)	
Accessories		(2)	
		(3)	
	Processing Fee	(4)	
	Sub Total (Taxable) (1+2+3+4)	(5)	
	Trade Allowance	(6)	
	Approx. Balance	(7)	
	Trade Equity (6-7)	(8)	
	Trade Difference (5-8)	(9)	
	VA Title Tax (of line 5)	(10)	4.1%
DMV Lic. Title UMV		(11)	
DMV Lic. Title UMV		(12)	
Dealer's Business License Tax (1% of line 12)		(13)	
Service Contract Including tax of \$	50%	(14)	
Purchasers On-Line Systems Filing Fee		(15)	\$10.00
		(16)	
Subtotal (9+10+11+13+14+15+16)		(17)	
Deposit with Order		(18)	
Payment Due On Delivery		(19)	
	Total Down Payment (18+19)		
	BALANCE TO BE FINANCED (17-20)		



cont. from pg. 1

FTC Public Workshop Update

FTC Hosted a Public Workshop Examining the U.S. Auto Distribution System Workshop Will Explore Competition, State Regulations, and Emerging Trends in the Industry

The Federal Trade Commission held a one-day public workshop on January 19, 2016, 9 am - 5:30 pm, to explore competition and related issues in the context of state regulation of motor vehicle distribution, and to promote more informed analysis of how these regulations affect businesses and consumers. The workshop, consisting of presentations and discussion, focused on the following topics: (1) the regulation of dealer location; (2) laws relating to reimbursement for warranty services; (3) restrictions on manufacturers' ability to engage in direct sales to consumers; and (4) new developments affecting motor vehicle distribution, such as autonomous vehicles, connected cars, and the rise of subscription-based automobile sharing services.

The Commission invites interested parties to submit written comments electronically or in paper form. Comments in electronic form should be submitted by using this link and following the instructions on the web-based form. Comments filed in paper form should follow the instructions contained in the Public Notice.

The record will be held open to receive comments from any interested person through March 4, 2016.

Upcoming EVENTS

BOARD MEETINGS

All Meetings are held at DMV Headquarters

2300 W. Broad Street, Room 702 Richmond, VA

Monday, March 14, 2016

Time: 9:00 a.m.

Dealer Practices Committee Meeting

Monday, March 14, 2016

Time: Immediately following Dealer Practices

Licensing Committee Meeting

Monday, March 14, 2016

Time: Immediately following Licensing

Advertising Committee Meeting

Monday, March 14, 2016

Time: Immediately following Advertising

Transaction Recovery Fund Committee Meeting

Monday, March 14, 2016

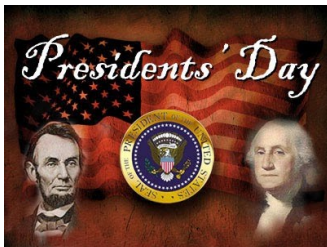
Time: 10:00 a.m.

Full Board Meeting

NOTE: Meetings may begin later, but not earlier than scheduled.

Holiday Hours

CLOSED:



February 15, 2016

NEW 2015 Virginia Advertising Regulations

Effective December 1, 2015, the new 2015 Virginia Advertising Regulations are now posted on our website. The following three items are a summary of the 2015 amendments (i) eliminate the requirement that motor vehicle dealers maintain copies of their advertisements in newspapers and on the Internet for 60 days from the expiration of the advertisement, (ii) make clarifying changes in language, and (iii) repeal language that is repetitious of the Code of Virginia. For the full and complete 2015 Virginia Advertising Regulations posted on our website, click [HERE](#)

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Working with Arizona

During a recent investigation into an advertising violation, the Board came across a dealer tag from Arizona that was being advertised on a vehicle for sale on Craigslist. The vehicle was pictured with an Arizona dealer tag, but the vehicle for sale was listed in the “owner” section of Craigslist. Working with the Arizona Department of Transportation, the Board issued a cease and desist to the unlicensed Virginia individual who was advertising on Craigslist, and Arizona informed us that they suspended all the dealer tags issued to the Arizona dealer who was associated with the Arizona Dealer tag displayed in the craigslist ad.

Did You Know??

In calendar year 2015, the Board Staff processed:

- **4,148** initial Salesperson applications.
- **189** initial Dealer applications and openings
- **291** closings
- **1,475** random field inspections.

Reminders...

Effective July 1, 2013, all PoD temporary tags must be printed on the weather resistant paper supplied by DMV Dealer Services. The PoD tags are **not authorized to be emailed to customers.** Orders for the PoD paper will be accepted through DMV Dealer Services. To place an order, send an email to: podtemptag@dmv.virginia.gov with the following information: dealer name, dealer number, shipping address, order quantity, tag size (s) (standard/ small), and printer make/ model number. Approved order requests will be shipped within five business days.

Reminders...

If you are an online dealer, and you are mailing documentation to be submitted for online transactions to DMV, please be sure you send your documentation to the correct DMV address. In the past, the Board has received some “batch online transactions” from dealers, and the Board then forwards them on to DMV. If dealers mail this title work to the MVDB, this delays the process for DMV to print the titles and mail them to the appropriate party. Additionally, there is a possibility of titles or paperwork being lost when the Board must RE-send your paperwork to DMV on your behalf.

DMV News

DMV is now registering customers for the commonwealth’s Emergency Contact Program. The Emergency Contact Program, gives law enforcement a way to notify a participant’s family or friends (up to 2) in the event of a serious crash or other emergency that leaves him or her unable to communicate. The program is free and available to residents with a valid Virginia driver’s license, identification card, learner’s permit, commercial driver’s license, or temporary driver’s license. **Participation is voluntary.** Parents and guardians who would like to enroll a child under age 15 must first obtain a child ID card for their child. Customers may list up to two emergency contacts. DMV will securely store the information and it will only be available for use by law enforcement in an emergency. “Although we hope our customers never have to use it, we are pleased to be able to offer this service in the event that it may one day be helpful in an emergency situation,” said DMV Commissioner Richard D. Holcomb. DMV offers three ways to sign up or make changes to your emergency contact information: · Online: Visit dmvNOW.com. · In person: Visit any DMV customer service center or DMV 2 Go mobile office. · By mail: Send the completed form to Data Integrity Work Center, Virginia DMV, P.O. Box 27412, Richmond, VA 23269.

Board Actions

Dealer Practices

Auto Land Sales, LLC and Ali Bayat. Over a five year period, the Dealer Board had received no fewer than nine consumer complaints on this dealer. In addition one consumer did receive a judgment against this dealer, which has been settled. An inspection of this dealership found a number of problems including overcharging consumers for registrations fees. Mr. Bayat provided evidence that most of the consumers who were overcharged have received a refund. On October 21, 2015, an informal fact-finding conference was conducted to address the alleged violation of failure to maintain dealer records on site for inspection, failure to maintain completed buyers records, safety inspections of vehicle required, failure to provide titles within 30 days, failure to comply with previous warnings, defrauding any retail buyer, and deceptive acts or practices. Based on the information provided at the conference, the Board assessed a civil penalty of \$10,000 and require a satisfactory inspection.

Credit Kings Automotive, LLC and Yaseen Syed. The Board received credible evidence that Mr. Syed made a material misstatement on an application when he failed to list Mr. Mohammad as an owner on the initial application to open Credit Kings. On October 26, 2015, an informal fact-finding conference was conducted to address the alleged violations of material misstatement, and having used deceptive acts or practices. Based on the information provided at the conference, the Board assessed a civil penalty of \$1,000.

Tri-City Auto Sales and Mohammad S. Mohammad. In a little over a four year period, this dealer was the subject of four inspections, of which three were deficient. Violations of record keeping, lack of insurance on all dealer plates, and licensing a salesperson who is not an employee, are just some of the deficiencies noted in the inspections. Additionally, three educational letters were sent to Mr. Mohammad regarding these failed inspections. The last inspection revealed a number of instances where PoD tags were issued multiple times for the same vehicles by changing the sale date, VIN, or make of the vehicle in order to “trick” the system into allowing multiple tags to be printed. On November 19, 2015, an informal fact-finding conference was conducted to address the alleged violations of failing to maintain records, salesperson to be employed, failure to maintain insurance on D-tags, failure to maintain D-tag records, material misstatement, and failure to comply. Based on the information provided at the conference, the Board assessed a civil penalty of \$4,000, require a satisfactory inspection, and completion of the Dealer-Operator course.

K's Auto Center and Howard C. Kershaw. Over about a 10 year period, this dealer had no fewer than 6 inspections. Each inspection had deficiencies of which a few were rather minor problems. Record keeping problems combined with failure to obtain the proper printer for printing PoD tags, after several attempts by both MVDB and DMV to fix this problem, caused the Board staff to convene an informal fact-finding conference. On November 10, 2015, an informal fact-finding conference was conducted to address the alleged violations of failure to maintain records, failure to maintain D-tag insurance, failure to comply with PoD requirements and failure to comply with previous warnings. Based on the information provided at the conference, the Board assessed warnings for violations of 6.2-1529 and 1550, a civil penalty of \$250, and require a satisfactory inspection.

Hutchinson Motor Car Co. and Dennis R. Hutchinson. Mr. Hutchinson hired Eldon Smith as a salesperson. Previously, (November 2014) the Board had assessed a \$16,000 civil penalty on Mr. Smith related to his actions when he was the owner and dealer-operator of “Today's Auto”. Mr. Smith was allowed by the Board to retain his salesperson's certificate of qualification. Evidence shows that Mr. Smith was involved in the sale of a motor vehicle with Mr. Hutchinson before Mr. Smith received his sales license with Mr. Hutchinson's deal-

Board Actions

ership. Today's Auto specialized in classic cars and selling on eBay. Research revealed six vehicles for sale on eBay from Hutchinson Motor Company, however, the location of the vehicles were listed as Shawsville (former location of Today's Auto) and not Christiansburg (location of Hutchison Motor Company). Three of the six vehicles were at Hutchinson Motor Car and three were at the site of the former Today's Auto. In addition, Mr. Hutchinson admitted that the titles to six vehicles were at the site of the former Today's Auto. On May 13, 2015, Mr. Hutchison of Hutchison Motors participated in an informal fact-finding conference to address the alleged violations of selling vehicles from an unlicensed location, failure to properly maintain dealer records, failure to provide proof that a salesperson was an employee, and deceptive acts and practices in advertising. At the July 13, 2015 Board meeting, the Board assessed a \$5,675 civil penalty, re-inspection by August 16, 2015 and successful completion of the dealer-operator course. On August 18, 2015, the Board received Mr. Hutchison's appeal for a formal hearing. On September 29, 2015, a Formal hearing was conducted to address the above violations. Based on the information provided at the formal hearing, the Board assessed a civil penalty of \$8,000, require a satisfactory inspection, and completion of the Dealer-Operator course.

Falls Church Autos, LLC and Mohri Khanzada This dealership took over the location previously occupied by Discovery Motors. Misters Khanzada, Khurshid and Nelson appear to be involved in both of these dealerships with Mrs. (Mohri) Khanzada being inserted as the dealer/owner of Falls Church Auto. Inspections and consumer complaints revealed a number of problems, most notably the apparent abuse of the issuance of PoD tags; including issuance of PoD tags by Discovery Motors after it had closed. On July 14, 2015, an informal fact-finding conference was conducted to address the alleged violations of license required, display of license, dealer records, signs, failure to safety inspect vehicles prior to retail sale, temporary registration, records kept by dealer, acts of officers and salespersons, material misstatement, and deceptive acts or practices. At the September 21, 2015 Board meeting, the Board assessed a \$16,500 civil penalty against Falls Church Autos, LLC and Mohri Khanzada, and revoked all licenses and certificates issued to Falls Church Autos, LLC and Mohri Khanzada. On October 20, 2015, the Board received Ms. Khanzada's appeal for a Formal hearing. On November 20, 2015, this dealership closed. The owner, Ms. Mohri Khanzada is not currently licensed anywhere else. The former dealer-operator at this dealership, Mr. Abubeker Kasim is now the dealer-operator at NOVA Auto Sales. Mr. Amjad Khanzada a former salesperson at Falls Church Autos and husband of the owner of Falls Church Autos is also working as a salesperson at NOVA Motors which opened on November 20, 2015 in the former location of Falls Church Autos. Mr. Baluch is also a salesperson for NOVA and was formerly selling at Falls Church. The owner of NOVA was not previously licensed at Falls Church Autos. On November 23, 2015, a Formal hearing was conducted to address the above violations. Based on the information provided at the Formal hearing, the Board assessed a civil penalty of \$11,000.

King RV, Inc. and Howard King. Paid a \$1,000 civil penalty for failure to have liability insurance on all D-tags.

American Idol Motors, LLC and Naveed Ahmed. Paid a \$1,000 civil penalty for failure to have liability insurance on all D-tags.

One Stop Automotive Repair and Bryan Thornhill. Paid a \$250 civil penalty for an unlicensed salesperson.

Bill's Auto Sales and Charles W. McGuire. Paid a \$2,250 civil penalty for failure to safety inspect vehicles prior to retail sale.

Priority Toyota Richmond and David Perno. Paid a \$1,500 civil penalty for an unlicensed salesperson.

Board Actions

Leesburg Auto Import and Hidar Awad. Paid a \$5,000 civil penalty for failure to maintain records, safety inspect vehicles prior to retail sale, title within 30 days, misuse of dealer tags, acts of officers, material misstatement, comply with previous Board warnings, open titles, and leasing, renting, lending dealer tags.

Easter's, Inc. and Bobby W. Easter. Paid a \$500 civil penalty for failure to maintain business hours, and failure to comply with previous Board warnings.

Distinctive Service, Inc. and Zheng G. Cai. Paid a \$500 civil penalty for failure to maintain business hours, and failure to comply to previous Board warnings.

Git Er Dun Auto Sales and Frankie Martin. Suspended due to failure to pay a \$250 civil penalty for failure to maintain business hours, and failure to comply with previous Board warnings.

Frontline Motors and Mathew Gwangwaa. Paid a \$250 civil penalty for failure to maintain business hours, and failure to comply with previous Board warnings.

Auto Alvand Imports, LLC and Hossein Maghsoudi. Paid a \$250 civil penalty for failure to maintain business hours, and failure to comply with previous Board warnings.

Licensing

Irby D. Fogleman, Salesperson. Paid a \$1,000 civil penalty for a material misstatement on his license application.

Advertising

Butler Automotive Sales and Ricky Butler. Mr. Butler was sent a letter giving him the option of paying a \$1,250 civil penalty for advertising cars on Craigslist under the "owner" category rather than the "dealer" category or participating in an informal fact-finding conference. Mr. Butler decided on the latter. In the course of the informal conference, Mr. Butler readily admitted that he was aware of a "for sale by dealer" category on Craigslist and had even previously listed cars under that category. On October 30, 2015, an informal fact-finding conference was conducted to address the alleged violations of knowingly advertising in a misleading or deceptive manner. Based on the information provided at the conference, the Board assessed a civil penalty of \$800.

One Direction Motors and Valentine Anthony. Paid a \$5,500 civil penalty for the dealership advertising on Craigslist under the category of "owner" instead of category "dealer" which is considered to be misleading. Also, the ad failed to disclose the processing fee and state dealer name or VA DLR indicating a Virginia dealer. The ads used a telephone number that did not belong to the dealership.

Board Actions

Rich Auto and Farshad Azimi. Paid a \$750 civil penalty for advertising on Craigslist under category "owner" when the ad should be placed under category "dealer"; which is considered to be misleading. Also, advertisement failed to disclose the processing fee and used a contact number that did not belong to the dealership.

Champs Auto Sales, Inc. and Hassib Hamzaoui. Paid a \$500 civil penalty for advertising vehicles under the category "owner" instead of category "dealer" which is considered to be misleading. Dealer was provided with information regarding the advertising requirements on Craigslist by field representative and three weeks later dealer is advertising under the "owner" category on Craigslist. Also, the advertisement failed to disclose processing fee.

NOTE: Depending on the circumstances, all Board Actions may be appealed To Circuit Court, or for an administrative hearing.

For prior issues of Dealer Talk click [HERE](#)

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Power of Attorney VAD70A

The Power of Attorney (POA) form has limited use. In 2012, DMV issued clarification regarding the proper usage of the Power of Attorney (POA) form [VAD70A](#) by the motor vehicle dealer community. Federal law requires that mileage disclosure be recorded on a secure POA when ownership is transferred. The VAD70A is a secure POA with limited usage, which allows the dealer to sign for the titled owner and disclose mileage when the subsequent owner receives the title. The VAD70A can only be used when the customer's title is physically held by a lien holder, or when the owner has lost the title. If the owner has lost the title, the dealer may apply for a lost title from DMV using Form

VSA 66, "Application for Replacement and Substitute Titles". The POA form allows the dealer to sign for the titled owner and disclose mileage to the subsequent owner when you receive the title.

Part A requires that you disclose the mileage upon transfer of ownership by the seller (customer) to you the buyer (dealer). The seller appoints you, an employee, with a letter of authorization on file, "attorney in fact" allowing you to disclose the mileage and sign the Certificate of Title or other supporting papers necessary to register or transfer ownership of said motor vehicle on their behalf.

Part B is used when the vehicle is sold before title is received. Federal and state laws require mileage

disclosure to transfer ownership by the seller (dealer) to the buyer (customer). The buyer appoints you (the dealer) "attorney in fact" which allows you to disclose the mileage and sign the Certificate of Title, or other supporting papers necessary to register or transfer ownership of said motor vehicle on the buyers (customers) behalf.

Part C is to certify, by their signature (dealer), the person exercising above power of attorney, that the mileage disclosed on the title document is consistent with the mileage provided to them (dealer).

The Power of Attorney (Form VAD 70A) can only be used by auto dealers, and may be purchased from [VIADA](#) or [VADA](#)

MVDB Forms Updates

Have you checked your forms supply at your dealerships lately? Some of you may be stocking old outdated forms that can delay our office from processing your dealer and salesperson license information. Want to make sure you ALWAYS have the most current and up to date forms? It's easy! Click [HERE](#) for a complete listing of forms. All of our forms are listed in PDF format. Which means to you that you can click on the form you need and complete and print these forms directly from your computer. Just as importantly, be sure to **update all your home change of addresses with the Board**, as well as keep the Board updated on a **valid email address for the dealership**. Click [HERE](#) to update your email address.

Reminders...

As of January 1, 2011, ALL IDO's of independent dealerships must at some point in time, recertify their IDO qualification every three years by either taking an online course, or in a classroom, or by passing a DMV test. Click [HERE](#) for more information and [HERE](#) to determine your recertification deadline. Please note that **Franchise** dealers are exempt from recertification. If you are unclear on your recertification deadline, or any other recertification questions, please contact the Board. Or, call Ann Majors at the MVDB. She may be reached at 804-367-1100 x 3016, or email her at ann.majors@mvdb.virginia.gov

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DEALERSHIP TEMPORARY CLOSING NOTICE

Reason for temporary closing:

Doctor's Appointment

Date of temporary closing:

Date

Time of temporary closing:

For example: 1-3 p.m. (short period of time)

Date will reopen:

Date

Time will reopen:

Time example: 3:00 p.m.

Emergency Contact Telephone Number(s):
(804) 555-5555

POST THIS NOTICE AT DEALERSHIP ENTRANCE, VISIBLE TO PUBLIC

MVDB-40 (12/08)

The form pictured is the MVDB-40. This form is one method used to post notice on the door of your dealership to inform your customers of your temporary closure. The purpose of this form is to notify customers that you will be closed for a SHORT period of time during your posted business hours. In this example, the dealer has a doctor's appointment and will be gone from 1-3 p.m. In this example, for short/temporary closing, **there is no need to notify the Board of this short period of time closure.**

If you are going to close for the entire business day, then you must notify the Board.

There are three options when sending the Board notification of full day closures. You may email dboard@mvdb.virginia.gov, or fax (804) 367-1053, or mail a notice of full day closure to the MVDB that includes your dealership NAME, certificate NUMBER, the date or date range you will be closed, and a valid contact phone number. After you have notified the Board, then post this MVDB-40 closure form on your dealership door.

IMPORTANT NOTICE TO PROSPECTIVE DEALERS

The path to a Dealer-Operator license begins with a required two-day course of study each month at various community colleges in Virginia with the curriculum and instruction provided by VIADA.

The course takes the attendee from establishing the dealership under local zoning and Dealer Board requirements, through the sales process with its multitude of forms, laws and regulations, in to a sampling of opening and operating expenses, and ending with a discussion on ethics. The course is open to all existing dealers and their employees. The course offers 1.6 continuing education credits transferable to any college.

Date	College	Contact Information
2016		
Feb 09-10	Paul D Camp Franklin	Renee Brown 757-569-6050
Feb 23-24	VA Western in Daleville	Registration 540-966-3984
Mar 08-09	Northern VA in Manassas	Registration 703-257-6630
Mar 22-23	Thomas Nelson in Hampton	Registration 757-825-2937
Apr 05-06	Lord Fairfax in Middletown	Registration 540-868-7021
Apr 19-20	New River in Dublin	Patty Ryan 866-462-6722 ext 3613 www.nr.edu/workforce/
May 03-04	Blue Ridge in Weyers Cave	Registration 540-453-2215
May 24-25	J Sargeant Reynolds in Henrico/Richmond, Parham Rd	Sandy Jones 804-523-2293
Jun 07-08	Germana Fredericksburg	Registration 540-937-2913

MOTOR VEHICLE DEALER BOARD

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DISCLAIMER: We make every effort to ensure information in Dealer Talk is accurate, but it is not a substitute for legal advice.

MVDB Mission Statement

The Motor Vehicle Dealer Board will administer sections of the Commonwealth's Motor Vehicle Dealer Laws and regulations as charged; while providing a high level of customer service for the automotive consumer and dealer community.



2015 Auto Data

Total U.S. Light Vehicle Retail Sales (Mil. Units)
 Observations from December 2014 - December 2015

	Dec '14	Jan. '15	Feb. '15	Mar. '15	Apr. '15	May '15	Jun '15	Jul '15	Aug '15	Sep '15	Oct '15	Nov '15	Dec '15
TOTAL S.A. ANNUAL RATE	16.92	16.72	16.40	17.14	16.76	17.70	17.00	17.66	17.81	18.17	18.24	18.19	17.34
TOTAL CAR	8.11	7.67	7.41	7.76	7.54	8.03	7.62	7.80	7.73	7.91	8.01	7.81	7.40
TOTAL TRUCK	8.81	9.05	8.99	9.38	9.21	9.67	9.38	9.75	10.08	10.26	10.23	10.38	9.94
DOMESTIC CAR	5.83	5.54	5.32	5.55	5.47	5.85	5.51	5.81	5.60	5.83	5.89	5.71	5.51
DOMESTIC TRUCK TOTAL	7.72	7.99	7.90	8.19	7.95	8.36	8.03	8.39	8.54	8.88	8.61	8.73	8.34
DOMESTIC	13.55	13.53	13.22	13.74	13.43	14.20	13.54	14.20	14.14	14.71	14.50	14.44	13.86
IMPORT CAR	2.27	2.13	2.09	2.21	2.06	2.18	2.10	2.00	2.13	2.08	2.12	2.10	1.89
IMPORT TRUCK	1.09	1.06	1.09	1.19	1.26	1.32	1.35	1.36	1.54	1.37	1.62	1.65	1.59
TOTAL IMPORT	3.37	3.19	3.18	3.40	3.32	3.50	3.46	3.35	3.67	3.45	3.74	3.75	3.48

