

Dealer Advisory

April 30, 2020



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A regularly updated "**Coronavirus Toolkit**" is available within the MADA website. [Click here](#). A new section on guidance for reopening has been added.

"Wet Signature" Required on Odometer Disclosure

In [Executive Order 2020-41](#), Governor Whitmer provided guidance regarding the acceptance of digitally signed documentation. This has caused some questions about signatures on vehicle transaction paperwork. At this time, MDOS is not able to accept fully digital documented transactions.

Digital faxed or emailed signatures are permissible on the RD-108 (provided they are accompanied by a certification page/receipt from the digital processor). **The Department of State still requires a physically signed, "wet signature" on the Federal Odometer Disclosure.** For used vehicles this includes the portion of the vehicle title utilized for mileage attestation, or for new vehicles and lease buyouts, the signature on an Odometer Certification Form (BDVR-108). An electronically signed document *will not* be accepted.

Please see this copy of the [April email to dealers](#) regarding this issue.

Please take our SOS survey!

How Many Resale Titles Being Held for Branch Offices?

The Secretary of State has asked for your help as branch offices make preparations for reopening and determining what the initial work load may look like. **Please complete this [three question survey](#)** and let us know if your dealership is holding work for branch offices.

News from NADA

Treasury and SBA Release More Guidance for the PPP



Businesses are applying for the Paycheck Protection Program by the thousands. The Administration reports that as of April 29, \$52 billion in loan requests have been approved. The Treasury Department and Small Business Administration released additional guidance for PPP's review procedure, final rule on disbursements, FAQs (question 37) and more. NADA urges dealers to review these items carefully.

Apr. 29 -- [Paycheck Protection Program FAQs](#)

New FAQ questions this week include:

- #36) To determine borrower eligibility under the 500-employee or other applicable threshold established by the CARES Act, must a borrower count all employees or only full-time equivalent employees?
- #37) Do businesses owned by private companies with adequate sources of liquidity to support the business's ongoing operations qualify for a PPP loan?
- #38) Section 1102 of the CARES Act provides that PPP loans are available only to applicants that were "in operation on February 15, 2020." Is a business that was in operation

on February 15, 2020 but had a change in ownership after February 15, 2020 eligible for a PPP loan?

- #39) Will SBA review individual PPP loan files?

For those interested, the SBA has also provided an "approvals" overview of the [SBA Paycheck Protection Program Loan Report](#), as of Apr. 16.

NADA Analysis Tackles Large-Company Eligibility for PPP

Apr. 29 -- The government recently clarified guidance in the wake of large, publicly traded businesses applying (and qualifying) for PPP loans during the first round. NADA released an [analysis addressing PPP loan eligibility](#) for businesses owned by large companies. This comes as the Small Business Administration now requires borrowers to certify that they need the money.

Note: SBA guidance states, "Large companies with adequate sources of liquidity to support the business' ongoing operations ... must certify in good faith that their PPP loan request is necessary."

EPA, CDC Release Guidance for Sanitizing Where Americans Live, Work and Play

The U.S. Environmental Protection Agency and the Centers for Disease Control and Prevention released [updated guidance to help facility operators and families properly clean and disinfect spaces](#). Developed in concert with the White House, the guidance provides step-by-step instructions for public spaces, workplaces, businesses, schools and homes and falls in line with the Opening Up America Again guidelines.

Preparing to Reopen: Guidance & Resources

Note: a new section has been added to our online [Coronavirus Toolkit](#) with quick links to guidance and resources for dealers planning their reopening.

Dealers throughout Michigan have begun developing a plan for reopening the dealership, *when the governor allows*. There are many issues to consider, from staffing to cleaning and possible new showroom/office layout -- all in a manner that follows Michigan and CDC guidelines, while also ensuring employees and customers feel safe and comfortable. As you are making plans to reopen your showroom, you may find the following resources helpful.

Fisher Phillips Legal Alert

Apr. 29 -- [EEOC Offers Guidance To Employers Preparing To Reopen Their Workplaces](#)

The Equal Employment Opportunity Commission (EEOC) has provided additional guidance for employers restarting and ramping up their businesses. The EEOC first published guidance for employers in March clarifying employer rights and obligations during a pandemic. The updated guidance, "What You Should Know About the ADA, The Rehabilitation Act, and COVID-19," addresses likely restart issues relating to testing, confidentiality of medical information, reasonable accommodations, and pandemic-related harassment.

Other Professional guidance...

- [Plante Moran Webinar, Apr. 30: Planning for the "Great Restart"](#)
- **Apr. 29** -- [NADA Guide: Safely Operating your Dealership During a Pandemic](#)
- [NADA FAQ: Dealership Health and Safety Concerns During A Pandemic](#)
- [Fisher Phillips Post-Pandemic Back-To-Business FAQs For Employers](#)

Dealership products...

Face masks. The governor has ordered that all businesses and operations whose workers perform in-person work must, at a minimum, provide non-medical grade face coverings to their workers. We are aware of the following two companies that are providing products to dealers around the country:

- R.J. Roberts & Co. Dealer Apparel
 - Washable multi-layer cotton mask
 - Daily face covers
- Mirabel Promotions

Desktop barrier for in-person interactions: TW Sneeze Guards informational handout

Please feel free to contact DADA at (248) 643-0250 or MADA at (800) 292-1923 if you have any questions.

*This advisory has been prepared in conjunction with
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