

## 2018-20 Executive Progress Report

Commonwealth of Virginia  
Secretary of Transportation  
Motor Vehicle Dealer Board

### At A Glance

**Staffing**      23 Salaried Employees, 0 Contracted Employees, 24 Authorized, and 5 Wage Employees.

**Financials**    Budget FY 2019, million, from the General Fund.

**Trends Legend**      ↑ Increase, ↓ Decrease, → Steady

**Key Perf Areas**    ↑ Quickly respond to emails  
→ Open new dealers

**Productivity Legend**    ↑ Improving, ↓ Worsening, → Maintaining

For more information on administrative key, and productivity measures, go to [www.vaperforms.virginia.gov](http://www.vaperforms.virginia.gov)

### Background and History

#### Agency Background Statement

The 1995 General Assembly overwhelmingly adopted legislation to shift the regulation and oversight of the new and used car and truck dealer industry from the Department of Motor Vehicles, to a professional board. To further streamline dealer and salesperson regulations, the 2015 General Assembly adopted legislation effective July 1, 2015 to move the oversight of new and used motorcycle, trailer and recreational vehicle dealers from DMV to the Motor Vehicle Dealer Board.

The Board consists of nineteen members for which the Governor, subject to confirmation by the General Assembly, appoints eighteen. The statute creating the Board stipulates that ten members shall be licensed franchise (“new”) motor vehicle dealers, and seven members shall be independent (“used”) dealers. The other two members include a consumer with no connection to the motor vehicle dealer industry and the Commissioner of the Department of Motor Vehicles (DMV), who serves as the Board’s chairman.

The Motor Vehicle Dealer Board’s authority is found in Title 46.2 of the Code of Virginia, § 46.2-1503. Motor Vehicle Dealer Board, and § 46.2-1503.4. General powers and duties of the Board.

#### Major Products and Services

Certify, license and educate motor vehicle dealers and salespersons. Assist consumers who have questions or problems related to the purchase of a car or truck. Administer the Motor Vehicle Transaction Recovery Fund. Impose disciplinary action on dealers and salespersons to include educational and warning notices; assessment of civil penalties; and suspension and revocation of licenses and certificates.

#### Customers

##### Customer Summary

The number of Commonwealth automobile dealers that have opened and closed have slightly increased since the last reporting period . Salesperson hires which also can vary from year to year have also seen increases. These increases were attributed in the independent dealer market. In FY 17 MVDB closed about 280 dealerships and opened about 290. The significant number of dealerships MVDB acquired was primarily due to HB2189 (July 2015) which transferred oversight of franchise motorcycles, trailers, recreational vehicles, manufactured and water craft dealers from DMV to MVDB.

##### Customer Table

| Predefined Group | User Defined Group | Number Served Annually | Potential Number of Annual Customers | Projected Customer Trend |
|------------------|--------------------|------------------------|--------------------------------------|--------------------------|
|                  |                    |                        |                                      |                          |

|  |   |        |        |          |
|--|---|--------|--------|----------|
| Consumer                                 | Commonwealth of Virginia Motor Vehicle Consumer               | 6,000  | 6,500  | Increase |
| Dealership                               | Commonwealth of Virginia Motor Vehicle Dealers                | 4,908  | 5,000  | Increase |
| Transportation                           | Commonwealth of Virginia Motor Vehicle Salespersons           | 23,200 | 24,300 | Increase |
| Local or Regional Government Authorities | Local law enforcement, and zoning officials                   | 134    | 134    | Stable   |
| Transportation                           | Virginia automobile trade associations and education partners | 5      | 5      | Stable   |
| State Agency(s),                         | Department of Motor Vehicles; VITA,VDOT                       | 3      | 3      | Stable   |
| Attorney General                         | Consumer Services   | 1      | 1      | Stable   |
| Victim                                   | Attorneys for consumers                                       | 20     | 20     | Stable   |

## Finance and Performance Management

### Finance

#### Financial Summary

The Board receives no general fund monies. Fees submitted to the agency by dealers cover all business functions and services provided by the Board. We continue to experience a surge in costs associated with VITA rate increases, IT investment and support and other direct operating costs, necessary for keeping up with technological improvements and data security.

The Board's financial accounting and reporting functions are provided by DMV. As a result of this joint effort, the Board has been able to conduct its statutory responsibilities and its financial management functions in a most cost-effective manner.

Fiscal Year Ending June 30, 2016: Revenues= 3,019,993 Expenses/Transfers= 2,445,593 Cash Balance=\$ 574,400. The Board continues to be good stewards of its resources. Fees were last adjusted in 2015 (the last adjustment was in 2007) with a financial plan that we would build balances in the first three to four years and those balances would be used to off-set increase operating expenditures.

#### Fund Sources

| Fund Code | Fund Name                       | FY 2019     | FY 2020     |
|-----------|---------------------------------|-------------|-------------|
| 0212      | Motor Vehicle Dealer Board Fund | \$2,849,125 | \$2,849,264 |

#### Revenue Summary

The Motor Vehicle Dealer Board is self-sufficient and is funded strictly by fees paid by dealers. These fees cover all of the expenses of the Board. No general fund dollars are appropriated to the MVDB. The current fee structure was effective July 1, 2015 ; nearly eight years since they last fee increases.

The Transaction Recovery Fund is a Special Fund that is also funded by the dealers. The purpose of this Fund is to assist consumers who have secured a judgment of fraud against the dealer and the dealer does not pay the judgment.

### Performance

#### Performance Highlights

The Motor Vehicle Dealer Board tracked the following performance indicators during FY 2014:

- Completed 80% dealership opening (original) inspections within 30 days of assignment to a field representative. Target 90%. We believe we are meeting the needs of the new dealers in conducting opening inspections in a timely manner. We have experienced a number of instances where the new dealers submitted their paperwork before they were ready to open and they delayed the process of conducting the opening inspection.
- In FY 14, responded to 99.9% of email correspondence sent to the agency's email address within 3 business days. Target 98%
- Effectively managed the Transaction Recovery Fund by timely transferring administrative costs to the operating fund. Target 100%

**Selected Measures**

| Measure ID       | Measure   | Alternative Name          | Estimated Trend |
|------------------|---|---------------------------|-----------------|
| 50655002.001.001 | Percentage of email correspondence responded to within 3 business days.                               | Quickly respond to emails | Improving       |
| 50656023.002.001 | Percentage of opening inspections of (new) original dealerships within 30 days.                       | Open new dealers          | Maintaining     |
| 50655002.002.001 | Percent claims approved for payment within five business days of being authorized to approve payment. |                           |                 |

**Key Risk Factors**

During this planning period, appropriations will be closely monitored to keep up with incremental cost increases particularly for IT infrastructure; application development/upgrades; software expenditures and increases in telecommunications costs. Anticipated VITA rate increases will also impact funds available for application development and upgrades. Potential mandated budget reductions are also anticipated.

**Agency Statistics**

**Statistics Summary**

Please see "Statistics Table".

**Statistics Table**

| Description   | Value   |
|---|---------|
| Dealer advertising civil penalties assessed. (Dollar amount)                                    | 22,250  |
| Number of dealer advertising educational calls made and letters sent                            | 246     |
| Number of consumers receiving payments from the transaction recovery fund.                      | 6       |
| Total amount of dollars paid from the Transaction Recovery Fund to consumers.                   | 86,419  |
| Total amount of civil penalties assessed on dealers other than for advertising. (Dollar amount) | 212,000 |
| Number of consumers requesting assistance.  | 6,243   |
| Independent Dealer Operators Recertified.   | 648     |
| Number of criminal history checks run on new applicants for a salesperson license               | 3,793   |
| Number of new and renewed dealer licenses processed   | 2,993   |
| Number of new and renewed salespersons licenses processed                                       | 21,744  |
| Number of qualification exams taken   | 4,283   |

**Management Discussion**

**General Information About Ongoing Status of Agency**

The MVDB continues to make strides towards a "paperless" office environment by evaluating document management practices as prescribed by the Library of Virginia, VITA and internal practices. We continue to scan documents thereby creating an electronic file for all dealers. In the previous biennium we replaced the imaging software that we installed eight years ago with a modern system that is faster and easier to use. The new system provides many enhancements to the imaging process that will result in more efficient operations and organization of scanned documents. We are no longer filing paper documents once they are imaged/scanned.

Along these same lines, we prepare a notebook for each Board member and by request, interested parties for each of our Board meetings. We have implemented an electronic/paperless board notebook that Board members and interested parties may elect to receive. We have worked closely with individuals who receive these notebooks to convert them to "e-notebooks". Previous to this effort, we were printing 29 notebooks for six meetings per year. We have reduced that number by 18 and are now printing just 11 notebooks per meeting. We estimate that this reduction saves over 43,000 sheets of paper per year and nearly \$1,000 in paper alone. We will continue our efforts to reduce the number of notebooks that we print.

Key personnel in the agency have and are reaching an age where they may retire soon. In this biennium we will continue our efforts to cross train personnel.

**Information Technology**

Meeting our performance target goals and servicing our customers continues to be our responsibility to the Commonwealth. Information Technology (IT) infrastructure costs (VITA/NG) and our IT development costs will continue to be looked at carefully to ensure we are meeting mandates from external sources as well servicing our customers: dealers and salesperson and business partners. Current IT operations along with proposed IT solutions will require planned modifications/enhancements that we foresee in our core business segments: Dealer Licensing and Education. Applications that support these business segments continue to be updated in order to provide the best customer service and reduce redundancy in data entry and other work flow processes.

During this biennium period, application development will continue to focus on combining legacy applications into a single shared and integrated database for headquarters and field staff. We will implement methods to better communicate electronically with field staff. We have recognized the value for our staff to perform functional responsibilities in a single, shared and integrated system to support our core business functions. Application integration will allow for a single database for efficient data management and maintenance and ultimately retire unused network circuits and older servers while maintaining data integrity and allow for flexibility for future modifications or enhancement requirements.

Since MVDB is a special funded agency (non general Fund-NGF), all licensing fees generated from Virginia dealers and salespersons are our sole revenue source to manage agency core lines of business while meeting service delivery performance objectives to our dealers and automotive consumer base.

### **Workforce Development**

We are overhauling our internal automated systems into one integrated system. This process will facilitate how we do business and allow an "overhaul" of all existing core business functions within the Consumer Assistance and Motor Vehicle Dealer and Salesperson Regulation service areas. Work flow processes will streamline operational activities for staff allowing for more customer focused activities to be accomplished. Individual staff responsibilities continue to evolve with changes in demand for service and to improve customer service and record keeping.

### **Physical Plant**

We are in leased space that fits our needs. It is convenient and easy to locate with easy parking for our customers who visit the office to conduct transactions. We are very happy in our current space.

Our eleven field representatives work out of their home offices. The eleven are stationed throughout the Commonwealth. This model saves the agency a significant amount of money as it reduces office space needs and travel costs.

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