

# SouthWestern Flash

December 2011, Vol. 9, No. 12



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## Upcoming Events

### Commercial Driver Seminars

January and February 2012 -  
Locations in Kansas, Oklahoma and  
Texas. See page 2 for details.

### Western Farm Show

Feb. 24-26, 2012  
including the Western Farm Show  
Championship Tractor Pull  
American Royal Complex  
Kansas City, Missouri

**Special Member - Customer  
Event at Western Farm Show  
Tractor Pull on Friday, Feb. 24.  
Watch for details in January.**



### SouthWestern Association

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## SouthWestern Association Announces Purple Wave Partnership

SouthWestern Association is undertaking a new initiative to assist members with used equipment management.

"The SouthWestern Association has a well-earned reputation for helping its members develop solutions that are effective today and important for the long-term. We are excited to expand our work with the association, its staff, and its members," says Jerrod Westfahl, CEO of Purple Wave. "Dealers' ability to identify, integrate and utilize products and services that meet current and future used inventory challenges is one of their key business success factors. Our service fits squarely into the category of options dealers should know about."

Hard work, integrity and creativity have grown Purple Wave to the region's premier equipment auction service provider. Over the course of 11 years, equipment dealers have placed increasing amounts of used inventory in Purple Wave's auctions. They are drawn to Purple Wave because of the firm's reputation for professional service, understanding of the key challenges facing today's dealers, and user-friendly website for both buyers and sellers.



The Purple Wave team consists of 55 professionals who have extensive backgrounds in agriculture, construction, finance and auction management.

### Benefits to SouthWestern Association Members

SouthWestern's partnership with Purple Wave gives members several benefits including special member-only auction events and preferential fee structures and service offerings. In addition, Purple Wave shares a modest portion of its revenue from member business with the SouthWestern Association to further support important member services and activities.

"We want to be the dealers' partner and advocate, helping them solve problems and become more profitable," says Jeff Flora, CEO of SWA. "We believe the Purple Wave relationship is an important component in fulfilling that mission."

*For more information contact Jeff Flora, SouthWestern CEO, at 800-762-5616. *

Space Is Limited - Register Today!

# Commercial Driver Seminars

The Department of Transportation requires safety training for every person who operates a commercial motor vehicle in interstate or intrastate commerce, and for all employers of such persons. As an employer of commercial drivers, you are required to enforce stringent requirements related to safe operation of vehicles and employee safety and health. Do you know and understand the requirements? Very few employers do, and if there is an accident, you can be held accountable in a civil suit, as well as being subject to fines of \$2,000 minimum per violation and up to \$450,000 for multiple violations.

SouthWestern Association is offering this required safety training for drivers and their employers to assist members in complying with these regulations.

Mike Harp, Corporate Safety Compliance, Inc., will present the programs.

## Who Should Attend?

All owners, general managers, human-resource personnel who handle trucking-related issues, drivers, dispatchers, loaders and employees that assist with loading of equipment.

## Schedule


- 8:30 a.m. Registration
- 9:00 a.m. USDOT Basics Training and Quiz  
Driver Qualifications  
Documentation of basic training
- 10:00 a.m. CSA – Compliance, Safety, Accountability Methodology  
Definition and explanation of basics/ categories  
Company policy and responsibilities
- 11:45 a.m. Break and lunch
- 12:45 p.m. Hours of Service Training  
Understanding federal and state hours of service rules  
Overview of how to complete driver's daily log book
- 1:45 p.m. Inspection Training  
How to properly inspect truck and truck/trailer  
Hands-on training – Air-brake test
- 3:00 p.m. Q&A
- 4:00 p.m. Adjourn

All participants will receive a certificate of training from CSC, Inc. The certificate will serve to show the participant attended the training and will list the topics covered by the training.

## New Seminars Added

Due to the popularity of the Commercial Driver Seminars in Missouri, more locations for the same program have been scheduled for January and February 2012 in Kansas, Oklahoma and Texas:

- Jan. 9, 2012 - Garden City, Kan.
- Jan. 10, 2012 - Colby, Kan.
- Jan. 11, 2012 - Maize, Kan.
- Jan. 18, 2012 - Okmulgee, Okla.
- Jan. 19, 2012 - Oklahoma City, Okla.
- Jan. 31, 2012 - Plainview, Texas
- Feb. 1, 2012 - Ft. Worth, Texas
- Feb. 2, 2012 - Tyler, Texas
- Feb. 7, 2012 - Austin, Texas
- Feb. 8, 2012 - Katy (Houston), Texas
- Feb. 9, 2012 - Corpus Christi, Texas

Information about the seminars can be found on the SouthWestern Association website at [www.swassn.com](http://www.swassn.com) or by contacting Tag Webb at the Association offices - 816-561-5323. 

## Federal Legislative News

# Washington Update

This is a summary of the items that have been accomplished in 2011. Thank you for taking actions on these legislative and regulatory items as the opportunity permitted:

- **Three percent Withholding Repeal** - SouthWestern supported the repeal of the 3 percent withholding tax on certain payments made to dealers by federal, state and local units of governments. Without this repeal, a dealer's revenues would have been reduced, causing cash flow problems, increased bookkeeping costs and increased costs to those same units of local government. The repeal bill (H. 674) was signed into law by the President on Nov. 21, 2011.
- **Free Trade Agreements** – SouthWestern supported passage of the free trade agreements with Columbia, Panama and South Korea. Our support was based on the jobs that will be created and the fact that it leveled the playing field for agricultural trade. All three bills (H. 3078, H. 3079 & H. 3080) were signed into law by the President on Oct. 21, 2011.
- **Patent Reform** - SouthWestern supported passage of this bill (H. 1249) as an additional and critical piece of legislation

Continued on page 5

# Payday/Car/Title/Sell Your Soul Loans

By Motorcycle Mary



I'm just going to hit this head-on. I have seen complete and total financial destruction come to many families because of these loan places. They are the loan sharks of the present. They have some regulations, but still I don't know how they get away with charging so much interest. Depending on what type of "Soul Loan" you get, you can end up paying from 400 percent to 700 percent.

I do understand that sometime circumstances beyond your control require you to come up with some money immediately, but in most cases the balance is due in 14 days. If you don't have it today, are you sure you will have it in 14 days? If you don't pay back all the money when it is due, your credit score can be adversely affected (which could be the least of your worries at this point). Of course, they will give you an extension, but you are going to pay them a lot more than you originally borrowed – A LOT MORE!

## Try Hard to Avoid These Loans

You miss a payment and you will end up paying charges that are double or triple what you borrowed. I always preach to read the small print. Even then, it is not always clear what they are saying – especially if you are in a hurry to get money.

Now look, I'm not overlooking some real life facts here. Not everyone has a great banker or boss or family member that they can ask for money. I also know how it feels to have \$50 until payday and you need groceries and the alternator

just went out on your car. It puts you between a rock and a hard place, and sometimes there just isn't enough to go around, but please try just about anything before you get one of these loans.

I see the advertisements on TV and it makes me mad! This one really gets me – "Running a little short for gifts for Christmas - come on down." What? I'm pretty sure that buying Christmas gifts is not a "Soul Loan" necessity.

It does boil down to personal responsibility and the ability to repay the loan. They are treating you as an adult that will take care of your financial business. They are not too picky about what you are borrowing the money for – that would be your priority – but they are beyond sticky about not receiving a payment. They provide a service, but you have to be aware of what happens when you trip and fall and can't make a payment.

Instead of working an hour or two a week to repay the loan, you suddenly are working 10 to 15 hours a week to pay not only for your initial loan, but for the original interest, the extension fee, the added interest, etc. The fees will continue to pile up until as one person said to me, "I owe them \$5,700 and I can't pay that back and now they are charging me \$1,500 in interest per month! I'll never get caught up."

Research your State Attorney General and Soul Loans. Get to know a lot about the people you are going to borrow money from. You need to know where you stand if you

**Continued on page 5**

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## Use of Cell Phones While Driving

On Nov. 23, the Federal Motor Carrier Safety Administration (FMCSA) announced a joint ruling with the Pipeline and Hazardous Materials Safety Administration (PHMSA) prohibiting interstate trucks and bus drivers using hand-held cell phones while operating their commercial motor vehicles. Drivers who violate the restriction will face penalties of up to \$2,750 for each offense and may be disqualified from operating a commercial motor vehicle for multiple offenses.

Further, states will suspend a driver's commercial driver's license (CDL) after two or more serious traffic violations. Commercial truck and bus companies that allow their drivers to use hand-held cell phones while driving will face a maximum penalty of \$11,000.

This will go into effect on Jan. 3, 2012, but there are still some gray areas: This can be enforced ONLY by federal inspectors. The states have three years to adopt this and put it into place. For now, companies need to focus on educating all drivers, putting together a policy, having drivers document that they have been trained, and making sure that all drivers are following the regulation. Bluetooth is allowed at this time.

## Supervisor Training on Controlled Substance and Alcohol

There has been very aggressive marketing by several companies regarding the required training of supervisors on controlled substance and alcohol abuse by CDL drivers. While training is required, you can obtain it online at no charge. Use this link to sign up and obtain a certificate:

[www.ndwa.org/contactus.php](http://www.ndwa.org/contactus.php)

## Medical Certificates for Drivers

On November 15, 2011, the FMCSA published a final rule that extends the requirement that drivers maintain a copy of their medical certificate on their person. The requirement was scheduled to expire on January 30, 2012, but has been extended until Jan. 30, 2014. The January 2012 date was originally chosen because that is the same date drivers are required to submit a copy of their medical certification to their state licensing agency, which should then incorporate the medical information into the Commercial Driver Licensing Information System database used by licensing and enforcement officials. Multiple-state **Continued on next page**



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licensing agencies will not be ready to transmit that information, and therefore drivers will need three copies of their medical certifications available: 1) on their person, 2) in their Driver Qualification file, and 3) deposited at the state licensing agency.

### Hours of Service

There has NOT been a final ruling or publication of the Final Hours of Service rule. Although the U.S. Department of Transportation officially transmitted FMCSA's final draft to the White House for review, nothing has been published so far.

*Many thanks to Mike Harp, CSC, for providing this timely information. If you have questions or concerns, please contact Mike at 316-201-6750. SW*

### Personal Finances - cont.

already owe these people or see what your rights are before you get a loan. You may be surprised about your rights concerning these loans. Summarization of these loans: "Red Alert Will Robinson – Red Alert!" Or, in layman's terms, "Borrower, Beware!"

*If you would like Motorcycle Mary to conduct a financial fitness workshop for your employees, contact her at [mary@motorcyclemary.com](mailto:mary@motorcyclemary.com). SW*

### Federal Legislative News - cont.

for economic development, jobs, growth and competitiveness. The President signed this into law on Sept. 16, 2011.

- **Debit Card Fees** - SouthWestern supported changes in how debit card swipe fees were charged. That change was made in regulations by the Consumer Financial Protection Bureau even though Senate Bill 575 and House Bill 1081 were introduced by Senator Jon Tester (D-MT) and Representative Shelley Capito (R-WV), respectively. Their bills would have postponed the fee reductions included in the Dodd-Frank Wall Street Reform and Consumer Protection Act and required further study on the fee reductions.

- **IRS 1099 Filing Requirements** - With passage of H.R. 4, this onerous requirement for dealers to file IRS Form 1099 for each business transaction that exceeded \$600 and to withhold up to 28 percent of a payment to a vendor was repealed. This law was signed by the President on April 14, 2011.

*A complete summary of 2011 federal legislative activity can be found on the SouthWestern Association website at: <http://www.swassn.com>. SW*

## FedEx and UPS to Raise Small Package Rates for 2012

The North American Equipment Dealers Association Shipping Program, managed by PartnerShip, today announced that FedEx Corp. and UPS will increase envelope and small package shipping rates for 2012.

### Air Shipping Costs to Increase

Effective Jan. 2, 2012, the cost to ship an overnight envelope with Memphis-based FedEx Express will increase by a net average of 3.9 percent. The full average rate increase of 5.9 percent will be partially offset by adjusting the fuel price threshold at which the fuel surcharge begins, reducing the fuel surcharge by 2 percent. Air packages shipped with Atlanta-based UPS will increase by a net average 4.9 percent beginning Jan. 2, 2012. The rate increase for UPS air and international shipments is based on a 6.9 percent increase in the base rate, less a 2 percent reduction to the index-based air and international fuel surcharge.

### Ground Shipping Rates Going Up As Well

Effective Jan. 2, 2012, the cost to ship with FedEx Ground will increase by a net average 4.9 percent. The full average rate increase of 5.9 percent will be partially offset by adjusting the fuel price threshold at which the fuel surcharge begins, reducing the fuel surcharge by 1 percent. UPS ground shipping will also increase by a net average 4.9 percent for U.S. domestic services, achieved through a 5.9 percent increase in the base rate, less a 1 percent reduction to the index-based ground fuel surcharge.

Additionally, UPS Next Day Air Freight and UPS 2nd Day Air Freight rates for shipments within and between the U.S., Canada and Puerto Rico will increase 5.9 percent. UPS 3 Day Freight rates will remain unchanged.

### About PartnerShip

Cleveland, Ohio-based PartnerShip, which developed and manages the NAEDA Shipping Program, is a leading freight management company that provides shipping solutions to small and medium-sized businesses nationwide. PartnerShip leverages its relationships with over 17,000 customers to provide businesses of all sizes the exceptional savings typically reserved for large-volume shippers.

*For more information, or to enroll in the NAEDA Shipping Program to save on every shipment you send and receive, please click on this link: [www.partnership.com/24NAEDA](http://www.partnership.com/24NAEDA). SW*

# New Credit Card Rules Confusing Merchants

The Housing Assistance Tax Act of 2008, which includes enactment of a new section of the Internal Revenue Code, is confusing to many SWA members who accept credit card payments. Most of the confusion relates to specific reporting requirements.

According to Tim Hutteger, CEO of Marathon Solutions, SouthWestern's endorsed credit card processing partner, the confusion is widespread for a variety of reasons. "New regulatory requirements often bring questions and confusion," notes Hutteger. "We are dealing with new regulatory requirements, the enactment of section 6050W (the new addition to the tax code), and previously announced deadlines that have been extended. "Plus, dealers and other merchants are being exposed to inaccurate information."

## New IRS Requirements

Given the many changes, SWA asked Marathon to provide members with accurate information about new credit card rules. Following is the legally approved message from Marathon:

*Important IRS requirement for 2011: The federal Housing Assistance Tax Act of 2008 includes the enactment of Section 6050W of the Internal Revenue Code. This new section requires reporting entities [processors] to annually report payments in*

*settlement of payment card and third-party network transactions to the IRS for all merchants. Reporting entities will be required to file an annual information return with the IRS and provide each merchant with a corresponding Form 1099-K, reporting monthly and annual gross sales. The first such information return and Form 1099-K will be due in January 2012 for 2011 calendar year transaction activity.*

In summary, SWA members who accept credit cards as a method of payment will receive a Form 1099-K from their processors. The first 1099-Ks will be distributed by January 31, 2012, for the 2011 tax year. Marathon recommends that SWA members consult their tax professionals with regard to specific filing instructions for the 1099-K forms, as the rules vary depending on the volume of transactions.

Marathon Solutions, Inc. will answer general questions you may have regarding important IRS requirements for 2011.

*For information about the new credit card rules or information about the SouthWestern credit card program, please call Mike Davis, the association's dedicated member account manager at Marathon, at 913-953-5302. **SW***



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## I Do Not Understand!

By John Walker, President of After Market Services Consulting Co.

For over 50 years, I have been working with equipment dealers in the various industries of agriculture, construction, industrial, outdoor power, heavy duty trucks, golf and turf, material handling and lift trucks. These dealers run from \$500,000 in sales to over \$250 million in sales. For the most part, equipment dealers are the salt of the earth - independent businessmen imbued with thoughts of building independent businesses, hiring and growing their businesses in their communities. Most started off living the American dream focused upon the idea of making a profit by servicing their customers. We have seen and worked with dealers from mediocre to what we refer to as "world-class dealerships." Equipment dealers are the "true" customers of all the manufacturers and suppliers that they represent. They are dealers who fulfill the challenge of marketing products and/or the tools to their customers to keep our economy productive.

Last month, these industries saw the passing of an icon. Ed Walsh was the original consultant and trainer to the equipment dealers of North America. Ed was a friend and close associate. In his later years, I had several opportunities to discuss with Ed some of his business frustrations and his

contributions to equipment dealers and manufacturers. Several days following his death, I picked up his book, which was a compilation of the articles he had written. I once again recognized that some of Ed's frustrations about equipment dealers were identical to mine and quite frankly those that I have been attempting to deal with over the past four years. Thanks Ed, not only for the help you were to me, but all of the help you gave the dealers who used your services over the years.

### Declining Margins Across the Industry

*I do not understand!* Every dealer I have asked as to why they are in business has basically replied: "For the profit we make in moving the equipment from the suppliers we represent to our customers." This is a noble comment on the part of dealers. But, as with everything in a global economy, we have faced dramatic changes the past 50 years. More and more competitors have moved into our markets and many of our products have become commodities. There is also no denying that most of the manufacturers and suppliers are continuing to demand more and more "market share," and as this pressure

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mounts, we see margins declining steadily - declining to the point where many dealers are seeing equipment margins running in the low, single digits. When this happens, you see more and more dealers throwing up their hands and wanting to get out. But then the question becomes: How do you sell a multi-million dollar business that is netting 2-3 percent before taxes? Add to this the fact that most manufacturers are not offering relief in this area. In fact, their national account programs continue to add pressure for dealers to maintain an acceptable profit.

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***It was back in the early 1980s that Stu MacKay pointed out to both equipment dealers and to the manufacturers of equipment that the customers were basically telling the industry that no one is asking the customer for the service business after the sale.***

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*I do not understand* why most dealers are missing the answer. It does not take a business degree from a major business college. It takes four or five minutes reviewing your own financial statement and noting the following:

- 1) Which profit center currently provides your dealership with the highest gross profit?
- 2) Which profit center currently provides your dealership with the lowest contribution to total sales? Generally the answer to both these questions is the service department.

It was back in the early 1980s that Stu MacKay pointed out to both equipment dealers and to the manufacturers of equipment that the customers were basically telling the industry that no one is asking the customer for the service business after the sale. In a couple of weeks, we will be working with an equipment dealer (ag) who has total sales of \$40 million, and his service sales produce a 76.5 percent gross margin. All is well until you discover his service contribution to the dealership's total sales is an anemic 5.7 percent! It will be our task before we leave this dealer to show him the steps he must take to reach the *average* service sales contribution within his industry: 7.3 percent, which will then produce additional gross profit of dollars in service of \$577,585. Remember the movie Tom Cruise starred in? It was *Jerry McGuire*, and the famous quote is "*Show me the money!*" This is exactly what you can do for yourself by *analyzing and focusing* on your service profit opportunity.

How much time would it take, after you do this research for yourself, to make a list of those customers who buy equipment from your dealership but do not use your facilities for service? *I do not understand* why dealers cannot find the time to perform this very short exercise and when they do, take the necessary action to turn their opportunities into a steady stream of cash flow into the dealership. Once this small exercise is performed, how long do you think it will take you to have someone from the dealership ask why the customer is not buying your service, and after the answer is discovered take the time to market the dealership's service to that customer and to the others out there who are not buying your service?

The lift truck industries' contribution to service numbers from the industry Cost of Doing Business Study is a whole different matter. Their contribution has been running fairly steadily at 26-28 percent. This occurs because: 1) In this industry, dealers have had "*boots on the ground*" marketing the dealerships' service for well over 45 years, and 2) there is a tremendous industry supplying "high coverage" of parts for the dealers' competitive makes of equipment. This enables the lift truck dealers to service almost all major competitive brands. This marketing tactic is encouraged by the manufacturers, but distorts the contribution figure on the equipment they have sold. Therefore, in this case, we encourage lift truck dealers to measure contribution by their major line of product to determine the market share they are achieving from the equipment they sell. Only in this way will lift truck dealers fully understand their service market share.

### **Dealerships With Programs That Work**

Some dealers do understand. We have a client – a client who is the leader within his industry. Eight years ago, his service contribution was at 5.4 percent. This year, he will top out over 15 percent, and this despite the fact that his product sales have continued to grow. He is running a healthy absorption rate of 128 percent with a net before taxes of slightly over 15 percent.

He's marketing his service through his equipment sales force, which many of our readers recognize we have not "championed" over the years. This is done with a unique pay-for-performance program, which pays for service sales and also pays a higher commission on product if the service business is sold at the time of the equipment sale. The program is working.

Another example is a dealer who has devised a pay plan for his equipment salespeople that increases their commission on the equipment with the sale of service to the account at the time of the order or upon delivery of the equipment. The sales person is paid on a small commission if the sale of the equipment does not produce an agreement for service. This dealer is truly a dealer who thinks outside the box, a dealer who has

**Continued on next page**

always come up with a unique twist in his overall marketing scheme.

We believe that dealers are beginning to change their focus. Hopefully, they will view their service departments as more than just departments for make-ready, for warranty or for working on their rental fleets. The dealer's greatest opportunity for the dealership is to provide additional service sales at the same high level of profitability. It can be done, but only if someone in management recognizes the real opportunity and focuses on it with more intensity than at any time in the past. It could also happen if manufacturers and suppliers would truly focus upon their dealers' ability to market their service profit center.

May we point out one more time for both dealers and suppliers: One of the customer's major concerns when making a major purchase for a very expensive piece of equipment is unscheduled down-time. Customers want to know that they will be taken care of *after* the sale. If they are satisfied in this area of concern, then customer retention will grow, and customers will return time and time again to fulfill their equipment needs, thus pushing up the desired market share. This process may take a bit longer than some may want, but it is good for the dealers' profitability and will eventually satisfy the suppliers' cry for increased market share.

Some of you have already made your plans for 2012. We would like to make this offer to all of our readers: Please send the answers to the three following questions along with your name, title and line of equipment, to me at: [amsconco@aol.com](mailto:amsconco@aol.com).

- 1) Dealership's total sales dollars (Combined new, used, parts, service and rental),
- 2) Total service sales dollars, and
- 3) Your service gross profit percentage.

In return, we will email you what we believe will be a **challenging** but **achievable** goal for your dealership's service department in 2012.

If, at the same time, you would like to request a copy of a manual that literally hundreds of dealers have requested and received, we will email this to you at our special price of \$19.99, along with the guarantee that should you find the manual of no value to you, you may disregard the invoice.

*We wish all of our readers a very prosperous New Year!* 

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# identity theft

Identity theft can carry a hefty price tag for a businessowner. Where would you turn if you were a victim of...

- credit card fraud
- investment fraud
- mail theft
- passport fraud
- student loan fraud
- debt collection
- phone fraud
- tax fraud
- social security number misuse

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