

FACT: An estimated 1,149,000 new motorcycle units were sold in 2005. 70% were on-highway motorcycles.

Dual motorcycles represented 2% and off-highway motorcycles comprised 28% of the new retail units sold in 2005. New motorcycle retail sales equaled an estimated \$9.8 billion in 2005. On-highway motorcycles accounted for 86%, while off-highway motorcycles and dual motorcycles represented 12% and 2% respectively.

Source: Motorcycle Industry Council, 2006 Statistical Annual

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insurer ownership continued from page 4

insurer auto body repair shops.

The Fifth Circuit affirmed the district court's ruling, August 1, 2007.

Allstate may file a Motion for Rehearing as well as appeal to the Supreme Court of the United States.

Source: TADA



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published by the **TEXAS** motorcycle dealers association

motorcycle DEALER news

WINTER 2008

register today for the 2008 tmda annual conference

february 23-24, driskill hotel, austin



Mark your calendars and make plans to attend the 2008 TMDA Annual Conference, February 23-24 in Austin, Texas.

Education & Networking

Kickoff the meeting by networking with peers at a welcome reception on Saturday, February 23. After breakfast on Sunday morning, representatives from the Texas Comptroller of Public Accounts will offer a program with questions and answers about the new rules on agriculture exemptions, vehicle inventory tax and documentation fees.

Then, Carol Kent, Director of Enforcement, TxDOT Division of Motor Vehicles will lead a discussion about enforcement issues, e-tags, database and dealer education, and the new TxDOT website.

As the Enforcement Director, Carol is responsible for guiding the enforcement activities of the division

that administers the Texas Occupations Code and the Dealer Law found in the Transportation Code. Carol speaks regularly in Texas at meetings with dealers, tax authorities, credit unions, advertising agencies, law enforcement agencies and industry conferences on various topics concerning dealers and Texas regulations. She has been interviewed and quoted regularly in *Automotive News*, *Wall Street Journal*, and various Texas and national newspapers.

Prior to lunch, a representative from Tucker-Rocky will provide a presentation on retail accessory sales. The conference will conclude with lunch and a General Business Meeting.

TMDA members will not want to miss this year's conference! If you have questions please contact the association at 512/479-0425. Please see page 2 for an agenda and page 6 for conference registration form.

agenda on page 2, registration form on page 6

hotel offers historic site for conference

The TMDA Conference will be held at the Driskill Hotel in Austin, Texas. TMDA has reserved a block of rooms for conference attendees at a special rate of \$193.00 if reservations are made prior to **February 1, 2008**. After this date, rooms will be on a space and rate-available basis. To make reservations, please call the hotel at 512/474-5911 or 800/252-9367 and mention "TMDA."

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'08 tmda annual conference

Schedule of Events

Saturday, February 23

5:00 - 6:00 p.m.

Registration

5:30 - 7:00 p.m.

Welcome Reception at Hotel

7:00 p.m.

Dinner on Your Own

Reservations will be held at Sullivan's Steakhouse for those interested in dining together.

Sunday, February 24

8:30 - 9:00 a.m.

Continental Breakfast

9:00 - 10:00 a.m.

Sales Tax Update

Representatives from the Texas Comptroller of Public Accounts

10:15 - 11:30 a.m.

TxDOT Update

Carol Kent, Director of Enforcement, TxDOT Division of Motor Vehicles

11:30 a.m. - Noon

Accessory Seminar

Representative from Tucker-Rocky

Noon - 1:30 p.m.

Lunch

1:30 - 2:30 p.m.

TMDA General Business Meeting

2:30 - 4:30 p.m.

TMDA Board of Directors Meeting

are service contracts subject to sales tax?

Following are questions that TMDA posed to the Comptroller of Public Accounts regarding the sales taxation of service contracts.

Are service contracts for off-road vehicles subject to sales tax?

YES ... according to 3.292, Repair, Remodeling, Maintenance, and Restoration of Tangible Personal Property (Specific section is (d)(2)).

This includes contracts sold to repair off-road All Terrain Vehicles (4-wheelers), off-road Utility Vehicles and dirt bikes not designed for use on the highway. The sale of the contract is subject to sales tax. Charges for labor and parts covered under the service contract are not taxable. The service contract company must provide the repairman with a properly completed resale certificate.



Are service contracts for motorcycles subject to sales tax?

NO ... according to 3.290, Motor Vehicle Repair and Maintenance; Accessories and Equipment Added to Motor Vehicles; Moveable Specialized Equipment (Specific section is (k)).

This includes motorcycles designed for highway use, automobiles and trucks. The sale of the service contract is not subject to tax. Charges for parts used in the repair are taxable. The repairman must collect the tax. Separately stated charges for labor are not taxable.

new temporary cardboard tags, \$5.00 fee and database

S.B. 11, passed by the 80th Legislature, Regular Session, requires the Texas Department of Transportation (TxDOT) to develop and maintain a secure, real-time database regarding temporary tags for use by law enforcement.

This bill adds a new \$5.00 registration fee to be sent to the Texas Comptroller of Public Accounts for the maintenance of the new database.

The rules regarding the new legislation are not in place.

Until the rules and database are in place, the \$5.00 does not apply.

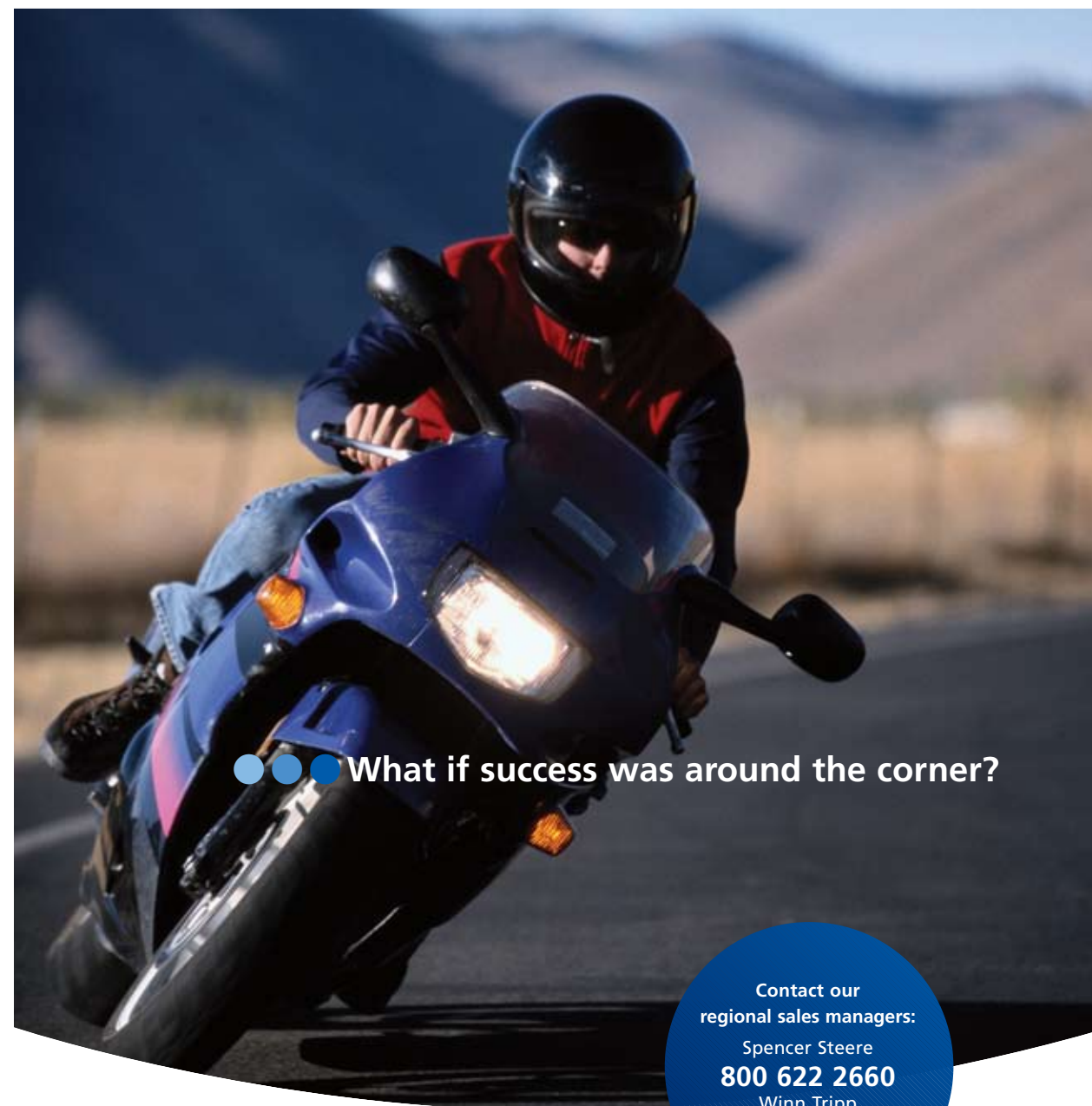
The Texas Department of Transportation (TxDOT), in an August 2007 meeting indicated that it may be the Spring of 2008 before everything is in place.

TMDA will keep dealers up-to-date regarding the new rules regarding the temporary tags, database, Notice to Buyer, and new fee.

TxDOT has asked that dealers make certain that the agency has a correct address for your dealership as they will mail a Password and PIN to the dealerships and it is imperative that they have the dealership's correct information.

Enclosed:

Please see the enclosed summary provided by TADA (Texas Automobile Dealers Association) for important information about enforcement of bills enacted during the 80th Texas Legislative Session.



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top ten mistakes continued from page 4

the company, its policy, or any member of the staff. Customers don't want to hear about whose fault it is, they just want the situation fixed. Take full responsibility of the situation on hand.

8. Not Double Checking

When a customer wants something and it's not available, it's how you reject them that's more important than the fact that you are rejecting them. The process of double-checking should become habit forming. It should be a standard operating procedure. It feels so good when you tell someone, "The last time I checked we were out of stock, but let me DOUBLE CHECK for you to be sure." I personally can think of dozens of times when I asked the person to double check after they told me they were out of things, and what do you know... someone had reordered and the person didn't know about it. It's a big mistake to not double check.

9. One Word Answers

We're taught in school that three words make a sentence. Don't answer with one word. Even yes, no, and OK are perceived as rude and uncaring. A Telephone Doctor reminder – use complete sentences for your customer.

10. Head Shaking.

When a customer asks you for something, give them a verbal answer. Shaking your head up and down or back and forth is NOT an appropriate answer. They can't hear your head rattle.

Fixing these customer service mistakes will enhance your ability to work better with customers. Remember, it's the SLD's (subtle little differences) that make the big difference. Good luck!

Nancy Friedman is president of Telephone Doctor, a customer service training company in St. Louis, MO. She is a featured speaker at association events. For more information, visit www.telephonedoctor.com.

register today! **2008**
tmda annual conference
February 23-24, 2008, Driskill Hotel, Austin, Texas

Please indicate the number of registrants in each category.

#	Category	Pre-register	Onsite
_____	Member	\$150.00	\$165.00
_____	Add'l Employee/Spouse of Member	\$75.00	\$85.00
_____	*Nonmember Dealer, Employee, Spouse	\$175.00	\$200.00

**Nonmembers joining TMDA prior to the Conference may register at member rates.*

Print or type information as you would like it to appear on name badge. Indicate names of all persons registered.

Name of Firm _____

Names of Persons Attending (including spouse) _____

Franchises _____

Address _____

City, State, Zip _____

Phone _____ / _____ Fax _____ / _____

Total Amount Enclosed: \$ _____

Cancellations of registration fees received by February 1, 2008, will be fully refunded. No refunds will be given after February 1, 2008. Please return with payment (cash or check payable to TMDA) to: TMDA • 823 Congress Ave., Suite 230 • Austin, TX 78701



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court of appeals upholds restriction on insurer ownership of body shops

The U. S. Court of Appeals, Fifth Circuit, upholds legislation restricting the right of an automobile insurer to own and operate automobile body shops in Texas.

In 2000, Allstate Insurance Company (Allstate) began acquiring Sterling Collision Centers (Sterling), including Sterling's 15 repair centers in Texas, allowing Allstate to enter into the auto body shop business.

While acquiring Sterling, Allstate also had relationships with local body shops, or "PRO" (Priority Repair Option) shops in which an Allstate insured would be provided a guarantee for their repairs.

After acquiring Sterling, Allstate's telephone representatives used a script when speaking with policyholders and other claimants offering the Sterling services without a PRO shop referral, which had been done prior to the Sterling purchase.

Allstate also sought to increase Sterling's market share by eliminating its PRO relationship with body shops near a Sterling body shop.

The Texas Legislature passed HB 1131, effective September 1, 2003, which prohibits an insurer from owning or acquiring an interest in an auto repair facility, allowing for those facilities in business at the time of the bill's passage (May 27, 2003) to be exempt.

Allstate filed this suit September 23, 2001, claiming that HB 1131 violates the dormant Commerce Clause and the First Amendment; however, the district court upheld the restrictions on the acquisition of auto

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top ten customer service mistakes

by Nancy Friedman, Telephone Doctor

Telephone Doctor usually gets asked: "What are the best customer service tips?" Recently someone asked about the worst customer service mistakes? So, to make it even, we've compiled the ten worst customer service mistakes. Take note.. and don't let these happen to you!

1. Not Being Friendly Enough

Without exception, not being friendly is the number one customer service mistake. Customers should be treated as welcomed guests when they call or visit your company. As we've all experienced, sometimes we're treated as an annoyance or an interruption. The Telephone Doctor motto: "Be friendly before you know who it is" is one way to eliminate this mistake.

2. Poor Eye Contact

Heads that twirl on a spindle when you're working with a customer is a big mistake. Keep your eyes on the customer. It's a sure sign the person you're talking with isn't holding your interest when you're glancing all around. And they'll notice it quickly. Obviously, Telephone Doctor understands making good eye contact on the phone is a bit difficult, albeit impossible. Therefore, when you're on the phone you need to be completely focused on the call and the customer. Don't type, unless it pertains to the call, don't read something else, don't do anything but listen to the caller.

3. Talking with Co-Workers and Ignoring or Not Acknowledging the Customer

This customer service mis-



take unfortunately happens a lot. Seems as though it's more important to continue talking with a co-worker than establishing immediate rapport with the customer. Drop the internal conversation as soon as you see the customer. Carrying on a conversation with someone in your office while you're talking with a customer on the phone is a real no-no!

4. Being Rude

No one thinks they're rude; certainly not on purpose. However, the customer can perceive many things you do as rude. And as they say, "Perception is real."

5. Poor Product Knowledge

When working with a customer, if you're not familiar with the products and services you offer, you'll be making a big mistake. Take the time to learn about your company. Know what's going on. If you're temporary, or are new with the company, it's not enough to use that as an excuse. Customers don't care if you're new, working on a temporary assignment or if it's not your department. All they want is help and information. Ask to be trained. Ask for more information from your company.

Telling a customer, "I'm new" or "I'm just a temp" only adds fuel to the fire. You can explain that you will find someone to help them as you are "not familiar" with the situation. That at least shows you're going to help them.

6. Leaving a Customer Without Telling Them Where You're Going and Why

It's a very good idea to explain to your customer in person or on the phone what you're going to be doing for them. It helps them a lot, and gives them a lot of patience. If you need to go "in the back" to get something it's easy to say, "Mr. Jones, the Widget you're looking for is in the stock room. Let me go get it for you. I'll be a few moments." The same procedure should apply on the phone. Never tell the caller, "Hold on." Let the caller know where you are going and approximately how long you think you'll be. This will make working with the customer easier for both you and them.

7. Blaming Others

It's not the person you blame that will look bad.. it's you. Don't blame (or knock

continued on page 6

DPS motorcycle safety unit coordinator clif burdette retires

As many of you know, after 20-years of service as Coordinator of the Texas Department of Public Safety Motorcycle Safety Unit, Clif Burdette has retired. Following is a farewell message from Mr. Burdette:

October 31, 2007 was my last day as the Coordinator of the Texas Motorcycle Safety Program; a 20 year experience that I'll never forget.

I'll never forget flying into Austin from the high desert of Southern California in March 1988 to interview as a Training Officer with the Texas Department of Public Safety Motorcycle Safety Program. I'll never forget how green Austin looked from the air and on the ground and how different it was from the desert landscape I was used to. I'll never forget calling my wife after the interview and telling her that I got the job. I'll never forget my first day on the job when I really got to look at the Texas Motorcycle Safety Program and thought, "What do I do now?"

I'll never forget the first time I went to visit a training site and heard an instructor say I was sent there to get him fired. It took a long time to develop a level of trust in the DPS program and an understanding that we are from the government and are actually there to help.

I'll never forget meeting Mr. Fred Barney, an icon in the motorcycle safety business, and then actually getting to teach and develop a magnificent friendship with him. I'll never forget teaching an Instructor Preparation Course in Abilene with Fred and learning that he really can predict and/or control the weather.

I'll never forget getting a call from American Honda asking if we wanted 100 brand new Honda CB 125TTL training motorcycles with funny lights on them and knowing many of them are on the range today.

I'll never forget meeting with Roosevelt "Rock Steady" Dickerson in El Paso and watching him perform his magic with a group of new riders and then hearing that several hundred of his ex-students ride in



his funeral motorcade.

I'll never forget working, sometimes arguing, with Jim White while create the public entity contract system so we could contract with private vendors and not just school system and later repeating the process to develop the licensing process so Rider's Edge and other forms of needed training could be incorporated in our program.

I'll never forget encouraging Gary Schoenfeldt to come to Texas from California to interview for a Training Officer position. I'll never forget ten years later standing over Gary's casket at his funeral.

I'll never forget raising the tuition fee so we could drop course reimbursements and the resulting increase in demand for training. I'll never forget being questioned by the State Comptroller's Office and successfully justifying having mobile sponsors reimburse our travel costs so we would not dissolve the mobile program.

I'll never forget having the opportunity to be involved with the best motorcycle safety training program in the country; something few will ever have the pleasure to do.

Mostly, I'll never forget the people I've had the pleasure to work with in my 20 years here. You know who you are and how special our relationship is.

As my wife and I build a new life in New Hampshire, I'll never forget your friendship.

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