Spring 2026

TENNESSEE DEALER NEWS

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Graphics Design Director: Caleb Sartin
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By: Steve Stauning

Quick Tips to Navigate the Uncertainty in Automotive Retail

The good news is that there is never a dull moment in automotive retail, and the great news is that the craziness and uncertainty we're facing today will surely create some good habits for many dealers and their salespeople.

Forecasting Sales Volume

In the past, dealer forecasting was relatively easy. How many did we sell last June? How are our sales trending so far this year? Some quick math and a couple of assumptions later, and we'd have a relatively accurate forecast.

Today, we have no idea what next week will bring, let alone next month or next year. This makes forecasting difficult; and makes it more important than ever to never miss the opportunity to reach those buyers who are lowest in the sales funnel, because they may not be there next week or next month.

Marketing Budgets

While mid- and high-funnel marketing successfully delivered future buyers into a dealership's pipeline in the past, the inventory shortages from 2020 through 2023 and everything the internet has done to shrink the average consumer's final consideration set make these approaches less effective today.

I'm not saying don't market to mid- and high-funnel buyers. I'm just saying I wouldn't spend a dime on these parts of the sales funnel until I exhausted the effectiveness of my low-funnel marketing.

Today, the most effective digital marketing dealers can leverage are Google's Vehicle Listing Ads (VLAs). Of course, digital marketing effectiveness can change overnight; and what worked yesterday may not work tomorrow. However, until they're not, VLAs – also known as Performance Max Shopping Ads – are the most efficient and effective marketing dollars you can spend – provided the campaigns are set up properly and actively managed.

Street Buys

Every dealer knows how profitable buying off the street can be versus finding that same vehicle at auction, though not enough dealers employ the two necessary ingredients to increase their direct-from-consumer purchases. These are:

1. Having a defined marketing strategy to find and attract these sellers. Some paid, but a ton of organic.

2. Employing strictly followed processes to acquire these vehicles.

Many dealers just buy the KBB ICO leads and check a box – yep, we've got a buying center. But successful dealers know it takes much more than that. The quickest way to measure your success at vehicle acquisition is to look at your used vehicle inventory:

• Is it healthy? That is, are we stocking the right vehicles and are they turning at the desired rate?

• What percentage of our inventory was purchased at auction? Is this lower than last month or last year?

• What percentage of our inventory came from street buys? Is this higher than last month or last year?

Assuming your inventory levels are relatively close to last month or last year, then your percentage of auction vehicles should be lower, and your percentage of street buys should be higher if your vehicle acquisition efforts are successful.

Strict Sales Processes

To be clear, process also outsells talent any day ending in a Y. Strict adherence to customer-friendly sales processes sells more vehicles at higher grosses in any market – and processes are the only way to grow market share without sacrificing gross.

What's great about processes is that if they're strictly enforced in good times, dealers only need to make minor adjustments when the market changes – and often, they don't need to make any adjustments.

Take the road-to-the-sale. The same old-school road-to-the-sale used in the 1980's and 90's is still the best way to sell more of your Fresh Ups today at higher grosses. The only difference is that it's been abbreviated. We still do Needs Analysis and Qualification, we just do these things while walking with the customer instead of sitting behind a desk.

Of course, none of this will work unless your sales managers hold everyone accountable to your road-to-the-sale. This is where discipline comes in; and without it, everyone on the team just freelances and reverts to order-taker mode.

If you're not sure whether your team is following strict processes or simply in order-taker mode, take this quick test:

1. Are we brooming Ups?
2. Are we answering Write-Up questions before the Write-Up?

If you answered Yes to either of these questions, your team is in order-taker mode (and you're missing deals while losing gross on the deals you do make).

Good Selling!

Steve Stauning
Founder
Stauning Solutions Group

Steve is the author of Ridiculously Simple Car Selling and Ridiculously Simple Sales Management; as well as a respected automotive industry veteran and founder of Stauning Solutions Group – a leading training & consulting firm. Steve's consulting work puts him in dealerships nearly every week, working side-by-side with managers, salespeople, and internet teams to help them improve their sales, processes, and profits. Prior to this, Steve served in various automotive leadership roles, including as the Asbury Automotive Group's (NYSE: ABG) director of ecommerce, the director of the Web Solutions division of Reynolds & Reynolds, and as the general manager of Dealer Web Services for Dominion's Dealer Specialties. You may contact Steve directly by calling him at 888-318-6598 or via email at Steve@SteveStauning.com

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Mitchell J. Katz

FTC Warns 97 Auto Dealership Groups About Deceptive Pricing

Letters stress the need for truthful and transparent pricing in the automotive industry

The Federal Trade Commission is sending letters to 97 auto groups nationwide, warning them that the prices they advertise must be the total price—including all mandatory fees—that consumers will be required to pay.

The letters encourage dealers to review their advertising and pricing practices, including ensuring advertised prices include all fees consumers will be required to pay when buying a vehicle. At a minimum, this includes evaluating advertised prices to ensure they match actual prices charged to consumers. The FTC will continue to monitor the marketplace, the letters state, and will take additional action as warranted to ensure compliance with the FTC Act and other rules the Commission enforces.

"The Trump-Vance FTC is committed to preventing auto dealers from misleading consumers with low advertised prices and then adding on mandatory fees at the end of the purchasing process," said Christopher Mufarrige, Director of the FTC's Bureau of Consumer Protection. "The FTC will remain focused on monitoring auto dealerships to ensure that the market functions efficiently and competitors are transparently competing on price."

The letters are part of the FTC's ongoing work to ensure price transparency across multiple markets, including rental housing, ticketing and hotels, grocery and delivery services, and auto sales and leasing. To help support affordability in the marketplace, the agency is dedicated to ensuring that consumers only pay the advertised price for products and services, and are not subject to undisclosed fees, hidden charges or other illegal conduct.

The letters the FTC sent to the auto dealers cite several examples of illegal pricing practices in the auto industry including:

- advertising a price that does not reflect all required fees,
- advertising a price that reflects rebates or discounts not available to all consumers,
- advertising a price that fails to take into account the amount of an additional required down payment,
- conditioning the advertised price on consumers using dealer financing,
- requiring consumers to buy additional items not reflected in the advertised price, and
- advertising unavailable or non-existent vehicles.

The letters also note several pending actions the FTC has brought to address deceptive pricing practices in the auto industry including cases against Lindsay Chevrolet, Leader Automotive Group and Asbury Automotive Group.

The Federal Trade Commission works to promote competition and protect and educate consumers. The FTC will never demand money, make threats, tell you to transfer money, or promise you a prize. Learn more about consumer topics at consumer.ftc.gov, or report fraud, scams, and bad business practices at ReportFraud.ftc.gov. Follow the FTC on social media, read consumer alerts and the business blog, and sign up to get the latest FTC news and alerts.

Mitchell J. Katz | Office of Public Affairs | 202-257-3814 | March 13, 2026

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Alt. Phone: 256-304-0949
www.bamaautoauctionusa.com

Mid-South Classic Car Auction

Sale Day: Check website for schedule

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Primary Phone: 731-423-5551

www.midsouthclassiccarauction.com

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Jonesboro, AR 72401
Primary Phone: 870-935-7524

www.jonesboroautoauctionar.com

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Nashville

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Tuesday / Wednesday / Thursday

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Mt. Juliet, TN 37122

Primary Phone: 615-773-3800

www.manheim.com

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2:15 p.m.

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Muscle Shoals, AL 35661

Primary Phone: 256-381-2745

www.snaaa.com

1 Click

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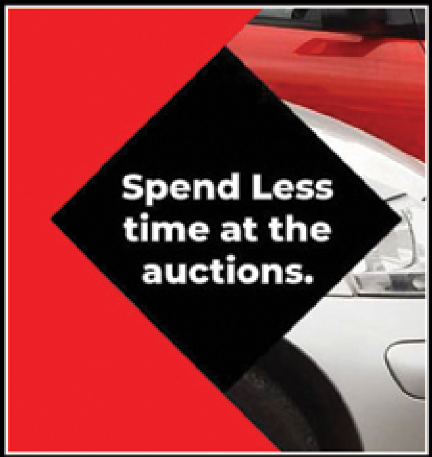

Auction Comparison's

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Mitchell J. Katz

FTC Warns 10 Companies About Possible Violations of the Agency's New Consumer Review Rule

The Rule prohibits fake reviews and allows the Commission to seek civil penalties for violations

Federal Trade Commission staff sent letters to 10 companies, warning them of potential violations of the agency's Consumer Review Rule, which prohibits certain deceptive or unfair conduct related to the use of product reviews in advertising and marketing.

"Fake or false consumer reviews are detrimental to consumers' ability to make accurate and informed choices about the products they are buying – something of particular importance during the holiday season," said Christopher Mufarrige, Director of the FTC's Bureau of Consumer Protection. "As consumers increasingly depend on online reviews, the FTC is committed to ensuring companies comply with this Rule."

The Rule prohibits reviews and testimonials that misrepresent whether a reviewer's experience was positive or negative, or whether the reviewer used the product or service at all. It also prohibits businesses from conditioning compensation or other incentives on reviewers expressing a particular sentiment, either positive or negative, or from failing to disclose when reviews are written by company insiders or their immediate relatives. The Rule contains additional provisions relating to company-controlled review websites, suppressing certain reviews, and misusing indicators of social media influence like the number of followers or views.

The letters, which were based on consumer complaints and information provided by the companies, are not formal determinations that the recipients have violated the Consumer Review Rule. The letters, however, remind the recipients of their obligations under the Rule, and warn them that Rule violations can result in the filing of a federal lawsuit or other legal action, and civil penalties of up to $53,088 per violation.

The Federal Trade Commission works to promote competition and protect and educate consumers. The FTC will never demand money, make threats, tell you to transfer money, or promise you a prize. Learn more about consumer topics at consumer.ftc.gov, or report fraud, scams, and bad business practices at ReportFraud.ftc.gov. Follow the FTC on social media, read consumer alerts and the business blog, and sign up to get the latest FTC news and alerts.

Mitchell J. Katz Office of Public Affairs 202-257-3814 December 22, 2025

By: Eric Johnson

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The CARLAWYER©
Federal Developments

On February 4, U.S. Senator Elizabeth Warren, Ranking Member of the Senate Committee on Banking, Housing, and Urban Affairs, sent a letter to several major auto financing companies and servicers, as well as the American Recovery Association, the National Independent Auto Dealers Association, and the American Financial Services Association, seeking information about vehicle repossession policies, practices, and error rates. In the letter, Warren states: "While the Consumer Financial Protection Bureau has historically engaged in oversight of illegal auto repossessions, the Trump Administration has kneecapped the agency's ability to protect consumers from auto repossession errors. To understand the impact of these actions by the Administration, I write to request information on [the company's] practices to avoid errors and information on errors from the last four years." The letters requested the following repossession information, covering the period from January 1, 2022, through December 31, 2025: (1) whether the company services its own financing contracts or hires a third party to service and the identity of those third-party servicers; (2) the number of vehicles that the company ordered to be repossessed within the four-year period, what party completed the repossession (e.g., the company itself or a third party), how many repossession events were in error or were thought by the consumer to be in error, and what policies are in place to identify and address repossessions made in error; (3) how often the company handles a dispute by the consumer about the terms of a financing contract, particularly following a loan modification, and how often such disputes relate to COVID-era modifications; (4) how many repossessions occur for contracts where a consumer has made a formal or informal complaint that there was a material problem with the underlying transaction; (5) how many consumer complaints the company has received concerning the behavior of the initial seller of a vehicle; (6) steps the company takes to ensure that its agents, or agents of its servicers, only tow or attempt to tow the correct vehicle; (7) use of GPS monitors, kill switches, starter interrupt devices, or other similar electronic devices that allow the company to locate or disable a vehicle in the event of repossession or the use of any other device to remind or encourage consumers to make payments; and (8) policies and practices concerning personal property that is left in a repossessed vehicle.

On February 18, the Treasury Department announced the conclusion of a public-private initiative to strengthen cybersecurity and risk management for artificial intelligence in the financial services sector. The Artificial Intelligence Executive Oversight Group brought together senior executives from financial institutions, federal and state financial regulators, and other stakeholders to address gaps in the financial sector's use of AI and to develop resources designed to help institutions adopt and implement AI in financial services and manage associated AI risks. The resources developed by the AIEOG will address areas such as governance, data practices, transparency, fraud, and digital identity. Thus far, the Treasury has released two such resources to guide AI use in the financial services sector.

On February 23, the Department of Justice announced a settlement with a large retailer of used cars to resolve allegations that it repossessed vehicles in violation of the Servicemembers Civil Relief Act. Specifically, the DOJ alleged that the company repossessed the vehicles of 28 servicemembers without obtaining the required court order. The DOJ alleged that many of these violations occurred as a result of the company's policies, which: (1) did not require the company to search the Defense Manpower Data Center website to determine an owner's military status prior to repossessing a vehicle that was in a "charge off" status, and (2) did not prohibit the company from repossessing vehicles owned by reservists who had received orders to report for military service at a future date. In addition, the DOJ alleged that the company repossessed some vehicles even after the borrowers told them that they were in military service. Under the settlement, the company will provide $15,000 in compensation to each of the 28 affected servicemembers, as well as provide any lost equity in the repossessed vehicle and any interest accrued on this lost equity. The company will also pay a civil penalty of $79,380. Finally, the company is required to revise its SCRA policies and procedures for vehicle repossessions.

On February 26, the Federal Reserve Board issued a proposed rule that would codify the removal of reputation risk from the Board's supervisory programs. The proposal would prohibit the Board from "encourag[ing] or compel[ling] Board-supervised banking organizations to deny or condition the provision of banking or other financial products or services to an individual or business based on their constitutionally protected political or religious beliefs, associations, speech, or conduct, or based on involvement by the individual or business in politically disfavored but lawful business activities perceived to present reputation risk. The decision regarding whether or not to make a loan or to open, close, or maintain an account, provide any other financial product or service, or modify the terms of any financial product or service rests with the banking organization, acting in accordance with applicable law." The Board has defined "reputation risk" as "the potential that negative publicity regarding an institution's business practices, whether true or not, will cause a decline in the customer base, costly litigation, or revenue reductions." Comments on the proposed rule are due by April 27, 2026.

Continued from page 16

The CARLAWYER©
Case(s) of the Month

By: Eric Johnson

Court Dismissed TILA and EFTA Claims Against Dealership Where Dealership Arranged Financing from Third-Party Lender: An individual bought a used Honda from a dealership after a salesman assured him that the Honda had not been involved in any accidents. The buyer agreed to pay $25,384 and made a $10,000 down payment. The salesman also helped the buyer obtain car insurance. The salesman informed the buyer that he had obtained financing for the purchase from a limited liability company and requested that the buyer give him his bank account and routing numbers so that his payments to the LLC could be deducted automatically. Shortly after the purchase, the insurance company cancelled the buyer's auto insurance because he did not fill out a form satisfactorily. In addition, the buyer began experiencing mechanical issues with the Honda, and he learned, from a CARFAX report, that the car had been in at least two accidents in the last three years and that it was subject to an open, unrepaired safety recall that affected the fuel pump motor. The buyer also learned that the LLC financing did not reflect his down payment and that the dealership added more than $2,000 in extra charges without his consent. The buyer sued the dealership and the LLC, asserting various federal and New York state law claims. The LLC moved to compel arbitration pursuant to an arbitration clause in the buyer's loan agreement, and the dealership moved to dismiss the complaint.

Despite the buyer's claims that the loan agreement should be rescinded due to fraud and forgery, the U.S. District Court for the Southern District of New York found that he ratified the contract by making payments for 13 months. The court concluded that the buyer's actions indicated assent to the contract, including the arbitration clause with a heading that was bolded and underlined. Moreover, the court rejected the buyer's argument that the arbitration provision was unconscionable. Therefore, the court granted the LLC's motion to compel arbitration. Next, the court addressed the dealership's motion to dismiss the Truth in Lending Act, Electronic Fund Transfer Act, Magnuson-Moss Warranty Act, and state law claims against it. The court found that there was no retail installment contract between the buyer and the dealership, only a retail purchase agreement, and the financing was memorialized in a loan agreement between the buyer and the LLC. Because there was no credit transaction between the dealership and the buyer, the court found that the buyer's TILA claims related to unlawful extra charges and the increase in the price charged for the car should be dismissed. The court next dismissed the EFTA claim against the dealership, finding that it was the LLC, not the dealership, that conditioned the extension of credit on repayment by means of preauthorized electronic fund transfers and received the buyer's payments. As for the breach of express and implied warranty claims under the MMWA, the court noted that the MMWA allows claims to be brought in federal court only if there is an amount in controversy of at least $50,000. Because the buyer's MMWA claims could not reach the $50,000 threshold, the court dismissed this claim. Finally, having dismissed the federal law claims against the dealership, the court declined to exercise jurisdiction over the buyer's state law claims and dismissed them without prejudice to his right to refile them in state court. See McLean v. Lendbuzz Funding LLC, 2026 U.S. Dist. LEXIS 21505 (S.D.N.Y. February 2, 2026).

This Month's CARLAWYER© Compliance Tip

For federal and state regulators, dealership advertisements are the lowest-hanging possible fruit. A screen shot of a website or a photocopy of a newspaper ad is all the proof the regulator needs to show many violations. Once a dealership's obviously noncomplying ad is challenged, the only question remaining is the number of zeroes needed to complete the check the dealership writes to pay the assessed penalty.

Where do your ads come from? Do you buy ad programs from a vendor, or do you craft the ads yourself? If you use a vendor, what written assurances about federal and state compliance do you demand before you sign the vendor's contract? If you are doing the ads yourself, how much do you know about the federal and state laws that regulate your ad content? Do your ads include all of the items required in the vehicle's price that the state laws and regulations say should be included? Do you sell the vehicle for the advertised price (or lower)? If you're not aware of what federal and state laws have to say about what can or must be included in your ads, then you better get up to speed on them.

Eric L. Johnson
Partner of Hudson Cook, LLP

So, there's this month's roundup! Stay legal, and we'll see you next month.

Eric (ejohnson@hudco.com) is a Partner in the law firm of Hudson Cook, LLP, Editor in Chief of CounselorLibrary.com's Spot Delivery®, a monthly legal newsletter for auto dealers, and a contributing author and editor of the F&I Legal Desk Book. For information, visit www.counselorlibrary.com.

Our Mission

The Tennessee Auctioneers Association (TAA) is a professional organization supporting the auction industry. We promote high standards and encourage members to practice the highest principles of integrity in their auctioneering profession. Members agree to work uniformly to remain competitive in the auctioneering profession.

TENNESSEE TDN DEALER NEWS EST. 2007

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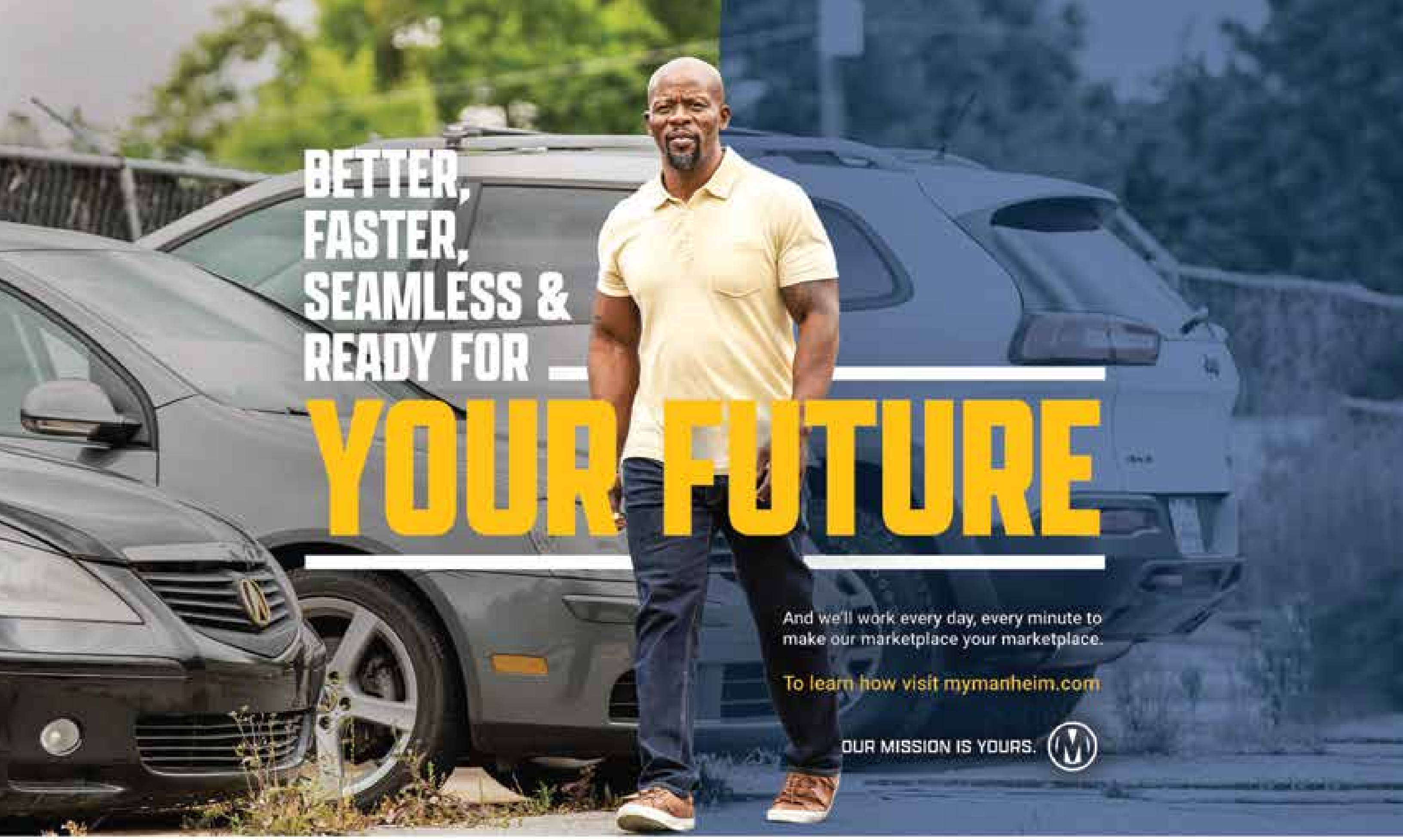

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