

## NAEDA board approves Farmtrac legal assistance; LIFO coalition reenergized



This "Action Alert" icon will be displayed whenever action steps exist to help your voice be heard on topical issues. Dealers can expect to see alerts in all forms of NAEDA communications.

<b>Manufacturer Relations</b>		
ISSUE	ACTION SUMMARY	NAEDA'S POSITION
<b>Farmtrac</b>	The NAEDA board of directors voted to support Farmtrac dealers by paying a significant portion of their legal expenses incurred to date. When Farmtrac went into receivership last year, NAEDA and its affiliated associations worked together with counsel to prevent the immediate liquidation of the company's assets and make certain that dealers had parts and warranty support.	This action by the NAEDA board was taken to ensure that Farmtrac dealers would continue to receive proper legal representation.
<b>AG CONNECT Expo 2010</b>	NAEDA has agreed to endorse AG CONNECT Expo 2010, a new international agricultural trade show owned and operated by the Association of Equipment Manufacturers (AEM). Under the agreement, NAEDA also will serve as an organizer of a "Preview Day" to be held prior to the show. This special day will allow dealers and their customers to interact with key decision makers of attending manufacturers.	"AG CONNECT Expo is an ideal venue for North American dealers and their customers to examine global technological advances," said Paul Kindinger, president/CEO, NAEDA, in a news release issued by AEM.

<b>Government Relations</b>		
ISSUE	ACTION SUMMARY	NAEDA'S POSITION
<b>Technician Tool Reimbursements</b>	NAEDA and its affiliated associations are working with key U.S. and Canadian legislative officials to allow tool reimbursements (tax credits) for technicians who are required to purchase tools as a condition of their employment in dealership service shops.	NAEDA supports federal legislation that would provide tax credits for tools purchased by dealership-employed technicians.
<b>Small Business Health Care Plans</b>	NAEDA is renewing its effort to encourage Congress to adopt small business health care plan legislation. During its annual legislative visit to Washington, D.C., NAEDA and affiliated association executives and dealers met with key congressional leaders to present the concerns of dealers who are finding it more difficult to absorb double-digit increases in health care costs and provide benefit plans to their employees.	Although the Obama administration is proposing sweeping health care reform for which there is no timetable (or guarantee of success), NAEDA will continue to pursue small business health plan legislation.
<b>LIFO</b>	There is continued talk on Capitol Hill about repealing LIFO as an acceptable accounting method. Called a "tax holiday" by its critics, preventing repeal of LIFO is a top association legislative priority. In a recent association survey of U.S. dealers, nearly 40 percent of respondents use LIFO. This percentage is consistent with a 2006 LIFO survey.	NAEDA is a member of a national coalition working to prevent repeal of LIFO.
<b>Card Check</b>	While in Washington, D.C., association executives and dealers also visited senators who have yet to sign on as sponsors of the Employee Free Choice Act (EFCA). Known as card check, the legislation could eliminate secret ballots that would force businesses into binding arbitration with collective bargaining units.	NAEDA opposes card check.

A companion reference is regularly updated in the Dealer Advocacy Center at [www.naeda.com](http://www.naeda.com).

# NAEDA notes

## ADA parking sign enforcement

The Americans with Disabilities Act (ADA) has been part of the public lexicon in some form for decades. In 1990, the ADA in its current form was passed. The intent of the ADA is not debatable but it continues to be a gold mine for those who challenge legal interpretations of the act.

NAEDA and its affiliated associations have recently learned that increased drive-by surveillance of businesses has resulted in stiff penalties related to signage. While the ADA clearly defines sign requirements, the issue over visibility of parking signs has come under scrutiny.

Following is the ADA requirement for parking signs:

**A4.6.4 Signage.** Signs designating parking places for disabled people can be seen from a driver's seat if the signs are mounted high enough above the ground and located at the front of a parking space.

Where the requirement seems unclear is not defining at what point the signs should be visible – from a road or when a disabled driver enters a business's parking lot? Clear or not, dealers are encouraged to make certain parking for disabled drivers meets ADA requirements, such as making sure each sign is content-compliant and is visible when a designated parking space is occupied.

Following is a summary of accessibility lawsuits from a 2005 brief prepared by ADALawsuits.com.

- 14,000+ ADA/accessibility lawsuits filed just in California over the past few years
- \$45,000 is smallest settlement in some areas
- Many plaintiffs' average posted demand was \$1 million
- Many businesses closed, jobs lost and bankruptcies filed (almost all avoidable)
- Many companies sued four or five times
- Many insurers do not cover these claims

To read more from ADALawsuits.com about disabled parking accessibility, visit [www.adalawsuits.com](http://www.adalawsuits.com).

NAEDA strongly encourages dealers to visit the following ADA link to learn more about compliance requirements to provide parking for disabled people: <http://www.ada.gov/restribr.pdf>