

Earnhardt's Telemarketing Policy (Revised October 1, 2011)

Introduction

This Policy is written and adopted by each of the Earnhardt Dealerships, uniformly addressing each separately incorporated entity engaged in the business of selling and servicing new and used automobiles and sharing the common name of "Earnhardt", as well as Avondale Hyundai, Desert Hyundai, San Tan Hyundai and Rodeo Ford, collectively referenced throughout this policy as "Dealership". This Policy sets forth the dealerships' procedures for complying with the Company-Specific Do-Not-Call rules and the National Do-Not-Call rules contained in the FCC regulations implementing the Telephone Consumer Protection Act ("TCPA") and the FTC Telemarketing Sales Rule [collectively referred to as the "federal Do-Not-Call rules"]. It also addresses other telemarketing restrictions. All Dealership employees and other persons or entities working on behalf of the dealership must abide by this Policy. For purposes of this Policy, the terms "telemarketing" or "telephone solicitation" means the "initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services." When involving phone calls to consumers over state lines, the term "telephone solicitation" also includes a call placed by consumers to the dealership. For purposes of this policy, the term "unsolicited advertisement" means "any material advertising the commercial availability or quality of any property, goods or services which is transmitted to any person without that person's prior express invitation or permission." This Policy, in and of itself, does not create a contract between the Dealership and any person or entity.

Telemarketing Coordinator(s)

This Policy shall be implemented, maintained and updated as necessary by a Telemarketing Coordinator designated by the Dealership. The Telemarketing Coordinator shall report to the Chief Financial Officer. In the event the Telemarketing Coordinator leaves the employment of the Dealership, the Dealership's corporate counsel shall take over the responsibilities of the Telemarketing Coordinator until a new Telemarketing Coordinator is designated.

The Telemarketing Coordinator may delegate or outsource the performance of any assigned function as he or she deems necessary from time to time.

EMPLOYEE REQUIREMENTS

Each employee and other person acting on behalf of any Earnhardt Dealership that is engaged in any aspect of telemarketing shall abide by the following requirements:

1. Before initiating any telephone solicitation, you will review this policy and sign an Employee Acknowledgement of your understanding of this Policy and your agreement to abide by its terms.
2. Upon receiving a request (whether written or verbal) from a consumer not to receive calls from the Dealership, or any person or entity acting on its behalf, you will promptly go to <http://home.earnhardt.com>, check Do Not Call and then enter the consumer's name (if provided), telephone number, the date of the request and to whom the request was made (your name). [Attached as Exhibit A are separate instructions on how to record entries on Earnhardt's Do-Not-Call List.]
3. Employees are prohibited from transacting routine telemarketing solicitation across state lines (outside of Arizona). Any interstate telemarketing requires additional responsibilities beyond those outlined in this policy. In rare instances circumstances may arise that require

telemarketing (such as selling parts). If you engage in any telemarketing directed outside the state (interstate telemarketing) you must also comply with the FTC Telemarketing Restrictions, outlined at Exhibit B.

4. Before initiating any telephone solicitation, you will execute the following procedures:
 - a) Any employee or person working on behalf of any Dealership that wishes to initiate a telephone solicitation must first check the website www.home.earnhardt.com at the section entitled "DO NOT CALL" to search the list of phone numbers downloaded from the National Registry and the Company-Specific Do-Not-Call List to determine if the phone number he or she wishes to call is listed.
 - b) If the phone number is listed on the Company Specific Do-Not-Call List, the call may not be initiated;
 - c) If the phone number is not listed on either the Company-Specific Do-Not-Call List or the List of phone numbers from the National Registry, the call may be initiated (unless state or local law prohibits the call);
 - d) If the phone number is not listed on the Company-Specific Do-Not-Call List, but is among the phone numbers you downloaded from the National Registry, determine if any of the following exemptions apply:
 - i) Established Business Relationship (i.e., purchased, leased, rented or entered into a transaction with seller within 18 months preceding the call, or, proof of consumer inquiry or application regarding product or service offered by the seller within three months of the call.)
 - ii) Personal Relationship (intrastate or within the state of Arizona telephone solicitations only);
 - e) If one of the exemptions applies, you may call provided you can furnish upon request documentation that supports the existence of the applicable exemption. Contact the Telemarketing Coordinator(s) if you have any questions about acceptable documentation and the frequency with which you must provide it.
 - f) If none of the exemptions apply, the call may not be initiated.
5. As an additional safeguard to contacting consumers who have requested they be placed on Earnhardt's Do Not Call List, the Dealership has implemented a program on its telephone system which will block access to any numbers listed on the Dealership's Do-Not-Call List. A series of tones will transmit when a designated "denied" number has been attempted to be dialed. You are prohibited from contacting any denied number for the purpose of making a telephone solicitation. This system does not block the numbers from the National Do Not Call List.
6. You are prohibited from sending any unsolicited advertisements to the fax machine of any person or entity. Consequently, Earnhardt's will not maintain a "Do-Not-Fax List".

7. You are prohibited from using any automatic telephone dialing system (“autodialer”) or delivering prerecorded messages.
8. You may not share with any party (other than with an affiliated entity or approved contracted vendor pursuant to paragraph 15 below) the consumer’s request not to be called.
9. You may not initiate a telephone solicitation to a consumer before 8 a.m. or after 9 p.m.
10. At the beginning of any telephone solicitation, you will provide the called party with the following identifying information:
 - a) Your name;
 - b) The name of the Dealership;
 - c) The Dealership’s telephone number. This must be a phone number where the Dealership can be contacted during normal business hours. It may not be a 900 number or other number that will cause the called party to incur charges that exceed his or her local or long distance transmission charges;
11. You may not engage or participate in any cost-sharing arrangement with other telemarketers for the purpose of evading or reducing the annual fee for accessing the national database.
12. The dealership has complied with the requirements of the regulations to transmit caller identification information. You are prohibited from engaging in any act to purposefully block or alter the Caller ID information.
13. You are prohibited from engaging in false, misleading, deceptive or abusive acts or practices in telephone solicitations or other conversations with any person or entity.
14. You may not sell, rent, lease, purchase, disclose or use the National Do-Not-Call Registry, the Dealership’s Company-Specific Do-Not-Call List, or any part thereof, for any purpose except to comply with this Policy and any federal, state or local requirement for not calling phone numbers listed on a do-not-call list.
15. You are prohibited from entering into an agreement with any contractor concerning leads, solicitations or other contacts with potential customers on behalf of the Dealership without obtaining prior review by Earnhardt’s Legal Department to examine the contractor’s compliance with all current federal, state and local telemarketing laws and regulations.
16. You must comply with this Policy and all applicable federal, state and local laws and regulations governing any aspect of telemarketing. You understand that the Dealership will monitor and enforce this Policy. **Any violation may result in disciplinary action, up to or including termination for employees, or contract termination for independent contractors that perform services in the Dealership.** The contract termination remedy must be expressly provided for in any Dealership agreement with such independent contractors.

EMPLOYEE ACKNOWLEDGEMENT

I have read and understand Earnhardt's Revised Policy concerning Telemarketing and Facsimile Advertisements, including Exhibit A, Instructions On Accessing And Recording Information On Do-Not-Call Lists and Exhibit B Summary of FTC Telemarketing Restrictions. I hereby agree to abide by the procedures set forth therein. I understand that my violation of this policy may result in disciplinary action, up to and including termination.

DATED this ____ day of _____, 20__.

Printed Name

Signature