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Association**

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Spring 2010

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7:45PM Presentations

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*"Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence."*

*~Helen Keller*

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Visit our web site for contact info.

**2010 Calendar**

**Board Meetings**

- Jul 13 Location TBD
- Aug 10 Location TBD
- Sep 14 Location TBD
- Oct 12 Location TBD
- Nov 16 Location TBD

**Membership Meetings**

Jun 29  
DoubleTree Hotel, Boston MA

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Sep 21  
Location TBD

Dec 14  
Location TBD

**Annual Events**

Jul 22  
NELA Chauffeur Appreciation Day  
Logan Airport Limo Pool

Aug 10  
NELA George Colarullo Memorial  
Golf Tournament  
New England CC, Bellingham MA

Oct 27-31  
TLPA Convention & Trade Show  
Los Angeles, CA  
www.tlpa.org

Nov 7-10  
Limo Digest Show  
Atlantic City, NJ

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Summer Issue mail date - Aug 19, 2010

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# President's Letter

Dear Fellow Operators,

Many new items have come forward and demand your attention.

## **Massachusetts Division of Unemployment Assurance**

Many of you may have received a notice regarding the Quest implementation from the Massachusetts Division of Unemployment Assurance. Employers will have the ability to track unemployment claims and monitor the payment of their payroll taxes. This also means that business owners who are paying workers as Independent Contractors, or have recently switched from 1099s to W-2s, will be audited. It has come to my attention that the MA Division of Unemployment Assurance has over 300 audits scheduled and limousine companies are in the cross-hairs. The systems of the MA Division of Unemployment Assurance, the IRS, and the Massachusetts Department of Revenue are now tied together. Furthermore, legislation co-sponsored by Senator John Kerry titled Taxpayer Responsibility, Accountability and Consistency Act of 2009 would remove the Safe Harbor Section 530 provision of the Revenue Act of 1978. This could potentially subject companies to back taxes, penalties and interest. You should contact your legal counsel to make sure you are in compliance.

## **IRS**

The Internal Revenue Service has also scheduled their own set of audits for 2010, and we are in their cross-hairs as well. Their aim is to close a \$20 billion annual gap in revenue from under-reporting and non-payment. If you receive a letter in the mail from the IRS that indicates "Compliance Research Examination" with a number 3850B, then your number is up.

## **Workers Comp Audits**

If you are in Massachusetts you are one of the lucky ones because gratuities are exempt from the audit. If you are not you may find that on your next audit that the auditor may attempt to add the gratuities to wages thus increasing your premium. The issue for discussion is how the worker receives the gratuity. Many of you as part of the normal course of business automatically add the gratuity as a line item on your receipts. An industry standard for many, this has raised a flag with some auditors who have decided that the gratuity is not given freely by the customer, and is therefore part of their wage. The fact that the customer wants the gratuity added to the invoice or the credit card charge to simplify their end of the transaction does not seem to matter. One could argue that once the transaction is complete and the entire amount is deposited in the owner's business account, it is agreed upon as acceptable by both parties. Payroll records and computerized pay reports may help you argue your case.

## **US DOT 75-mile Exemption**

On February 10, 2010 the US DOT amended the 75-mile rule; an excerpt is noted here from a news bulletin from the NLA. Specifically, this rule makes certain FMCSRs applicable to

the operation of such vehicles when they are operated within a 75 air-mile radius (86.3 statute miles or 138.9 kilometers) from the driver's normal work-reporting location. Motor carriers, drivers, and the vehicles operated by them will be subject to the same safety requirements imposed upon such vehicles



*Michael Pazzaneze*

when they are operated beyond a 75-air-mile radius. This action is required by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU).

- **Marking Requirements** - The notice will require motor carrier compliance with the general requirements under part 390, including but not limited to vehicle marking requirements. Motor carriers must ensure that every self-propelled CMV they operate is marked as specified in paragraphs (b), (c), and (d) under 49 CFR 390.21, including among other things, the requirement to mark the vehicle with the USDOT Number and the legal name or a single trade name of the motor carrier operating the vehicle. The final rule eliminates the exception under Sec. 390.3(f)(6)(ii) which permitted small passenger-carrying vehicles operated within a 75 air-mile radius of the normal work reporting location to be marked only with the USDOT Number and to exclude the legal or trade name.

One of the issues is that sedan limousines such as the Lincoln Town Car are currently not exempt from the rule. There is a notation that it is planned to exempt this type of vehicle from the new change but it does not say when. When I spoke to a Boston USDOT official, an area of concern was a safety escape window in the 9-10 passenger limousines. I have been advised that it is not a concern for operators since in his regulations he did not see a requirement for this type of vehicle. To cause additional confusion, the FMCSA changed the definition of a "CMV" Commercial Motor Vehicle to also include Small Capacity vehicles such as a 14-passenger van and or vehicles transporting more than 8 passengers. If you review the regulations it consistently refers to Commercial Motor Vehicles, which these types of vehicles are classified. What does this mean? You be the judge. We have posted information on our website for your reference. I strongly suggest you review the current regulation to determine if you are in compliance.

Respectfully yours,

*Michael Pazzaneze*  
President

## from the Executive Director

Dear members and friends:

In addition to the usual activities that are on the calendar as we enter the busiest time of the year for the association, we have several additional issues that we continue to report to you. Before itemizing them, please make sure that you have "white-listed" the email address [info@nelivery.org](mailto:info@nelivery.org) so that your spam filters, including those at the level of your email host company, will allow our messages to get through to you.

There are three new issues relative to Logan Airport. First, the move by Massport to badge chauffeurs as part of a larger plan to badge all those working on the property. Second, by the time you receive this newsletter, we should be in the 9-day construction period at Terminal B which has caused the temporary relocation of livery pickups. Those two issues are addressed in more detail elsewhere in this newsletter. A third issue affecting us at Logan, will be a relocation of the Limo Pool, which will likely happen this fall.

We have communicated and asked for your assistance in fighting a MA bill that would affect two-way communications in commercial vehicles in the Commonwealth. The original



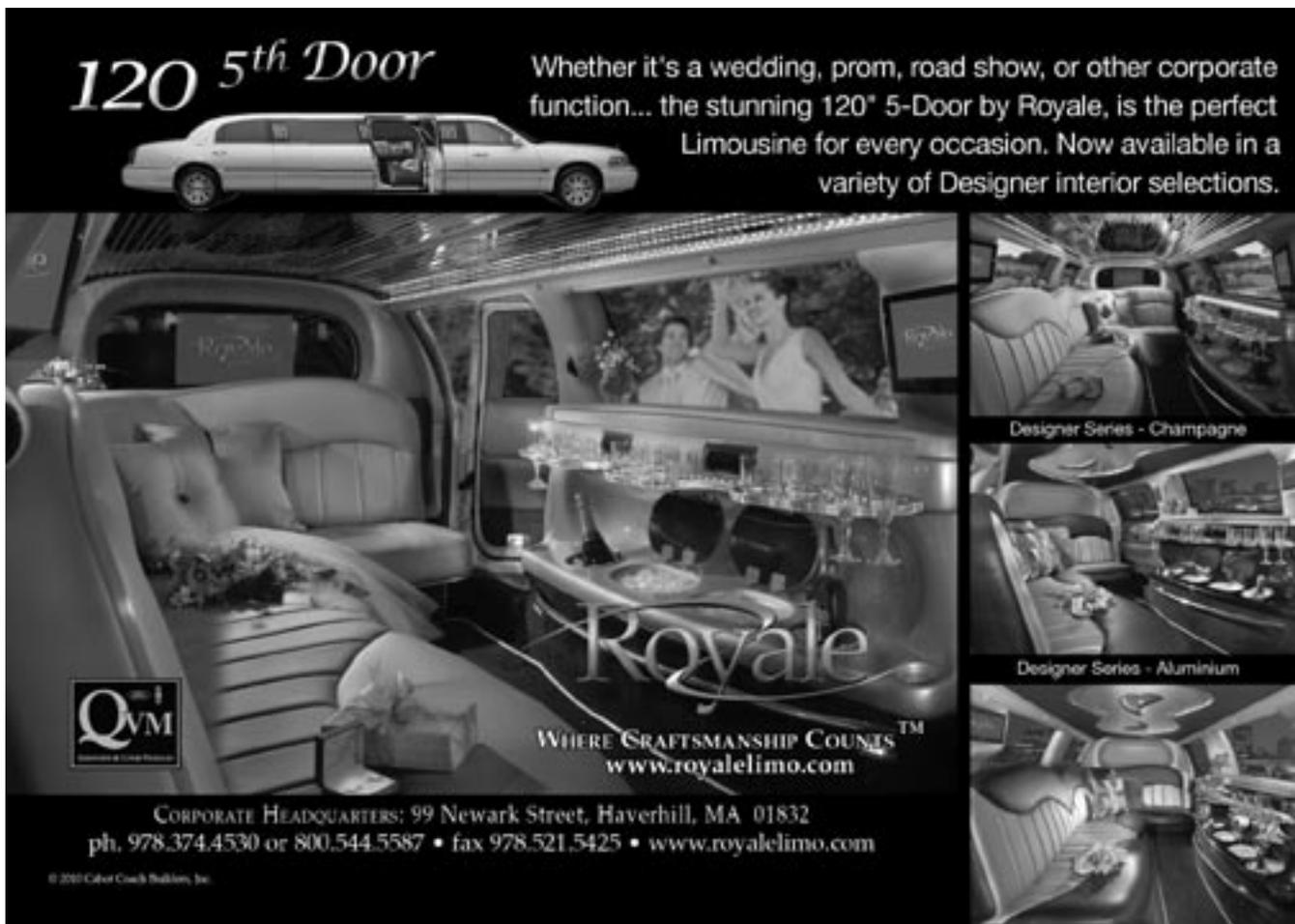
*Rick Szilagyi*

verbiage would have made it illegal for commercial vehicles, including livery and taxis, to use any two-way communication devices including cell phones. We also solicited assistance from truck, cell phone, the package delivery industries. While keying this letter, we just received via email, a Massachusetts Safe Driving Act that is marked "FINAL" from Senator Baddour's office. We have reviewed the language, and the verbiage that we cited as being harmful to our industry, has been removed from the final bill. This is a great victory for us, and we thank everyone who helped by visiting, writing, and calling senators and representatives. Beyond this bill, we continue to work with other bills being developed by MA and RI legislators, as well as NY State chasing CT operators for Interstate work that crosses into NY.

We are rapidly approaching our June 29th quarterly meeting, Chauffeur Appreciation Day on July 22nd, and the NELA George Colarullo Memorial Golf Tournament on August 10th. Please mark these dates on your calendars, and help us to make them all successful events. Additionally, we are looking forward to an "expanded" quarterly meeting in September... one that will have educational sessions in addition to offering a chance for the "community" that makes up our industry, to get together.

Thank you for your continued support of the NELA. We look forward to seeing you at this summer's events.

*Rick Szilagyi*



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# Bradley Update

- Passenger statistics for April 2010 were down by 4.85% as compared to April 2009.
- Cumulative passenger statistics through April 2010 were down 6.82%.
- The taxi queue line fares were up 17.62% in May 2010 as compared to May 2009.
- The reconfiguration of the Manager's/VIP Lot has been completed. The lot is accessible from the same entrance gates near the flagpoles. Parking for managers is available to the right of the entrance gate and parking for commercial vehicles (livery and couriers) is available to the left of the entrance gate.
- Taxicab drivers need to wear their taxi badges on their outermost garment above the waistline and they should also have a placard badge on their windshields and/or visible to the passengers at all times. All badges have to be visible and have to be worn while on airport property, which includes the short queue line and the remote taxi holding lot.
- The airport has been asked to put up new signage that will address anti-idling. The EPA can issue significant fines if vehicles are caught idling more than three minutes.
- The issuance of the new 2010-2011 parking permit stickers is in progress. The current stickers will be expiring on June 30th, 2010. Call 860-292-2042 for assistance with parking permit sticker renewals.
- Same security rules remain in effect. No vehicles allowed left unattended at curbside. Load and go operations in tunnels for authorized, permitted vehicles only. All vehicles are subject to inspection.

**DAN MORGAN** REGIONAL MANAGER



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# Identity Theft, the Law, and your Business



Lyndy Burnham  
The Hudson Group

By Lyndy Burnham  
The Hudson Group

There are news stories occurring with increasing frequency regarding identity theft. An article in the Boston Sunday Globe reported earlier this year: "Data breaches affect million state residents." [http://www.boston.com/business/technology/articles/2010/01/03/data\\_breaches\\_affect\\_million\\_state\\_residents/](http://www.boston.com/business/technology/articles/2010/01/03/data_breaches_affect_million_state_residents/)

These breaches can occur as the result of malicious cyber criminals who intentionally seek out this information. More often, these breaches occur accidentally. A company computer may be lost, stolen or discarded with a hard drive that contains information on the business, accounts and clients. While some information may be innocuous, it can also be information that is highly sensitive and confidential: social security numbers, credit card numbers, bank account numbers, etc. The loss or theft of any such information can be crippling to a business and its clients.

Massachusetts has passed some of the most stringent laws in the country, designed to protect the personal information of residents of the Commonwealth of Massachusetts. Massachusetts General Law c. 93H sets very specific standards for ANY company, regardless of where they are based, and the protection of personal information of their clients who reside in Massachusetts.

The law further defines specific requirements of your computer systems and applications that store personal information about your clients. As a transportation provider, it is likely that your reservation and accounting systems capture and store personal information about your clients. In addition to reviewing your own internal security procedures, perhaps it is also time for you to contact your software vendor(s) and ensure that they are not only aware of the MA regulations, but that their applications are in compliance with these very strict guidelines. Learn more about the law, and the steps you should be taking by visiting the following website: <http://www.mass.gov/pageID=ocaterminal&L=4&L0=Home&L1=Consumer&L2=Privacy&L3=Identity+Theft&sid=Eoca&b=terminalcontent&f=reg201cmr17&csid=Eoca>

If you have questions regarding the law or require additional assistance in evaluating your business practices and ensuring compliance, you may contact SecurePoint Group, experts in data security consultation and the new MA laws. ([www.SecurePointGroup.com](http://www.SecurePointGroup.com)).

Attend the dinner meeting on June 29th to hear more on this subject from guest speaker, Joseph Bartulis Jr, Esq.

# Massport Update

By Michael Pazzaneze and Rick Szilagyi

We attended meetings at Massport in April, and more recently on May 5th and May 10th, assembled by Mr. Duverne, Deputy Director of Security at Massport, to be informed about a new security measure to be implemented in the very near future. Massport has determined that all chauffeurs will be required to undergo a TSA background review, and be required to wear a badge while working at the airport. We have been informed that all bus drivers, taxi drivers and airport shuttle drivers will be badged as well. As we have done in the past and will continue into the future when presented with a new challenge; is to participate in the process and to see how we can affect or change its outcome. Since 911 the TSA has been provided a broad range of powers to see that is done. Airports in Houston, Utah, and Atlanta have implemented this same process over the last 2-3 years.

As follow-up to our meetings, we wrote letters indicating that while we supported security at the airport, we had concerns about their plan. We received a letter back indicating that they were moving ahead. We have also sent off another letter seeking relief from cost.

Massport is moving ahead. The MSBO is now contacting operators, and bringing them in for training in the process. As we stated to you via email weeks ago, we will continue to voice our concerns, but need to alert you. Below is information originally emailed to you on May 21st.

- Massport intends to badge everyone with terminal access.
- CFR 1542 gives the authority for security, from there the TSA has developed regs, which will be used by Massport
- MSBO recommends each company establish one or two Badge Coordinators. These coordinators should be the people who will manage the process for your company.
- This is a Massport program. Once Massport made the decision, the TSA stepped in to set the process. The MSBO feels that in the future, the TSA may mandate such a program.
- The MSBO will check to see where Massport is relative to other airports across the country. We believe similar processes are in place in Houston, Atlanta, and other airports.
- It will take 5-7 business days for the TSA to determine if an applicant is approved or disapproved.
- Any chauffeur, who is disapproved, will work directly with the TSA.
- To date, the disapproval rate has been less than 1%.
- These are not criminal background checks as we know them, but checks to measure threats to the security of the airport and surrounding areas.
- Badge Coordinators will be notified about approved chauffeurs, and will then see that the approved individuals will come into the MSBO during normal business hours, with two forms of identification, and get their photo taken for the badge. There will not be any finger-printing.
- Acceptable ID's will be a driver's license, and social security card, birth certificate, government issued ID, passport, etc. They are detailed in the documents you will see.
- The application MUST BE DONE ELECTRONICALLY.
- The application MUST BE ONE SHEET, DOUBLE-SIDED.

(Pages 5 and 6 in the packet)

- Operators are to start the process during the 1st week of employment, and will be permitted to work at the airport while they are waiting for their approval and their badge.
- These badges are for the Boston Campus of Massport – not for Worcester or for Hanscom, for example.
- If someone forgets their badge, they will be turned away... but not until Massport moves on to the enforcement phase, which has yet been worked out.
- Training of the Badge Coordinators will last 60-90 minutes, and include a review of a packet, and a 15-20 minute video.
- Training classes were originally to be held every other week, and include 3-4 companies. Massport has now stated that they will be offering more classes.
- Massport held the first class on May 21st.

You can view the packet of materials on the website. The final page in the packet has contact information for the Security Badge Office at Logan Airport.

## Logan Airport Construction, June 23 – July 1

Due to construction at Logan Airport's Terminal B, there will be short-term changes to curbside operations from June 23rd to July 1st. At first the plan was to move our pickup location temporarily to the lower level, which we feared would be difficult to communicate effectively to our customers, only to have to redirect them back to the upper level after the construction is completed. The plan now is to leave livery pickup on the upper level, but move it to the turn between the USAir side and the American side. There are currently two lanes in that turn, but barricades will be moved to create three lanes. This means that our customers exiting from the USAir side will have a short walk to the right to get to the pickup area, and our customers exiting from the American side will have a slightly longer walk to the left to get to the pickup area. Our drop-offs at Terminal B will remain unchanged.

Massport will be putting up signage pointing our customers to the limo pickup area. There will be additional staffing to help direct customers, including personnel wearing blue vests with a "?" mark on them.

A diagram is available showing in blue, our current pickup locations at Terminal B. The purple section in the diagram is where our pickup location will be for this 9-day period. The height limit of 7' 2" on the turn is less than elsewhere at the curb. While this should be fine for vehicles including large SUVs, it could be below the clearance of taller vans. Such vehicles should be aware of this, AND Massport personnel will be positioned to flag-down any such vehicles attempting to enter the turn. These vehicles will pick up their passengers in a small zone on the USAir side between our current pickup location and the turn. This is the uncolored area on the diagram, on the USAir side, between our current blue pickup location, and the temporary purple pickup location.

The Ground Transportation Department will be available for questions, and operators can also arrange for presentations of this information by calling 617.561.1633. Diagrams and presentations will be available to chauffeurs at the limo pool.



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# Proposed Bylaws Amendment

Below is a letter and additional information our operator members received a few weeks ago. While we have received several dozen responses, we have not heard from all of our operator members. If you have not yet responded to the letter that was mailed to you, please do so ASAP. We will be calling those who have not yet responded. Thank you for your consideration.

May 28, 2010

Dear members of the NELA:

Periodically, the Board of Directors reviews the organization's bylaws and proposes amendments for consideration by the membership. Prior to our next quarterly meeting on June 29th, we would like you to review the enclosed amendment proposed by the Board of Directors.

Since 2001, the NELA has operated with the position of Executive Director. The Board reviewed the current use of the term "Executive Director", and found that associations have been moving away from that term for their association executive, and towards the term President, CEO or both. It may well be that you have seen that change as well. Perhaps your local Chamber of Commerce, for example, has moved away from the title of Executive Director. The reason for this shift by associations relative to the title of their association executive has been twofold. First, as the association executive interacts with commercial enterprises or government agencies, those organizations may be unfamiliar with, and not accept the signature of an executive director. Second, the role of the association executive is literally that of "chief executive officer". Boards employ the executive as the single point of interface between Board directives and their implementation. The Board issues policy and directives, and focuses on overall performance, not the details of how the work gets done. The association executive is literally the one person in the organization who functions as the chief executive officer.

Enclosed you will find the position descriptions for President and Executive Director in our current bylaws, and below those, the new language proposed by your Board of Directors to go into effect at the end of June. We would appreciate your review of the language and your response by June 15th. If the amendment passes, wherever the old term appears in the bylaws, it will be replaced by the new term.

Sincerely,

Michael Pazzaneze

President

From Article VII (Officers) of the 2005 bylaws. These are currently in place.

## SECTION 1. President.

The President is the Chief Executive Officer of the Association. He (she) presides at all meetings of the members and of the Board, signs all official documents, and manages the affairs of the Association, seeing that all orders and resolutions of

the Board are carried into effect. He (she) insures that each committee is chaired by a member of the Board of Directors and is accountable for the responsibilities entrusted to it. He also serves as a member, ex-officio, of all committees except the Nominating Committee. He (she) performs such other duties as are necessary or as may be prescribed by the Board of Directors.

## Section 6. Executive Director

Upon review of a committee appointed by the Executive Board, the full board will approve and vote to hire a candidate designated as the Executive Director. The overall duties of the Executive director are outlined by the negotiated contract approved by the Board of Directors

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Changes proposed by the Board of Directors on May 26, 2010

## SECTION 1. President .

The office of the President shall be the highest honor which the association can bestow. The President shall be the principal executive officer of the NELA and shall preside at all meetings of the association and the Board of Directors. The President also serves as a member, ex-officio, of all committees except the Nominating Committee. He (she) performs such other duties as are necessary. Working in conjunction with the Chief Executive Officer, the President shall assist on all appointments to all committees.

## SECTION 2. Chief Executive Officer.

The Chief Executive Officer shall be the chief officer of the NELA and have a fixed compensation under an agreed contract. The Chief Executive Officer shall act as the executive agent of the association with such powers, authority, duties and obligations as shall be imposed by the Board of Directors. The Chief Executive Officer shall keep full and accurate records of these and any transaction which shall be the sole property of the association and open to inspection at all reasonable times by any member of the Board of Directors. The Chief Executive Officer manages the affairs of the Association, seeing that all orders and resolutions of the Board are carried into effect. The Chief Executive Officer shall implement, prepare, formulate and promote the general program of the NELA. Working in conjunction with the President he or she shall appoint all committees and the chairpersons associated with the assigned and designated committee. Upon review of a committee appointed by the Executive Committee, the full board will approve and vote to secure a candidate as the CEO. The overall duties of the CEO are outlined by the negotiated contract approved by the Board of Directors.

## Section 6. Executive Director

~~Upon review of a committee appointed by the Executive Board, the full board will approve and vote to hire a candidate designated as the Executive Director. The overall duties of the Executive director are outlined by the negotiated contract approved by the Board of Directors.~~

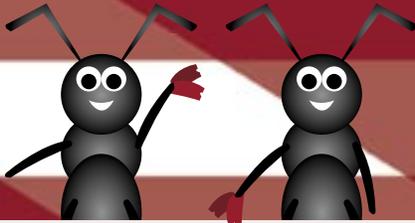
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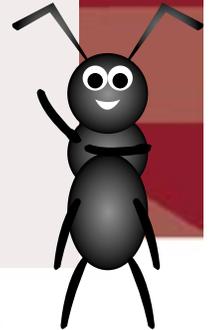
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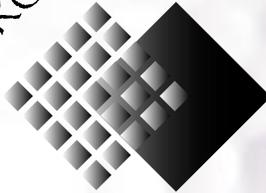
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Fax: 617-474-2046  
E-mail: pplimousine@verizon.net  
Web Site: www.pandplimousine.com

## *Ultimate Livery & Shuttle Corporation*

Rob Landry  
PO Box 1197 Concord MA 01742  
Phone: 888-437-4379  
Fax: 978-371-3980  
E-mail: rblandry@ultimateshuttle.com  
Web Site: www.ultimateshuttle.com

## *Vineyard Limousine*

Danyon or Chris Russell  
PO Box 3350 Oak Bluffs MA 02557  
Phone: 508-693-3996, 774-563-8039  
Fax: 508-693-6582  
E-mail: mvlimo@gmail.com  
Web Site: www.vineyardlimousine.com

## *Webb Transportation Services, LLC*

John Webb  
P.O. Box 217 Danvers MA 01923  
Phone: 978-750-6666  
E-mail: JohnWebb@webbtrans.com  
Web Site: www.webbtrans.com

### **Annual Membership Rates**

#### **Livery Operator**

\$125.00 1 - 5 Vehicles  
\$175.00 6 - 9 Vehicles  
\$225.00 10-19 Vehicles  
\$345.00 20-49 Vehicles  
\$600.00 50+ Vehicles

#### **Affiliate**

\$175.00 1 - 5 Employees  
\$300.00 6+ Employees

#### **For Membership Application**

Call the NELA Office 866.736.6352  
or visit [www.nelivery.org](http://www.nelivery.org)

## **Affiliate Members**

### *Don Brown Bus Sales*

A.J. Thurber  
703 County Highway 107  
Johnstown NY 12095  
Phone: 800-272-0842, 518-762-7380  
Fax: 518-762-5448  
E-mail: aj@buscrazy.net  
Web Site: www.shuttlemania.net  
*Services: Vans, Buses & Shuttles - Sales, Leasing & Service*

### *HUB International Northeast Ltd*

George Hansen  
200 Connell Drive, Suite 4000 Berkeley Heights NJ 08830  
Phone: 908-790-6871, 888-507-5375  
Fax: 908-790-6989  
E-mail: george.hansen@hubinternational.com  
Web Site: www.hubinternational.com  
*Services: Insurance*

### *Middlebrook Enterprises, LLC*

Kevin Quigley  
P.O. Box 1151 Portsmouth NH 03802  
Phone: 603-427-0135  
Fax: 603-427-0135  
E-mail: kevinquigley@myfairpoint.net  
Web Site: www.middlebrookenterprises.com  
*Services: Gift Baskets*

### *Thomas Gregory Associates Insurance*

Dianne Werbner  
601 Edgewater Drive, Suite 235  
Wakefield MA 01880  
Phone: 781-914-1000  
Fax: 781-246-2601  
E-mail: dwerbner@thomasgregory.com  
Web Site: www.thomasgregory.com  
*Services: Insurance*

## **Auto Glass Pricing for NELA Members**

*Submitted by Affiliate Member, Rob Morrissey of JN Phillips Auto Glass*

Below is sample pricing offered by Affiliate Member, JN Phillips Auto Glass to NELA members.

\$178.54 2003 thru 2010 Lincoln Towncar  
\$301.16 1998 thru 2010 Lincoln Navigator  
\$167.81 2007 thru 2010 Cadillac Escalade  
\$192.19 2003 thru 2008 Ford Econoline  
\$279.82 2009 thru 2010 Ford Econoline

- All prices are based on NAGS minus NELA discount, before applicable taxes.
- Subject to change at any time based on NAGS listings.
- Any member can receive pricing on all NAGS listed parts by calling Rob Morrissey of JN Phillips Auto Glass at 508-962-9201, 617-968-0257 or 877-AUTOGLASS and using the NELA specific commercial account number.

Please log in to the Members Only News section of the NELA web site and scroll to the bottom of the article for the commercial account number, or call the NELA Office 866.736.6352.

Rob Morrissey's contact information can also be found on the NELA web site in the Affiliate Member List.

# THE LANCER DIFFERENCE

STRENGTH & COMPASSION  
AT EVERY TURN SINCE 1985

Our over 25 years of commitment to the New England limousine industry has always been about delivering the type of hands-on personal service that our loyal policyholders deserve.

While our solid financial strength and enviable professional reputation among our insurance industry peers is important, we have always believed that renewing 90% of our policyholders throughout the U.S. year after year is the measure of the job we're doing.

Our commitment to "being there" for our customers through tough claims, financial challenges and growth opportunities is what we mean by the Lancer Difference.

See how we can make a Difference for you. Please call, or have your agent contact us at:

**800-782-8902**  
[mbayard@lancer-ins.com](mailto:mbayard@lancer-ins.com)  
[www.lancerinsurance.com](http://www.lancerinsurance.com)

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