

NOZZLE & WRENCH

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INSIDE THIS ISSUE:

- >> Auto Repair Industry Thrives as Used Car Prices Soar
- >> EPA's Proposed Light-Duty Tailpipe Emissions Rule
- >> Bipartisan Bill to Strengthen Driver Apprenticeship Program

Under federal law marijuana is still illegal, truck drivers that fall under Federal Motor Carriers Safety Administration rules have a zero tolerance policy.

KIRK'S CORNER

Marijuana, July 1 Changes, P.G. Bill on Tobacco Retailers

Cannabis, AKA Marijuana - Headaches for Employers



By Kirk Mccauley, Director Of Member Relations & Government Affairs

Employers have one more issue to address in the workplace.

Recreational cannabis was put on November ballot by Maryland legislators and passed. Recreational marijuana will become legal July 1, 2023. In 2023 legislative session law makers created a massive bill [SB0516 that set rules and regulations for dispensaries and use. Medical marijuana use was already legal.](#)

They also renamed Alcohol and Tobacco, Alcohol, Tobacco, and Cannabis Commission who will

enforce regulations.

Employers have many questions about how to go about enforcing workplace restrictions on cannabis use. Under federal law marijuana is still illegal, truck drivers that fall under Federal Motor Carriers Safety Administration rules have a zero tolerance policy. Use of marijuana can be detected a month after use and longer in some cases.

Workplace Use - Taken from Maryland Cannabis Administration

The legislation does not address cannabis use or impairment in the workplace. Individuals remain subject to any existing laws and workplace policies on substance or cannabis use (e.g., federal laws prohibiting the operation of commercial transport vehicles while impaired, or workplace policies prohibiting cannabis use specifically and/or impairment generally). The legislation does not address the use of employer drug screening of employees or prospective employees. Your employer or prospective employer can provide more specific information about its policies regarding substance use in the workplace. <https://mmcc.maryland.gov/Pages/Legalization-of-Non-Medical-Cannabis.aspx>

The above paragraph points out one glaring problem for employers, how do I treat something that is legal for adults to do but I have an alcohol and drug free workplace



Continues on page 4

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TABLE OF CONTENTS

KIRK'S KORNER

Marijuana, July 1 Changes, P.G. Bill on Tobacco Retailers Cover

CAR TALK

Auto Repair Industry Thrives as Used Car Prices Soar 6

NEWS FROM WASHINGTON

Legislative Update: SSDA-AT Opposes the EPA's Proposed Light-Duty Tailpipe Emissions Rule... 12

Editorial: Bipartisan Bill to Strengthen Driver Apprenticeship Program 15

ALSO IN THIS ISSUE

Non-Traditional Harassment: Protecting Males from Harassment in Today's Workplace..... 8

STOPPING OTHERS!..... 10

WMDA/CAR Endorsed Membership Benefits & Service Providers..... 17

ADVERTISERS' INDEX

Carroll Motor Fuels16

CMR Insurance Agency LLC/Erie Insurance16

Parts Authority Inside front cover

Petroleum Marketing Group14

Spigler Petroleum Equipment, LLC 9

The Wills Group.....Back cover

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The word impaired truly means little when there is no Maryland limit on THC, the word impaired becomes ambiguous and not enforceable unless you cannot walk or talk.

Continued from page 1

policy? If you do drug testing before employment as company policy this will limit your ability to hire as marijuana can be detected for a month or more, employees that drive customers cars who are casual users also present liability problems as does safety in workplace.

The word impaired truly means little when there is no Maryland limit on THC, the word impaired becomes ambiguous and not enforceable unless you cannot walk or talk. The law is in the books so employers will have to adapt, have a written drug policy in the Employee Handbook with signatures from employees that they understand company policy. Legislators have created a ticking time bomb for employers and for those seeking jobs by not addressing this issue. I hope this is addressed in the 2024 session. Make sure your employee handbook is up to date with company policy clearly stated. With no guidance, zero tolerance is your only option.

My local convenience store/gas station sells THC products. Are these products legal? –

Maryland Cannabis Commission

HB 566 and SB 516 establish that any product containing more than 0.5 mg THC per serving and 2.5 mg THC per package, with the exception of certain full spectrum tincture products, may only be sold in a licensed cannabis dispensary. This requirement extends to all THC isomers, including delta-8, delta-9, and delta-10.

July 1st Changes – Gas tax – Minimum Wage

Maryland

- Gas tax – up \$0.0430 to **\$0.4700**

- Diesel Tax – up \$0.0430 to **\$0.4775**

Increase is a combination of SUTE(sales and use tax equivalent) and CPI (Consumer Price Index) increase. [July 2023 MFT RatesPerGallon 7-1-2023 updated \(marylandtaxes.gov\)](#)

Remember to you will need to pay an inventory tax (floor tax) on gas/diesel in the ground as of end of day on June 30th of \$0.0430 cents a gallon. The controller's office will send you floor tax form to pay that will have all your information preprinted on form, just add gallons x \$0.0430. Using this form is easier but if you do not receive here is a link to the form you can use.

<https://marylandtaxes.gov/forms/motorfuel/Forms/779-CPI-2023.pdf>

Inventory tax needs to be received by July 30, 2023. If not received by July 30, 2023, you will be charged a fee of \$25.00, 10% penalty and interest at the statutory rate.

Minimum Wage

Montgomery County, as of July 1, 2023, only county that had a rate increase

- 51 or more employees - **\$16.70**
 - 11-50 employees - **\$15.00**
 - 10 or less employees - **\$14.50**
- [Wage NOTICE Flyer_2023.pdf \(montgomerycountymd.gov\)](#)

District of Columbia

Minimum Wage

- July 1, 2023, **\$17.00**
- [Minimum Wage Poster 2023.pdf \(dc.gov\)](#)

Delaware

Minimum Wage

- Delaware stayed the same **\$11.75**
- [DOL Labor Law Poster \(delaware.gov\)](#)

P.G. County Tobacco Retailers, CB-031-2023

We have been tracking this bill through legislative process since proposed, and at the public hearing on May 30, the bill was amended and not in a good way. Due to this amendment Bill [CB-031-2023](#) will have to go to another public hearing which is scheduled for **July 11**, but that could change. I doubt if this bill will affect many bayed stations but will affect most convenience stores as amended.

Enactment date was changed from January of 2026 to 45 days after the bill is passed. Bill changed the definition of convenience store and service station, would limit display area for tobacco products to 32 Sq. feet or 5% of sales floor space, whichever is smaller. Those that did not comply would be classified as tobacco shops, with a whole separate set of restrictions.

This bill will be extremely hard to stop as 10 council members out of 11 are sponsors of the bill. P.G. county members need to contact their council members and ask for a no vote on **CB-031-2023**. Link below takes you to county web page, click on council members up top, names and districts they represent will come up. You can read the amended bill which is attached.

I will be in touch, we must change at least 5 votes and possibly 6, chances are slim but only impossible if we do not try. <https://princegeorgescountymd.legistar.com/People.aspx>

Call me if you have any questions 301-775-0221. ■

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Auto Repair Industry Thrives as Used Car Prices Soar



Ken Quasney
Owner, Auto Sense

Forecast for this year in Auto Repair. As you are probably aware. New and used car prices have gone through the roof in the last three years. Fortunately for Automotive repair shops this has been good for our businesses. Car prices new and used are still very unstable so far in 2023. Sources say the used car inventory is increasing and hedging lower for the first time in two years. Interest rates and car prices at an all-time high has put Auto Repair shops in a very good position. I'm sure my shop is like yours. We are setting record numbers. People are keeping their Vehicles longer then ever.

According to Motor1 and I quote "According to the available data, more than 284 million vehicles are currently in operation on U.S. roads. Their average age is 12.5 years, which represents an increase in the average age by [more than three months compared to 2022](#). This year also represents the sixth consecutive year of increase in the average vehicle age of the US fleet, according to S&P Global Mobility."

This is good news for Automotive Repairs shops across the nation. However,

I would warn everyone that all good things come to an end. Watch your expenses and get ready for a drop whenever it happens. Most of us have deep pockets right now but that can stop rather quickly. I would advise everyone to get it while the getting is good and save for a rainy day. While car prices are still rising somewhat, inventory is increasing, which is an indicator of dropping prices. The chip shortage is coming to an end and that means production will ramp up (more inventory). No one can predict the future but if history tells us anything. This will end also. Remember "cash for clunkers?"

My son came to me the other day with a list of new equipment to buy. Our old stuff is working fine but he wanted faster and state of the art stuff. I can't blame him. I want that too. However, I've been around a little longer (48 years in the business) and have seen a lot of changes (fuel shortage in the 70's, 100,000 mile warranties, Cash for Clunkers, extended warranties, 2008 Market crash, etc.) not to mention Technology changes and know how things can turn out. If I'm wrong? Ok, then we have the money anyway. Let's keep our eye on the ball and live the good life! ■

Ken Quasney @ Auto Sense



People are keeping their Vehicles longer then ever.



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NON-TRADITIONAL HARASSMENT: Protecting Males from Harassment in Today's Workplace

...why did the employer settle the matter for a payment to the employee of \$45,000? Reportedly to avoid the time, expense and uncertainty of further litigation.



Christine V. Walters, J.D.,
MAS, SHRM-SCP, SPHR

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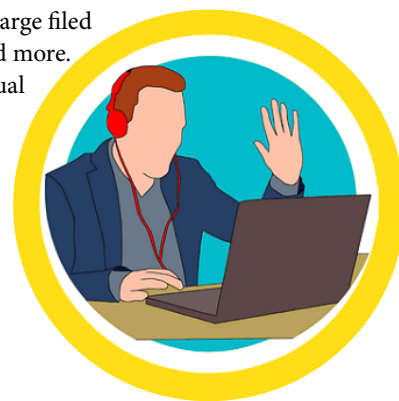
In 2019, an employee of an auto body shop sued his former employer for sexual (and racial) harassment during his first six months of employment. The shop's attorney reported¹ that the court found no discrimination and there was no admission of liability. So why did the employer settle the matter for a payment to the employee of \$45,000? Reportedly to avoid the time, expense and uncertainty of further litigation.

Fast forward to May 11, 2023 and the EEOC announced² its lawsuit against a restaurant employer and its outsourced human resources company who reportedly violated federal law by subjecting male employees to sexual harassment.

The lawsuit alleges a co-owner of the restaurant engaged in some egregious conduct, displaying private body parts and making "repeated sexual comments" to male employees. The EEOC alleges the employer and "its outsourced HR company...failed to conduct an adequate investigation, thereby failing to address and rectify the harassment."

Watch the Trends

- Of all sexual harassment charges filed with the U.S. EEOC in the agency's 'FY 2021, 16.3% were filed by men.
- While that is a decline over the two years prior, the percentage of No Reasonable Cause determinations is the lowest since 2010 at 47.4%.
 - This is lower than that of nearly every other type of charge filed including based on disability, age, race, retaliation, and more.
 - Thus, the odds are better than 50-50 that if an individual files a charge of sexual harassment against your company, the EEOC will find reasonable cause to determine that you violated federal law.
- The number of LGBTQ+ - based charges has increased every year since they were first tracked in 2018.
 - Joint employer liability – this issue arises across the spectrum of employment litigation and liability, from wage and hour violations to unlawful discrimination and harassment. If you are a service provider or an employee using the services of a vendor or contractor, ensure your contracts address and your business practices reduce liability and address whether the parties intend to be joint employers.



¹ [Written policies, trained managers can help avoid employee lawsuits | Vehicle Service Pros](#)

² [EEOC Sues Honolulu Restaurant and HR Company for Sexual Harassment of Male Employees | U.S. Equal Employment Opportunity Commission](#)



Proactive Practices

Consider some of the EEOC's "Promising Practices..."³ for preventing all forms of unlawful harassment, including checklists for employers. The Commission has identified five core principles that have generally proven effective in preventing and addressing harassment:

- Committed and engaged leadership;

- Consistent and demonstrated accountability;
- Strong and comprehensive harassment policies;
- Trusted and accessible complaint procedures; and
- Regular, interactive training tailored to the audience and the organization.

While an employer may be liable for unlawful harassment of any employee by any other person,

including clients, customers and vendors, consider this. As an EEOC representative stated in its recent press release, "When the harasser is an owner, there is such a power imbalance that a higher liability is assigned to the employer." ■

³ [Promising Practices for Preventing Harassment | U.S. Equal Employment Opportunity Commission \(eoc.gov\)](https://www.eeoc.gov/promising-practices-preventing-harassment)

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STOPPING OTHERS!

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Ruy Garcia-Zamor, Attorney at Law

Anyone who has ever manufactured or sold a new vehicle model can tell you — design may not be everything, but it does much of the heavy lifting when it comes to commercial sales. An automobile's design is the first impression a customer has of the vehicle, and that first impression can sometimes carry all the way to purchase. And while, yes, there are car enthusiasts who will have a detailed list of specs that they will need for their new car, the truth is even well-researched buyers often have a mental image of the way they want their new car to look.

What driver doesn't have a fantasy of looking really cool as they cruise down the road, at least once?

Automobile design is crucial to sales, and that's why it can be so devastating if a competitor steals your design and gains more commercial success. Today, we'll share with you the steps you need to take to protect your automobile design, and why it matters.

Why It's Important To Protect Your Automobile Design

The automobile industry is fiercely competitive. So what happens if a competitor creates a cheap knock-off of your new model and it gets more sales than your automobile?

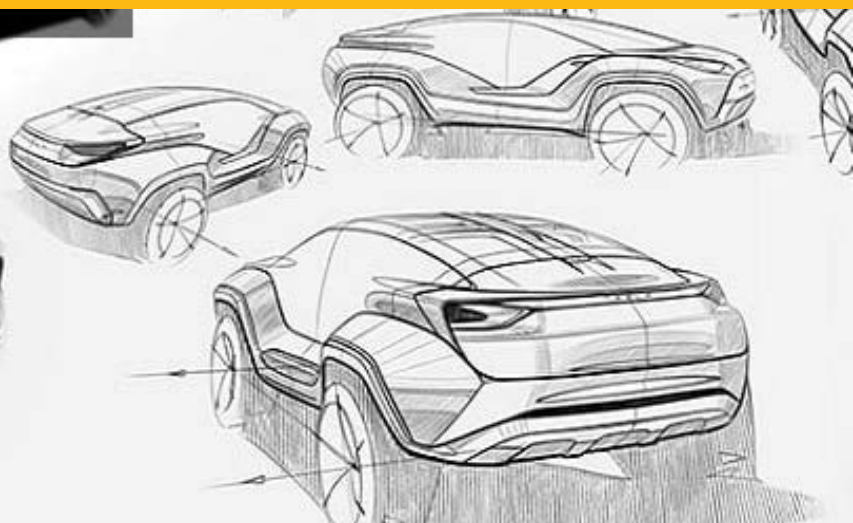
This is a situation that has happened, and in recent cases, as well. One such case was that of Jaguar Land Rover Ltd. (JLR) and Jiangling Holdings Co., Ltd. JLR had long claimed that Jiangling Holdings, a Chinese car manufacturer, had copied the design for the Range Rover Evoque in their Lufeng X7. While the Range Rover Evoque was known for its high quality, the Lufeng X7 was considerably cheaper and had attained quite a bit of popularity in China.

JLR felt that this was driving business away from them, and in 2016, they sued Jiangling Holdings in an anti-unfair competition lawsuit. After five years that made up the original trial, as well as appeals on behalf of JLR, the court upheld the anti-unfair competition claim, conceding that Jiangling Holdings did intentionally create a design and marketing material similar to the Range Rover Evoque.

So what can you do to protect your vehicle's design? You can file for a design patent for your automobile.



...even well-researched buyers often have a mental image of the way they want their new car to look.



What Is a Design Patent?

Patents are typically categorized in one of two ways: utility or design. A design patent is a patent that is filed to protect the unique design or aesthetic of a product. You may see this in the trademark Coca Cola bottles or even the Statue of Liberty. But design patents can be used to protect automobile designs, as well. Ford Motors currently holds nearly 2,000 design patents.

In order to be eligible for a design patent, your design should meet the following criteria:

- The design must be new and non-obvious
- The design must not be entirely functional

If you have a unique vehicle design that will become integral to your marketing of the vehicle, a design patent is a great way to ensure that cheap knock-off vehicles don't appear on the market and steal your thunder.

Applying For a Design Patent
In order to apply for a design patent, you may wish to conduct a patent search to make sure a

similar design doesn't already exist — or better yet, have your attorney conduct the patent search to make sure that it's thorough. However, it is not uncommon to have design applications filed without a search if the product is already slated for sale. Your attorney can also conduct an infringement search to make sure that marketing your vehicle will not infringe on anyone else's patent.

Once the search is done, your attorney can fill out the patent application. They will need a title, a description of the design and what makes it unique, as well as an abstract introducing the design. You may need to present figures — drawings or photographs or a combination of the two — along with descriptions of the figures for a visual representation of the design. From there, you can pay the application fee and your attorney can file the application.

“Ford Tough” Design Patent Examples For Automobiles

As we mentioned, Ford Motors has nearly 2,000 patents for

various design aspects of their American-made vehicles. This includes a patent for the hood and headlights of the Ford F-150, and even a patented windshield. This ensures that the traits that make the Ford F-150 design unique stay unique, and that the competition can't copy them.

How Long Does It Take For a Design Patent To Be Granted?

On average, design patents take about 15 months to be granted. This is a considerably shorter wait than the average time for a utility patent — about 35 months — but it can still feel like a drag. The good news is, once your patent application is filed, you have a “patent pending” status. This protects others from stealing your design idea and trying to patent it themselves before your patent is granted or denied.

Need help applying for a design patent to protect your automobile design? Contact [Garcia-Zamor Intellectual Property Law, LLC](#) today to learn more or to schedule a consultation. ■

SSDA-AT Opposes the EPA's Proposed Light-Duty Tailpipe Emissions Rule



By Roy Littlefield IV

WMDA/CAR being represented by SSDA-AT is in opposition to the proposed tailpipe emissions rule outlined in EPA-HQ-OAR-2022-0829. As proposed, these regulations for light-duty vehicles go too far, reduce consumer choice, and fail to include safeguards to address serious infrastructure, resource, and funding shortfalls.

Firstly, the country's current charging infrastructure is inadequate to support a forced shift towards electric vehicles. Charging infrastructure is not yet fully developed or accessible in many regions of the country. Forcing consumers to transition to EVs without ensuring sufficient charging infrastructure could place undue burdens on drivers across the country.

Secondly, by not taking any significant steps to improve permitting for the mining of critical minerals in America, we are endangering our ability to access the minerals required for EV production. This over-reliance on foreign sources of minerals could undermine our domestic energy security and jeopardize our nation's economic independence. After seeing how international supply chains can break down during the pandemic, American consumers cannot and should not be subject to increased reliance on unstable foreign supply chains, especially concerning something as vital as personal transportation.

Additionally, SSDA-AT is concerned about how these new standards could negatively impact the Highway Trust Fund. If implemented without addressing the funding structure, these proposed regulations could strain the already precarious state of transportation funding. It is crucial to consider additional solutions, such as a Low Carbon Fuel Standard, to address the revenue lost by having fewer internal-combustion engines on the road.

SSDA-AT strongly urges the EPA to reconsider the proposed tailpipe emissions rules. It is crucial that the EPA engage in meaningful collaboration with Congress, automotive manufacturers, and other stakeholders to develop a comprehensive approach that accounts for the current limitations in charging infrastructure, safeguards consumer choice, promotes domestic energy security, and ensures the continued funding of our vital transportation infrastructure.



Issues with the EPA Proposed Tailpipe Emissions Rule

The EPA's recently proposed tailpipe emissions rule could have far-reaching impacts on our economy, the automobile market, national security, and transportation infrastructure.

Here's how:

AUTO MARKET TRANSITION: Under this rule, two-thirds of all light-duty vehicles sold in the country must be all-electric by 2032. For reference, electric vehicles

Forcing consumers to transition to EVs without ensuring sufficient charging infrastructure could place undue burdens on drivers across the country.



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only made up 6 percent of total sales in 2022. The EPA is asking for over ten times that amount in less than a decade.

ELECTRIC VEHICLE INFRASTRUCTURE: These rules would put millions of new electric vehicles on the road without the charging infrastructure necessary to deal with such an influx. If you don't live in a big city with well built-out EV charging infrastructure, this could mean running out of charge when you need it most.

CRITICAL MINERALS AND NATIONAL SECURITY: The U.S. relies heavily on imported minerals like lithium, cobalt, manganese nickel, and graphite to make batteries for electric vehicles. This proposal does not address improving the permitting process for mining these critical resources in America, which could mean relying on hostile nations like China for our energy needs for decades to come.

DECREASED HIGHWAY FUNDING: With the decline of internal combustion engines, revenue from gas taxes, a primary source of funding for the Highway Trust Fund, will dwindle. This could create a significant funding gap that could hamper our ability to carry out vital road repairs and infrastructure projects.

We can't allow this far-reaching policy to go unchecked. SSDA-AT will continue to oppose. ■

Petroleum Marketing Group, Inc.

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Bipartisan Bill to Strengthen Driver Apprenticeship Program



By Roy Littlefield III

SSDA-AT applauds the introduction of the DRIVE Safe Integrity Act, introduced by Representatives Rick Crawford (R-Arkansas) and Henry Cuellar (D-Texas), to help alleviate the truck driver workforce shortage.

The bill builds upon strong, bipartisan support for the DRIVE Safe Act over the last few Congresses and the inclusion of the Safe Driver Apprenticeship Pilot Program in the bipartisan infrastructure law.

Building a 21st century supply chain requires a strong, vibrant and growing trucking workforce. The DRIVE Safe Integrity Act will bolster new career pathways into interstate trucking while promoting safety and training standards that far exceed the bar set by states today. This legislation offers a timely and essential trucking workforce and supply chain solution, built off years of broad bipartisan Congressional support.

The last three years have proven just how important truck drivers are to the American economy and way of life, and how urgently we need to develop a pipeline of qualified, well-trained professional drivers to meet our nation's growing freight needs. Strengthening the ability of younger drivers to receive rigorous training and safely enter the trucking workforce will help fill this pipeline, and we thank Representatives Crawford and Cuellar for their bipartisan leadership in addressing this issue.

The trucking industry is currently facing a shortage of more than 78,000 truck drivers coupled with a need to hire 1.2 million new drivers over the next decade to meet increasing freight demands. However, current U.S. Department of Transportation regulations bar a vital population of job seekers from interstate trucking, exacerbating the driver shortage as qualified candidates are lost to other industries. In 49 states plus the District of Columbia, 18-, 19- and 20-year-olds are permitted to obtain a CDL and drive heavy-duty commercial vehicles in intrastate commerce, but federal rules have long prohibited those same drivers from driving in interstate commerce.

To address this issue, the bipartisan infrastructure law enacted in 2021 included a nationwide pilot program modeled after the DRIVE Safe Act to create a pathway for young drivers to operate interstate with rigorous safety and training guardrails in place. The Save Driver Apprenticeship Pilot Program was capped at 3,000 participating drivers at any one time; however, fewer than a dozen driver participants have enrolled.

This failure is partly due to extraneous USDOT requirements for program participation that were not included in the bipartisan infrastructure law. The DRIVE Safe Integrity Act would help get the pilot program back on track by:



The DRIVE Safe Integrity Act will bolster new career pathways into interstate trucking while promoting safety and training standards that far exceed the bar set by states today.



Urging DOT to take corrective actions that would improve participation in the SDAP; and
 Requiring DOT to provide Congress detailed reports on SDAP's status and corrective actions taken to improve participation.

By directing DOT to steer the Safe Driver Apprenticeship Pilot Program back to the course Congress originally intended and providing a path forward for participants to safely enter the workforce, this bill will ensure our industry has the talent it needs to meet the economy's freight demands in the years to come. TIA thanks Representatives Crawford and Cuellar for their outstanding leadership.

Upon the sunset of the pilot program, the bill would direct DOT to review the safety data and issue regulations for a permanent apprenticeship program for commercial drivers between the ages of 18-20.

SSDA-AT will continue to support the DRIVE Safe Integrity Act (H.R. 3408). ■



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