

NOZZLE & WRENCH

WMDACAR

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AN OFFICIAL PUBLICATION OF THE WASHINGTON DC, MARYLAND & DELAWARE SERVICE STATION & AUTOMOTIVE REPAIR ASSOCIATION

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- >> How Artificial Intelligence is 'Driving' Patents in the Auto Industry

Customer Service Contest: Suppliers will nominate their stations and convenience stores. Repair shops, Independent service stations and convenience stores self-nominate.

KIRK'S CORNER

Introducing MAFCAS: The Mid-Atlantic Fuel, Convenience & Auto Repair Show

Formerly Known as WMDA/CAR Expo; Held at Maryland Live Casino



By Kirk Mccauley, Director Of Member Relations & Government Affairs

This year we will have full booth setups, improved floor space with an opportunity for vendors to fully display their products/ equipment etc. Hotel rooms for those that want to enjoy both the days and awards dinner, pull a one arm bandit (casino), and do not worry about driving home! Exhibitors set up on Thursday Oct 19th for a Pre-show and Friday 20th is MAFCAS and Awards Dinner with Customer Service Contest and Individual awards. Mark your calendar and register for the show and dinner.

The show is **free for all business men and women**

in the convenience, gas station and repair businesses. Awards dinner has a cost for individual tickets or reserve a table for all your employees. Registration is open at www.wmdacar.com.

Customer Service Contest

Suppliers will nominate their stations and convenience stores. Repair shops need to self - nominate. Independent service stations and convenience stores can also self nominate Send me an email, kmccauley@wmda.net and if you do not get a - received message by next day - call me at 301-775-0221. In your email I need the following information.

- Name of owner
- Name of location
- Address with zip
- Cell phone of person to contact (owner or Manager if I have questions)
- Email address

WMDA/CAR will notify everyone in contest, and all will receive at least one inspection. Winners will be sent a follow up email or letter. As always call me if you have any questions.



Continues on page 4

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As proposed 43% of new passenger vehicles sold would have to be ZEV's or PHEVs by model year 2027. This would ramp up every year until 100% is reached in 2035.

Continued from page 1

Baltimore City

On June 20, WMDA/CAR was part of a coalition to meet with Baltimore City Deputy State's Attorney Gregg Solomon-Lucas. Ms. Lucas oversees the new "citation docket" to help address quality-of-life crimes, including loitering, trespassing, and other low level crimes that have been plaguing our city locations. These low level offences have been ignored in the last couple of years and often lead to more serious offences.

This enforcement is in the process of being implemented and will take a little time to get everybody (BCPD) on the same page. We have had a meeting with City States attorney Ivan Bates, and another scheduled for July, in Baltimore.

We finally have someone in the A.G. office that knows you must start enforcing from the bottom up, someone that cares about business, residents, and the city.

Maryland's Advanced Clean Cars II Program

The Maryland Department of environment held public hearings on ACCII program on June 21, 2023, as a virtual online hearing. As proposed 43% of new passenger vehicles sold would have to be ZEV's or PHEV's by model year 2027. This would ramp up every year until 100% is reached in 2035. As Proposed program would start in September.

How will this affect our members? We think the opportunity for our automotive repair shops and aftermarket parts suppliers is bright. Yes, EV sales will increase and there is a

learning curve for repair that the progressive shops have already embraced. Consumers have already started keeping vehicles longer with more traffic for our repair shops.

Convenience stores are doing fine and will continue to prosper, people want convenience, good coffee, tasty food, and they want it quick. Our stores are draining traffic from fast food restaurants and not just with the roller grill but variety of sandwiches, soaps, burgers, good fried chicken and more. I said customers want convenience and what's more convenient than buying gas, food, your favorite drink and gas at the same place with one stop. I almost forgot, WMDA/CAR is working on your favorite beer or wine also. Gas sales will be good for a long time.

Our members will do well, businesses that involve themselves in community association, sponsor events, keep clean well-lit lots, clean stores and bays are the winners, always have been. The other part of the equation is well trained, personable employees, and keeping up with technology.

Come to Maryland live in October, check out recent technology, latest mouse traps and find out what successful business owners are embracing. Talking with fellow owners, seeing what works for them is money in the bank. Vendors will have the show deals on products and equipment. Come and enjoy the day and attend the awards dinner.

I will leave with this one thought, in 2023 there are 286,000,000. Vehicles on the road (statista.com) and a small percentage were zero emissions

electric Vehicle (ZEV) or plug in hybrid electric vehicle (PHEV) 2,531,206.(earthweb.com). Come 2035 there will still be over 200,000,000 million gasoline and diesel powered vehicles on the roads, still buying gas, getting repairs, and stopping at convenience stores.

Prince Georges Tobacco Retailers

A public hearing on CB-031-2023 is on July 11 at 10 a.m., as written, bill would restrict limits display of tobacco products to 32square feet of 5% of gross floor space whichever is smaller. We have sent an email to all council members requesting amendment, you can do the same. Council member's email.

<https://princegeorgescountymd.legistar.com/People.aspx>

Reminders for July 1, Changes 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 \(marylandtaxes.gov\)](https://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 30, 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 the form 779 that comptrollers' office sends



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WMDA/CAR members and their staff and families only



Is our power grid robust enough to manage increased demand on power grid? Can solar and wind power be stored for rainy week?

out is easier(information filled out on form) but if you do not receive one 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, rate increase for employers as of July 1, 2023:

- 51 or more employees - **\$16.70 - new**
- 11-50 employees - **\$15.00**
- 10 or less employees - **\$14.50**

[Wage NOTICE Flyer 2023.pdf \(montgomerycountymd.gov\)](#)

Recreational use of Marijuana becomes legal in Maryland July 1, 2023, [HB0556](#) and [SB0516](#). Employers are allowed if they choose to have zero tolerance testing policy.

Convenience store/gas station that sell THC products. Are these products legal? Maryland Cannabis Commission posted this note.

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.

Maryland Alcohol, Tobacco and Cannabis Commission will enforce cannabis/marijuana laws along with tobacco and ESD products, so inspectors are already in place.

Delaware Legislative 2023 Comes to an End

Delaware legislative session ended on June 30.

The Delaware legislature is in the first year of its two-year session for the 152nd General Assembly. Any bills introduced but not acted upon are still alive next year.

HR17 Legislative Consent on Rulemakings Restricting Sale of Fuel-powered vehicles

Synopsis: This resolution requests that the Department of Natural Resources pause its ongoing process of promulgating California ACCII regulations. The Department is requested to determine the fiscal impacts of imposing the ACCII regulations on Delawareans. A further request is made that the Department evaluate the approach taken by Pennsylvania and Colorado, two states that, like Delaware,

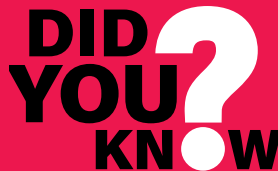
have chosen to follow California vehicle emissions regulations under Section 177 of the U.S. Clean Air Act. The Department is also requested to evaluate the protocol observed by thirty-three other states in following the EPA vehicle emission regulations. A report is requested to be provided to the General Assembly by March 15, 2024. Until the delivery of the report, it is requested no further action be taken towards promulgating the proposed ACCII regulations. Failed on a 17/22 floor vote, bill is dead.

SB96 Prohibition on Rulemakings Restricting Sale of Fuel-powered vehicles

Synopsis: This Act prohibits the Department of Natural Resources and Environmental Control from promulgating rules and regulations restricting the sale of fuel-powered cars, trucks, and SUVs in Delaware. This Act does not change the emission standards fuel-powered vehicles must currently meet. The provisions of this bill would be retroactive to March 1, 2023. No committee consideration this year.

HB123 Legislative Consent on Rulemakings Restricting Sale of Fuel-powered vehicles

Synopsis: This Act prohibits the Department of Natural Resources and Environmental Control from promulgating rules



Evolution of Gasoline

Gasoline was discovered nearly 160 years ago as a byproduct of refining crude oil to make kerosene for lighting. There was no use for gasoline at the time, so it was burned at the refinery, converted to gaseous fuel for gas lights, or simply discarded. Wow, how the times have changed.



and regulations restricting the sale of fuel-powered cars, trucks, and SUVs in Delaware. This Act does not change the emission standards fuel-powered vehicles must currently meet. The provisions of this bill would be retroactive to March 1, 2023. Passed the house 21/20 waiting for senate action in 2024. This bill had six democrats voting with republicans. Senate is made up of 6 republicans and 15 democrats, steep hill to climb in 2024.

[HB99 w/ HA1 Delaware Passed Climate Change Solutions Act of 2023](#)

The Act establishes a process of regular updates to the Climate Action Plan to serve as the framework to achieve the targeted emissions reductions and develop resilience strategies for the State, creates Climate Change Officers in certain Key Cabinet-Level Departments who will assist DNREC in ongoing climate action plan to mitigate Green House Gas (GHG).

This will create a complicated process when permitting any upgrade or new construction for businesses, with every department evaluating and approving changes.

Hopefully with so many cooks in the kitchen, it is not a version of “WHOS ON FIRST” — LOL

We are all for taking steps to mitigate climate change, but to blindly follow California you must wonder. Is our power grid robust enough to manage increased demand on power grid? Can solar and wind power be stored for rainy week? Will power plants have to operate full-bore to service EVs, and buildings that are all electric? Will we end up with blackouts just like California or rolling cutoffs? Electric rates are soaring now with no end in sight. Until infrastructure is upgraded the answer is no, we are putting cart in front of the horse. So many questions with so few answers.

Delaware

Stayed the same at **\$11.75**. [DOL Labor Law Poster \(delaware.gov\)](#)

Delaware Cannabis - Marijuana and Employers

Marijuana became legal for personal use in April although there are no legal sellers in the state unless you have a medical card. Delawareans will not be able

to purchase recreational weed in the First State until dispensaries are licensed, in 2024. It will still be illegal to consume marijuana in public, and employers are still allowed to have a zero-tolerance policy. Link to HB1 <https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocument?legislationId=129970&legislationTypeId=1&docTypeId=2&legislationNa>

District of Columbia

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

All Tobacco Retailers

Federal - Food and Drug Administration

FDA is currently on an inspection blitz of its own, writing warning citation, which could turn into big Fines and loss of right to sell tobacco products. Normally state inspectors will follow up and they will not write warnings!

[FDA Inspection Blitz Leads to More Than 180 Warning Letters to Retailers for the Illegal Sale of Youth-Appealing Elf Bar and Esco Bars E-Cigarettes | FDA](#) ■

Employee Retention



Ken Quasney
Owner, Auto Sense

For years Billy Hillmuth (Hillmuth Automotive Centers) and I have had conversations on Employee retention. In other words, how to keep valued employees. I would like to share what is working for me as a result of those conversations.

The first thing I want to say is that Money isn't always the issue. Happy employees (as Billy calls it, good shop culture) are less likely to leave. There's also a fine line between making an employee happy and at the same time following company policies, procedures, and the consequences of not following them. This is a tough one but needs to be dealt with.

Automotive Repair is a tough business and is demanding on everyone. From top to bottom we all must deal with servicing our clients. No getting around that. What sets you apart from any other shops out there from an employee point of view? So, let's talk about the culture. As an example I'll explain mine and you decide what is best for you and your business.

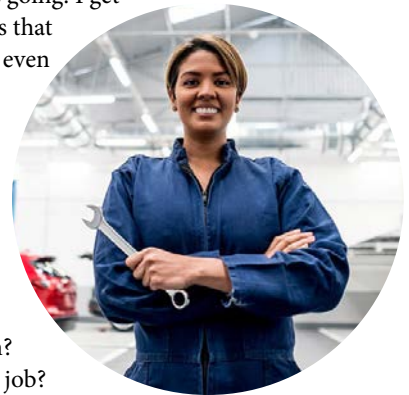
Everyone wants to feel wanted. The question is how to do that (make them feel wanted) and at the same time follow rules. We have a tendency of pointing out what an employee has failed at and not the good (reinforcement). We need to strike some sort of balance between good and bad. For example: You Tech diagnoses a difficult electrical problem in a timely matter and gets the diagnosis 100% right. Give them a pat on the back. Recognize it. Do it in front of everyone so they can be proud. This will help when you need to discipline them on a different occasion. I would highly recommend discipline in a private setting but be firm when doing it.

Make them feel like you care about them. Much like they are family. Every day I come to work. I make my rounds to say a few words to everyone. Manager, Service Advisor, Technicians and yes even my Shuttle driver and clean up person. I like to ask what they did over the weekend or ask how everything is going. I get an idea of their hobbies so I can talk to them about topics that interest them. I'm a Master Tech myself and at times will even offer my help on difficult Diagnosis or repairs. Trust me, they will be shocked and talk about getting their respect when you help them speaks volumes. I have a check list of resources to check before they can come to me for help. This stops the dad syndrome of asking for help on every job. Build a personal relationship and at the same time retain professional relationship as their employer. I call this. "Walking the line".

Work Environment is a huge part. Is your shop clean?

What is your commitment to help In the process of their job?

Example: I remember about 5 years ago during the summer. It was about 95 degrees outside and 100% humidity and the shop was slammed on a Friday. Naturally I was pushing to get things done from my Air-Conditioned office. One of my Techs came into the office to report on an issue he was having, and sweat was rolling off his nose and his shirt was saturated. I realized at that point we needed Air Conditioning in the shop also. Their humans too. I started collecting quotes and after



I want to say is that Money isn't always the issue. Happy employees...are less likely to leave.



\$30,000 dollars it was done and wow, what an attitude change! not to mention productivity. It was worth every Penny I spent. The word spread, and Techs from other shops were coming in asking for a Job. Wow, why didn't I do this sooner?

Equipment and training are paramount to fixing cars and trucks. I've never been shy about buying equipment. I don't really work on cars anymore, but I know what it's like to work with less-than-ideal equipment. However, having the best Tools and equipment in the world is great but finding them is a different story. Especially special tools. I remember spending a half hour one day looking for a tool and decided, that's enough. I bought cabinets for all the special tool labeled the cabinet and the shelf it belongs directly on the

tool and formatted a planogram where all the tools are and posted it at every work bay. Now they know where to find them. Time Is money. Right? Not to mention aggravation.

Training: I have always said asking a Tech to work on all car lines and fix them in an efficient manner 100% of the time is a tall order. Not training Techs is a

formula for disaster and it's unfair to the Technician. Here's an idea for cutting costs on training. For example, if I have a Tech that has exceptional electrical skills. Isn't it a good idea for him or her to teach a small electrical class at lunch in the shop and provide food. My Techs love the idea because it doesn't involve long nights at a training class and coming to

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We didn't spare any expense and their spouses attended. This is an excellent way to get to know their family and let them see you are a fair employer.

work tired the next day. It's a win, win for everyone. There are times when we need technical training from outside but not as frequently. I'll bet that 90% of scan tools or scopes are not used to their full potential. The techs get a real quick how to class when you buy the tool. Certainly not enough to know all the parts of it. We just recently had a lunch class on one of our scanners (we have four scanners). I heard several of the techs say, "wow I didn't know it had that function". That alone was worth the price of Lunch. If you have any ideas on this subject, I would love to hear them. I just recently spent an hour on what I call "the art of the road test" with my shuttle driver who also doubles as my quality control person. You can tell a lot about a Vehicle by performing a proper road test. Ok, enough said.

Have fun. We plan events with our employees and their spouses. Recently we took everyone out trap shooting. Yes, the wives had a great time too. Someone has a birthday. Lunch is on us for the entire shop to celebrate their day. My wife sends a card and flowers home with all the employees for the Mom's on Mother's Day weekend. She sends them a small gift with candy or a candle for Valentines Day. We have an annual easter egg hunt. One of my guys found \$160.00 in four of the eggs we hid. No one went away with less than \$20.00 and they all had fun. We are currently working on a fishing trip. I usually make a list of things we can do and let them decide. We pay for it. Again,



this is a win, win. We all have fun. Last year we had 20 people at our Christmas Party. We didn't spare any expense and their spouses attended. This is an excellent way to get to know their family and let them see you are a fair employer. Spouses are a big influence on your employees. I have a Tech who has been with us for 23 years. On his twentieth anniversary we gave him an engraved shotgun with his name and his years of service with us. He loves trap shooting. How do I know? Remember, I talk to our employees and get to know them. Thanksgiving Pumpkin Pie, Christmas ham anyone? Sure!

Benefits: We have a full range of benefits here. Personal time off to use however they want. Retirement plan, Health Insurance, AFLAC that includes short term disability. We are currently looking into a shop efficiency bonus for the entire shop. I'll write later on that subject after I figure out all the details and how it works. I sometimes go to harbor freight to pick up odd items for the shop. While I'm there I look for cool stuff my Techs might like and make up a goodie

bag for them and leave on their toolbox for Monday morning. It doesn't cost much but they know I'm looking out for them. They all thank me. Like my wife says. "Sometimes it's the little things".

I don't know it all and am not pretending to, but I have looked at the cost of finding and onboarding a new employee and what we spend on the above is pennies on the dollar. Then you don't know if that person fits the culture of your shop. You may go through 4 or 5 Techs before you get the right fit.

In closing, I have a pretty good network of shop owners I talk to on a regular basis. I got some of my best ideas from them. It really helps to network. Example: I was recently talking with Gary Ullhman from Gary's Auto in Laurel. He decided to stop using synthetic blend oil and now uses synthetic only. Less storage and no more trying to figure out what the client wanted. They get synthetic or nothing. Wow, this cut my inventory in half and when I looked at the numbers. It was about \$8.00, an oil change difference and not one of my clients complained. This also cut back on confusion trying to figure out what quality oil to use, we use the best or nothing. With our oil program through WMDA it wasn't a big financial burden to the client. I think it's a great idea. It was a simple conversation on the phone. Gary and I share ideas all the time. I have a lot of friends like Gary, and I also share things with them. Let's keep our eye on the ball and live the good life! ■

DID YOU KNOW

Winter and Summer Gasoline?

Reid vapor pressure (RVP) is a measure of Gasoline volatility. Simply put Winter gasoline has a higher volatility or vaporization than summer gasoline. High levels of vaporization are needed in cold weather as opposed to high temperatures. Higher volatility in the winter is needed to start cold engines. Low volatility in the summer raises the boiling point. This helps stop Vapor Lock and Fuel Foaming in the hot weather especially in Carbureted engines.

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MAFCAS 2023

Mid-Atlantic Fuel, Convenience & Auto Repair Show



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The Maryland Automotive Repair Facilities Law Revisited

Brought to you by James L. Parsons, Jr., [Lynott, Lynott & Parsons, P.A.](#)

In my previous article in *Nozzle & Wrench*, I wrote about the Maryland Automotive Repair Facilities Law (ARFL). That article described the requirements in the ARFL applicable to repair work performed by automotive repair facilities for their customers. Those requirements include a written estimate of work, if requested by the customer (§14-1002), an invoice describing the repairs performed (§14-1003), the return of all replaced parts (§14-1004), and a prohibition of charging the customer for repairs not originally authorized or requested by the customer (§14-1006). In addition, Section 14-1008 of the ARFL requires that, **before** beginning repair work, the automotive repair facility must give the customer a copy of a form authorizing the repairs informing the customer, among other things, of the following “customer rights”:

- (2) That a customer:
 - (i) May request a written estimate for repairs which cost in excess of \$50; and
 - (ii) May not be charged any amount ten percent in excess of the written estimate without the customer’s consent;

(2) That the customer is entitled to the return of any replaced parts except when parts are required to be returned to the manufacturer under a warranty agreement; and

(3) That repairs not originally authorized by the customer may not be charged to the customer without the customer’s consent.

ARFL, §14-1008(a). The requirements as to how the notice of customer rights is to be displayed, along with other information to be included in the notice, are also set forth in Section 14-1008. Section 14-1009 of the ARFL provides that a violation of the ARFL is an unfair or deceptive practice within the meaning of the Maryland Consumer Protection Act (CPA), contained in Title 13 of the Commercial Law Article. A person that violates the CPA may be subject to fines of not more than \$1,000 for each violation, and may also be subject to criminal penalties.

In last year’s article on the ARFL, I referenced the case of *Rogers Refrigeration Co., Inc. v. Pulliam’s Garage, Inc.*, 66 Md.App. 675 (1986), where the court found that a repair shop’s failure to give the notice required by Section 14-1008 was inconsequential, and the judgment in favor of the repair shop for the amount of the repairs was affirmed. However, repair shop owners should be aware that there are other Maryland cases where courts have found that a repair shop’s violations of the ARFL will excuse the customer from paying for repairs, or even give rise to liability under the CPA.

In *Design and Funding, Inc. v. Betz Garage, Inc.*, 295 Md. 265 (1981), a garage brought a lawsuit against its customer for the costs of the repairs to a customer’s truck and car. The customer claimed that the garage violated the ARFL by failing to

...ARFL requires that, before beginning repair work, the automotive repair facility must give the customer a copy of a form authorizing the repairs...





advise the customer of its rights under Section 14-1008, and by failing to return most of the parts that had been replaced in violation of Section 14-1004. At the time that the *Betz* case was decided, Section 14-1008 merely required that the notice be on the customer's invoice, and the court found that the garage had met this requirement. As to the failure to return the replaced parts, the court found that the parts not returned affected 96.1% of the total charges for the repairs, so the violation went to the root of the contract. For that reason, the customer was excused from paying for the repairs.

In the case of *Morris v. Gregory*, 339 Md. 191 (1995), the owner of an antique car filed a lawsuit against the owner of an auto body shop. In his complaint, which included a claim for an unfair or deceptive practice under the CPA, the owner alleged that the body shop violated the ARFL by failing to provide a written estimate before beginning the work as required by Section 14-1002, and by failing to provide a notice of customer rights as required by Section 14-1008. The body shop owner argued that the ARFL did not apply to automotive *body work* (as opposed to repair work), and that the work done was restoration, not repair. The district court and the circuit court ruled in favor of the body shop on the claims under the ARFL and the CPA. On appeal, the Court of Appeals of Maryland (now referred to as the Supreme Court of Maryland) reversed,

finding no basis to distinguish between motor repair work and body restoration work. The appellate court also found that restoration of an antique car was not distinguishable, for purposes of the ARFL, from body work on any other vehicle. As a result, the case was remanded to the district court for a new trial on the claim alleging violations of the ARFL and the CPA.

These cases illustrate the

importance of owners of auto repair and body shops being familiar with the requirements of the ARFL. Following the requirements of the ARFL will minimize the possibility of exposure for claims by customers seeking a return of payments for repair/restoration work. Compliance with the ARFL will also minimize exposure for fines, attorney's fees, and even criminal penalties under the CPA. ■

DID YOU KNOW

On September 5, 1885, the first gasoline pump was manufactured by Sylvanus Bowser of Fort Wayne, Indiana and delivered to Jake Gumper, also of Fort Wayne. The gasoline pump tank had marble valves and wooden plungers and had a capacity of one barrel.



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The Future Is Here! How Artificial Intelligence is ‘Driving’ Patents in the Auto Industry

Brought to you by Garcia-Zamor Intellectual Property Law, LLC



Ruy Garcia-Zamor, Attorney at Law

Artificial intelligence has been at the forefront of many industry conversations this year, from arts to the automotive industry. While AI offers a number of exciting innovations — such as help for self-driving cars, speech analytics, and computerized vision — others worry about the dangers of trusting systems with a lack of human input. And there are IP concerns, as well. This is an exciting time for drivers and cutting edge companies.

In the creative arts sphere, AI art generators use the art or writing of others to “train” themselves to write or create art. Unfortunately, in many cases, the end result borders the line of plagiarism — enough that there have been several lawsuits to this effect. But what about the auto industry? In the auto industry, AI offers a number of possibilities but also a number of concerns.

AI in the Auto Industry

We already have some existing examples of AI in the auto industry, and more coming every day. It can be used in every aspect of the industry. AI robots can be used to construct vehicles, taking human construction out of it. Self-driving, autonomous vehicles that operate on vision sensors are an example of AI in the auto industry. There are also AI systems that are designed to offer driver assistance, such as automatic brakes and driver drowsiness detection.

Of course, these more ambitious feats of AI are still received with some uncertainty by the general public. Many worry that there are simply too many variables on the road for self-driving cars to ever have mass success. Regardless of varying opinions, AI doesn’t seem to be going anywhere any time soon, which leads many inventors to questions when it comes to AI and patenting.

How AI Affects Patenting in the United States

The good news is that AI in the automobile manufacturing sphere does not have the controversy that AI in the arts sphere has. AI databases are not being filled with past vehicle models and churning out cars that are essentially plagiarisms of past models. Rather, they’re learning skills, such as how to put a design together, how to use vision to drive and direct the vehicle, and so on.

It is worth noting that professionals in the auto industry who are not manufacturers — such as professionals in auto sales, mechanics, and more — may still need to think about where they get the art for their logos and promotional



In the auto industry, AI offers a number of possibilities but also a number of concerns.



materials. We'll discuss that in more detail later in this article. However, one prevalent question is how AI may affect patenting when it comes to designing and manufacturing new vehicles.

One issue with AI innovations in the automobile world and patenting is that they largely qualify as patent eligible subject matter. Congress has already ruled not all software innovations may be eligible for a patent. Inventions that are based on ideas or mathematical algorithms that are too abstract are typically difficult to patent. This was discussed at the U.S. Supreme Court in the 2014 Supreme Court ruling *Alice Corp. v. CLS Bank International*, 573 U.S. 208. Fortunately, artificial intelligence is a category that is generally considered as qualifying to seek patent protection and the U.S. Patent and Trademark Office (USPTO) has established guidelines memorializing this exception.

This is important as multiple companies work towards developing self-driving cars or even autonomous rideshares. Tesla is working on self-driving cars and GM has developed Super Cruise for self driving. If the AI used cannot be patented, then the competition can use a similar system to further their

own AI-driven vehicles. In order to patent AI-based software, you will need to make sure it is specific enough to meet the requirements of the USPTO. For example, Tesla has multiple machine-learning software patents in their attempt to create a self-driving car.

There is also the issue of AI-created inventions. In some cases, inventors create an AI which can then itself come up with inventions. One notable example of this was the Device for Autonomous Bootstrapping of Unified Sentience (DABUS), an AI created by Stephen Thaler. Thaler attempted to file two patents which listed DABUS as the inventor and was approved in South Africa and Australia.

However, when Thaler attempted to file the patent in the United States, it was denied. The USPTO required inventors of new inventions to be "natural persons," thus excluding AI inventions. At least at this point, inventions created by AI may not be able to be patented according to the USPTO, though the U.S. congress and the courts may revisit this issue.

How AI Relates to Branding and Marketing For Auto Professionals

Many auto professionals — whether mechanics, car

salespeople, or executives of rideshare companies — commission art for their logo and other promotional imagery. AI can provide the imagery you need for your business, but this does not come without risk. There is currently a class action lawsuit from various artists suing AI companies over copyright issues related to their original artwork.

In an attempt to use real art to train AI algorithms to create art, many AIs are in fact reproducing something too close to copyrighted art. These copyrighted works of art are also being fed to the AI algorithm without permission of the original artist. Because AI is such a recent issue, courts and lawmakers are still determining how artist copyrights and trademarks will be protected.

It can help to speak with an experienced Garcia-Zamor intellectual property attorney to navigate you through the U.S. Patent and Trademark Office and the U.S. courts to solidify your rights via patents, trademarks, registered copyrights, et. Our team can help you determine the different ways that AI will affect your intellectual property in the auto industry. Garcia-Zamor has over 20 years of experience, and we're here to help you. [Contact us today](#) to learn more. ■

DID YOU KNOW

Beginning of the Automobile Engines 351 Years Ago

The first development of Automobiles started in 1672 with the invention of the steam engine power vehicle. This led to the first steam powered vehicle capable of transporting humans in 1769. The evolution of engines started to progress with inventors in the 19th century with the internal combustion engine. Samuel Brown tested the first industrial use for the internal combustion engine in 1826.

SSDA-AT Supports Bipartisan Bill to Strengthen Driver Apprenticeship Program



By Roy Littlefield IV

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.

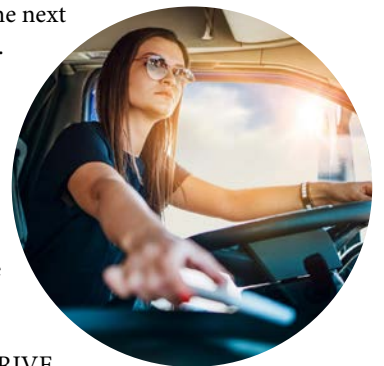
The bill builds upon strong, bipartisan support for the DRIVE Safe Act over the last few Congresses and the inclusion of the Safe Driver Apprenticeship Pilot Program in the bipartisan infrastructure law.

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.



Building a 21st century supply chain requires a strong, vibrant and growing trucking workforce.

GOVERNMENT AFFAIRS



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:

- 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. SSDA-AT 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.

DRIVE Safe Integrity Act (H.R. 3408)

Bill Summary

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. As Congress considers further supply chain legislation, it is important to explore efforts to expand the pool of qualified drivers while promoting appropriate safety standards and performance criteria.

The DRIVE Safe Integrity Act, introduced by Representatives Rick Crawford (R-AR) and Henry Cuellar (D-TX), offers a unique workforce and supply chain solution, building off the strong bipartisan support over the last few Congresses for the DRIVE Safe Act (including inclusion in Chairman Graves STARTER Act), and the broad support for the inclusion of the Safe Driver Apprenticeship Pilot Program (SDAP) in the IIJA.

The legislation addresses the regulations preventing 18- to 20-year-old professional drivers from operating in interstate commerce, when 49 states and the District of Columbia currently allow them to operate intrastate. The bill offers support for the SDAP and the need to get the pilot program back on track, while also providing a pathway to a regulatory change that would establish a permanent apprenticeship program with appropriate safety and training criteria (modeled after the DRIVE Safe Act) upon the conclusion of the pilot program.

Specifically, the DRIVE Safe Integrity Act:

1. Recognizes the ongoing driver shortage challenges facing commercial trucking;
2. Recognizes the importance of trucking to the nation's supply chain;
3. Recognizes that the SDAP was a carefully crafted bipartisan compromise modeled after the DRIVE Safe Act;
4. Recognizes that the SDAP, now active for more than 8 months, is failing to gain

necessary participation to provide real data (less than a dozen driver participants in what was supposed to be 3,000 drivers at any time over the 3-year pilot program), and that extraneous requirements for program participation, which were not included in the IJJA, have contributed to that failure;

5. Urges DOT to take corrective actions that would improve participation in the SDAP;

6. Requires DOT to provide Congress detailed reports on the status of the SDAP, and corrective actions taken to improve participation; and



7. Upon the sunset of the pilot program, absent credible data showing that drivers participating in the pilot program are less safe than those currently operating a commercial motor vehicle in interstate or intrastate commerce, directs DOT to promulgate regulations for a permanent apprenticeship program for commercial drivers between the ages of 18-20 (modeled after the DRIVE Safe Act). ■

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SSDA-AT Sends Letter to Appropriators on FY 2024 Funding Levels



By Roy Littlefield III

On Friday, May 19, 2023, SSDA-AT submitted a letter to the Chairs and Ranking Members of the House and Senate Appropriations Subcommittees on Transportation, Housing and Urban Development, and Related Agencies. In our letter, we encouraged the Appropriators to continue recent practice by including funding for highways and bridges in the Fiscal Year 2024 Appropriations bill that exceeds the levels set by the Infrastructure Investment and Jobs Act (IIJA). SSDA-AT felt this letter was critical after President Biden advocated for no additional money for highways and

bridges above IIJA levels in his FY 2024 budget.

The most recent Conditions and Performance Report by the United States Department of Transportation highlighted a backlog of \$786.4 billion in highways and bridge investments and given the impact that inflation has had on the cost to construct highways and bridges, SSDA-AT believes increased investment in highways and bridges is critical. In addition to urging Congress to increase funds for highways and bridges, we continue to advocate for additional money for Commercial Motor Vehicle (CMV) parking. The House and Senate are considering CMV parking legislation, which the SSDA-AT supports, and we believe this is an additional opportunity to support funding for CMV parking.

We sent similar letters to the House and Senate Appropriators last summer and fall regarding FY 2023 funding, which ultimately resulted in increased funding above IIJA levels. SSDA-AT plans to follow this letter with direct lobbying on the need to continue to increase funding for highways and bridges to meet the promises of the IIJA and the national interest in highway investment.

We will continue to oppose efforts to slow down the permitting process for infrastructure projects authorized under the Infrastructure Investment and Jobs Act (IIJA) and other legislation as applicable. We anticipate that the CEQ will move quickly on finalizing this guidance, but Congress could seek to challenge whether this is guidance or if it rises to the level of a formal rule, and is subject to a challenge under the Congressional Review Act.



Senate Republicans Introduce Permitting Reform Legislation

On May 4, 2023, Senator Shelley Moore Capito (R-WV), Ranking Member of the Environment and Public Works (EPW) Committee, introduced a permitting reform bill seeking to speed up the timeline for approving energy and infrastructure projects, S. 1449, the RESTART Act. The bill is co-sponsored by all Republicans

In addition to urging Congress to increase funds for highways and bridges, we continue to advocate for additional money for Commercial Motor Vehicle (CMV) parking.

on the EPW Committee. It would speed up the review and approval process by modernizing NEPA through strict deadlines for agencies to review projects, shortening timelines for courts to consider challenges to projects, and placing strict guidelines for when NEPA applies to a project. This bill also seeks to rein in the designation of waters as Waters of the United States under the Clean Water Act and would prohibit the use of Social Costs of Carbon when considering projects.

EPW Chair Senator Tom Carper (D-DE) has posted a discussion draft of a permitting reform bill that focuses on accelerating approval of clean projects. Energy Committee Ranking Member Senator John Barrasso (R-WY) has also introduced legislation, focused on streamlining reform of review and permitting of energy projects.

There have been developments since S. 1449 was introduced and since the draft bill was posted (see below for news on Waters of the United States and on NEPA reform in the debt limit legislation), but the basic issues remain.

Permitting reform remains a major priority of SSDA-AT and we are ready to work to push forward on.

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 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. ■



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