

NOZZLE & WRENCH

WMDACAR

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- >> Learn from Ford's Latest Wireless EV Charging System

KIRK'S CORNER

Mid-Atlantic Fuel, Convenience & Auto Repair Show at Maryland Live Casino & Hotel - (MAFCAS)



By Kirk McCauley, Director Of Member Relations & Government Affairs

Thursday October 19th, vendors will be setting up booths, with little pre-show from 5:30pm-7:30pm (sneak peek). If you can't attend on the 20th, this will be an opportunity to check out the tradeshow. Also, for your employees to attend afterwork hours.

Friday October 20th from 10am-12pm there will be a Legislative Industry Issues Forum Round Table. WMDA/CAR has put together a lineup of State regulators, Maryland Department of Environment Oil Control, Comptroller's office, Field Enforcement Bureau, Department of Agriculture - Weights & Measures, Alcohol, and Tobacco, and Cannabis Commission. Directors of these agencies are already committed to participating.

WMDA/CAR attorney, MAPDA, Service Station Dealer of America, repair shop owners, C-store owners, N.J. Gasoline Retailers' Association and representative from Small Business Administration will also be in attendance.

We are not finished yet and will update you as we add panel members. If you are in the fuel, convenience, or repair industry you will want to attend, panel members are by invitation,

but attendance is open to all. Get the latest updates from regulatory agencies, and we will try to rub the crystal ball and see what the future holds from some of the businessmen and women who are leaders in our industry. What will the legislative year of 2024 look like? Attend, and find out.

Continues on page 4



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Continued from cover

With electrification movement creating headwinds and headlines we can't run around like Chicken Little crying the sky is falling. Change normally creates opportunity, and the future looks bright. **Attendance is also free as is the show, but you must register to have a badge and pre-registration is the way to go and save time waiting in line. Please note that Vendors/Suppliers/Companies that provide a service to our member base will need an exhibitor booth to attend the tradeshow.**

On October 20th, 11am MAFCAS show opens and runs to 6pm but at 5pm the Awards cocktail reception starts while show is still open.

The Awards Dinner will start at 6:15pm and this is a ticketed event, get your tickets or tables early as dinner normally sells out. Awards dinner and after party will run until midnight. This would be a good time to treat yourself and get a room for the night, when you turn into a pumpkin at midnight you can just roll up to your room or if you are tough as nails, you can go pull one arm bandits before retiring LOL.

Hope to see all our members enjoying the day and evening.

Prince George County Sign Bill

On September 6, Prince Georges County passed a sign bill [CB-044-2023](#). They passed this bill without seeking stake holders' input, even after changing the bill, this is not the original bill. PGC had a hearing



and voted with very little notice after coming off recess. The part of bill that matters is below.

- All gas stations shall comply with Section 10-315 of the Business Regulation Article. If the gas station posts a sign under Section 10-315 of the Business Regulation Article, include within the sign additional pricing information required under subsection E of this Section.

E. A sign posted by a gas station under Section 10-315 of the Business Regulation Article must also include, clearly and visibly, the highest credit price

- Section 10-315 is a State of Maryland business regulation that requires you to post the lowest price of regular gasoline on your street sign. The key word they have put in for highest credit price is "Include Within" the sign.
- Stations have one year to comply with the regulation. In the meantime, WMDA/CAR, along with MAPDA

has sent a letter to PGC members, asking for amendments, and giving council some options that would mitigate the cost of bill and same time asking county executive to veto. PGC modeled this bill after MOCO's but left out the alternative method of posting credit price. Alternative method would allow you to post credit prices on a ground sign that is clearly visible and of same size numbers and letters as the font on your cash price sign. ■



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MAFCAS

Mid-Atlantic Fuel, Convenience & Auto Repair Show

OCT. 19-20 | MARYLAND LIVE CASINO & HOTEL



OCT. 19-20

MARYLAND LIVE CASINO & HOTEL

OCT. 19: PRESHOW / OCT. 20: TRADESHOW & AWARDS DINNER

If you are in the Fuel, Convenience Store or Repair business, MAFCAS is for YOU!

WMDA/CAR Expo is now called Mid-Atlantic Fuel, Convenience & Auto Repair Show (MAFCAS) and will be held at Maryland Live Casino & Hotel. The automotive fuel and repair industry is going through a change that is unprecedented. Headwinds against carbon fuel, State and Federal mandated zero emission EV sales, all bring change and uncertainty.

Talk to fellow business owners, renew friendships, and learn what is working for others. There will be free seminars during the trade show on topics that matter, Dinner, Awards Ceremony, and an After Party!

Don't miss this opportunity to market your products and services to decision makers in the Automotive Aftermarket!

MAFCAS ATTENDEE SCHEDULE

OCTOBER 19

- 12 pm–5:30 pm **Registration**
5:30 pm–7:30 pm **Tradeshow Sneak a Peek**

OCTOBER 20

- 8 am–4:30 pm **Registration**
10 am–12 pm **Legislative Forum on Industry Issues**
11 am–6 pm **Tradeshow**
1 pm–2 pm **Seminar 1: Brought to you by BP**
More info coming soon
2 pm–3 pm **Seminar 2: Strategies for Expanding Alternative Fuels**
Speaker: Antoine Thompson, GWRCCC
3 pm–4 pm **Seminar 3: Brought to you by Chevron**
Speaker: Steve Collins
6 pm **Tradeshow closes**

TICKETED EVENT

- 6 pm–7 pm **Cocktail Reception**
7 pm–9:30 pm **Awards Ceremony & Dinner**
9:30 pm–Midnight **Last Call!**



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We can't wait to see you at MAFCAS!



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How Special Exceptions A/K/A Conditional Uses Can Impact Your Business

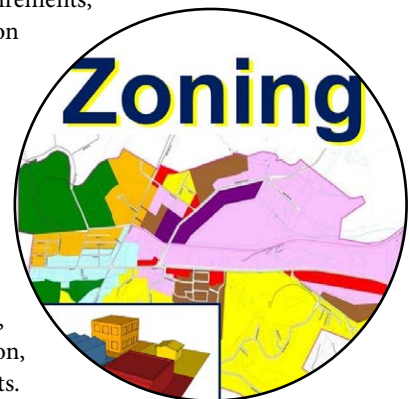
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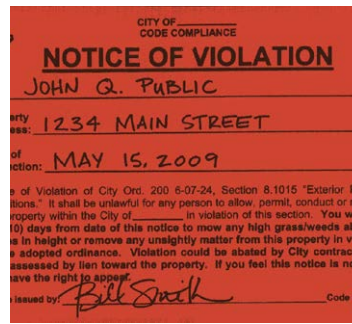
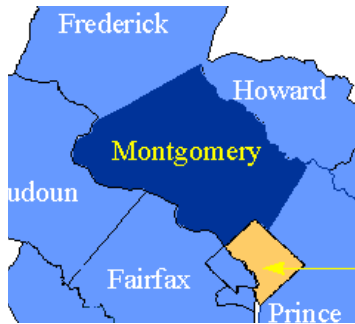
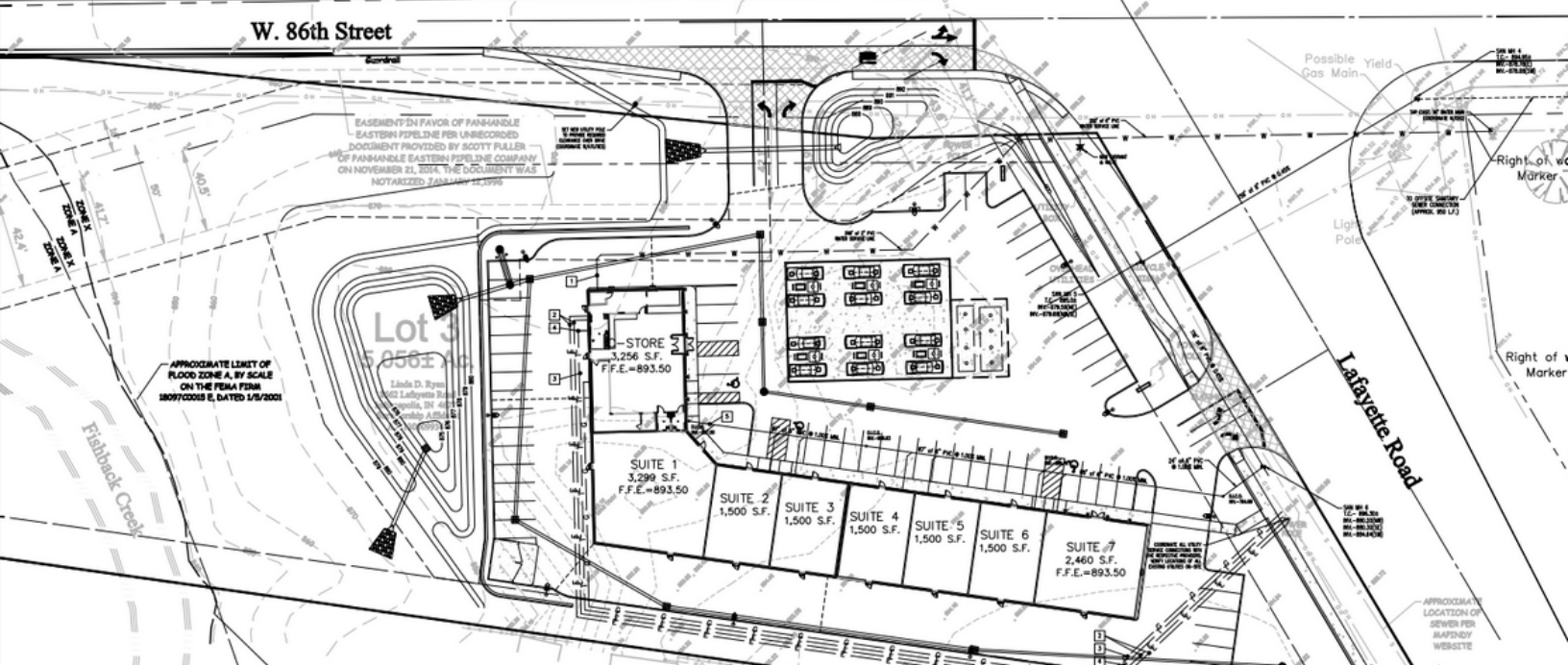
...in many jurisdictions in Maryland, the development and operation of a motor fuel facility requires zoning board approval of an application for a special exception, also known as a conditional use.

In addition to the federal and state laws that apply to the operation of retail motor fuel facilities, the development and operation of these facilities is regulated by local zoning ordinances. Some jurisdictions provide in their local zoning ordinances that the development and operation of a motor fuel facility is a permitted use in certain specified zones, subject to specified requirements. Some motor fuel facilities that were constructed lawfully but are no longer lawful under current regulations may still lawfully operate as non-conforming, or “grandfathered” uses. However, in many jurisdictions in Maryland, the development and operation of a motor fuel facility requires zoning board approval of an application for a special exception, also known as a conditional use. These are zoning classifications that essentially allow for the development and operation of a specified use provided that the requirements stated in the local zoning ordinance are satisfied. These requirements typically include standards related to compatibility with surrounding properties and the evaluation of traffic, health and safety issues that may arise from the proposed use. Each jurisdiction may have its own unique set of requirements, and applications for these types of uses are evaluated on a site-specific basis, because a conditional use may be appropriate in some locations but not in others.

As part of the conditional use application process, a local zoning authority may require the applicant to submit a site plan. The site plan will show the location of the improvements to be developed on the property, as well as parking, drive aisles, access points, etc. The local zoning authority will also then issue a written decision approving the conditional use, with stated conditions governing the hours of operation, number of employees, parking, and other requirements. Once the use is approved, the applicant will be required to comply with those conditions. In addition, the property must remain in compliance with the approved site plan.

Over time, property owners may make certain improvements or modifications to their buildings, improvements, or other features of their property. Often, these changes are made without notice to the local zoning authority. While many local governments do not have the resources to be actively monitoring compliance with





the approved conditional use conditions, violations may be discovered through inspections or complaints by third parties. If that happens, the zoning inspector may issue a notice of violation, requiring that the owner file an application for a minor or major modification to the approved conditional use. Failure to comply with the notice of violation can result in an abatement order issued by the District Court, which can ultimately require the removal of any improvements that are not in compliance with the original site plan. Accordingly, depending upon the nature of the modification, the owner receiving the notice of violation should apply for either a minor or major amendment to the approved conditional use.

In Montgomery County, “[a] minor amendment to a conditional use is one that

does not change the nature, character, or intensity of the conditional use to an extent that substantial adverse effects on the surrounding neighborhood could reasonably be expected, when considered in combination with the underlying conditional use.” Montgomery County Zoning Ordinance, Section 7.3.1.K.2. A minor amendment can be approved administratively, and is relatively simple. However, if the modification does change the nature, character or intensity of the conditional use such that substantial adverse effects on the surrounding neighborhood can reasonably be expected, then the owner will have to submit an application for a major amendment, and the owner will have to go through a similar process as the original application for the conditional use.

Any operator of a motor

fuel facility that is considering modifications to the property should review the conditional use site plan and any requirements contained in the decision of the local zoning board to make sure that the modifications do not run afoul of the approved plan and decision. If the modifications are minor, then they may be approved through a relatively simple process. On the other hand, the development of a major modification to the property will require the property owner to go through the same process as the original conditional use application. Any operator considering such modifications should consult with an experienced engineer and land use attorney to determine the scope of the modification necessary to bring the property into compliance with the zoning ordinance. ■

Learn from Ford's Latest Wireless EV Charging System

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



Ruy Garcia-Zamor, Attorney at Law

Although they are still fairly uncommon, anyone in the automotive manufacturing system can tell you that electric vehicles seem to be the path to the future. With electric vehicles, there will be far less fossil fuel tailpipe emissions. You may have seen electric charging stations at major gas stations recently.

There are still a few issues inherent with electric vehicles. For one thing, charging takes hours, so you will need to be able to park in front of a charging station for some time. This might not be convenient if you have to travel a long distance or take a roadtrip. But recently patented innovations may change that.

Let's dive into Ford's recently granted patent for a wireless EV charging system, as well as the significance of patenting these inventions in the automotive industry.

Ford's Wireless EV Charging System

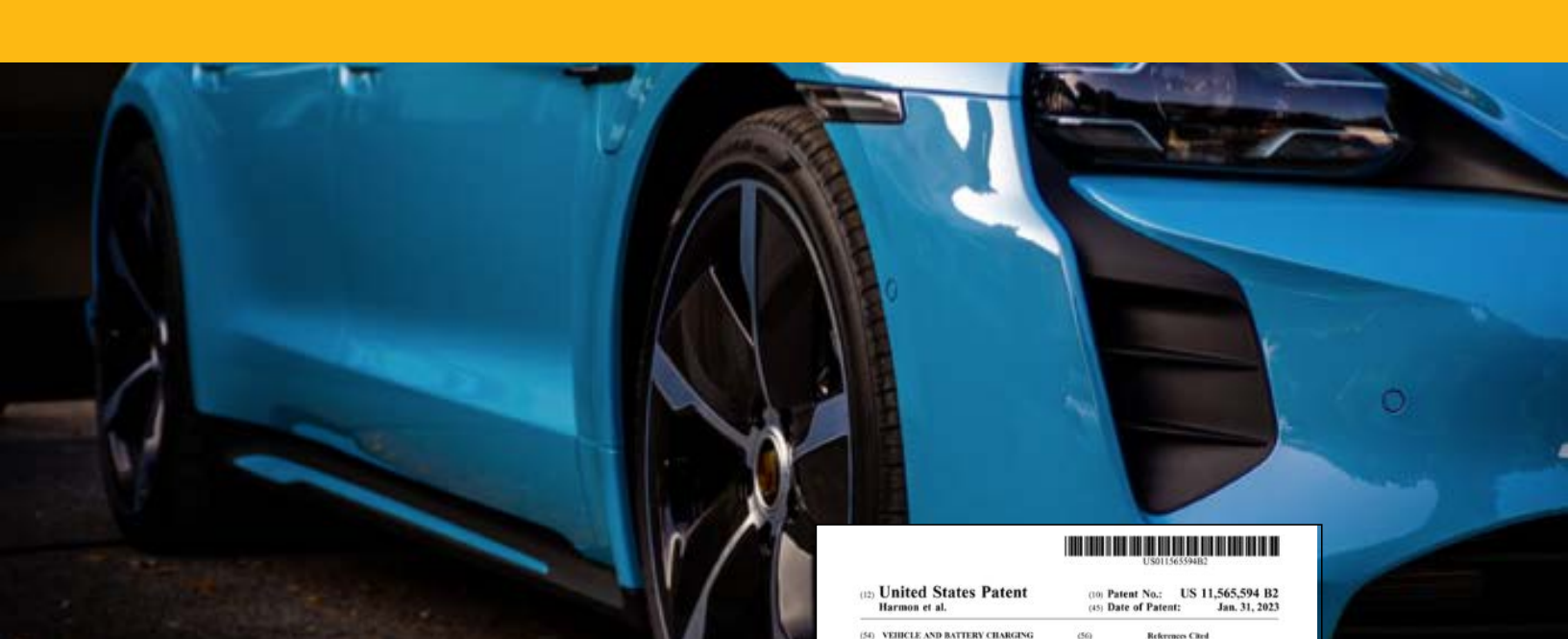
Ford Motors has been an innovator since their formation in 1903, when they released the first affordable vehicle — the Model T. They have remained among the top automobile manufacturers in the 120 years since that time, so it's no surprise that Ford has ventured into the field of electric vehicles: namely the Ford Mustang Mach-E and the Ford F-150 Lightning. The F-150 Lightning has even been posited as a potential backup power source for your home if the power cuts.

Recently, Ford received a patent that changes the game when it comes to charging electric vehicles. Their inductive charging system allows an alternative to plugging your electric vehicle into charging stations for hours at a time. With this charging system, you can charge your electric vehicle at home, in the work parking lot, or without even leaving your vehicle.

This inductive charging involves a charging pad which is itself filled up at a charging station, but is then attached to a like component between the two front tires of your vehicle. Simply attach the charging pad and it takes care of the rest. This is similar to the Ford charging pads for smartphones and like devices.

Last year at the Detroit Auto Show, the Ford Mustang Mach-E was shown to use a wireless charging system, showing car enthusiasts and industry professionals the way that these cars may charge in the future. Some industry professionals predict that this is one of the first steps to electric vehicles that are able to charge wirelessly even as you drive.





How Even a Patent Application Helped Ford Protect Their Invention

Ford was granted their patent for their wireless EV charging systems in January of this year, but the Ford Mustang Mach-E was shown to use it at the Detroit Auto Show in September of last year. That means that at the time of the auto show, their wireless charging system patent application was still in review. But even that application helped protect Ford's intellectual property.

You may have had this concern before: “What if someone else files a patent application for an invention similar to mine before my patent is approved?” The good news is that if there are two similar inventions applying for a patent, but you filed your application first, yours will take priority. If your patent is granted, subsequent applications will be denied.

During the time that your patent application is reviewed, you may — as Ford may have — claim that your product is “patent pending” or “Pat. Pend.” This signals to your competitors that you have a patent application currently in review for the invention that you are now using and offering. If they copy your

invention, you may be able to sue them for infringement once your patent is granted — but not before.

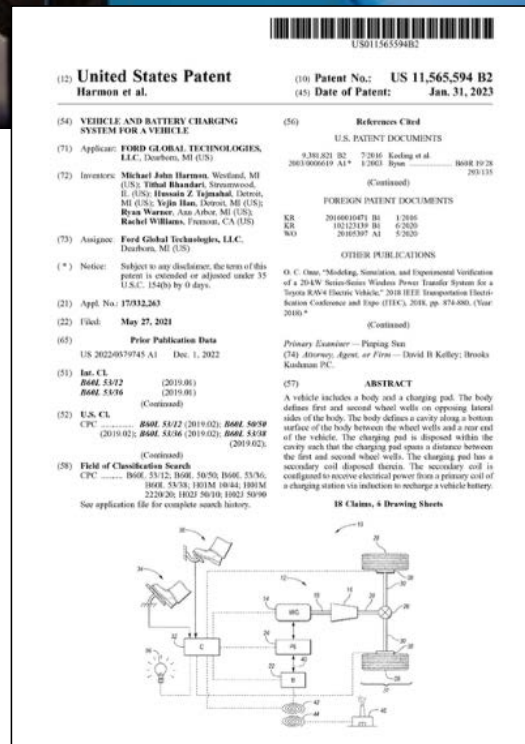
This is where patent pending can be a little tricky. It offers you no enforceable protection until the patent is actually granted. But this is far from Ford's first patent application. The executives at Ford likely felt reasonably confident that their patent would be granted. Thus showing their wireless charging system to the public before the patent had been granted still offered them some protection from their competition. In these cases, a patent pending notice is a way of saying, “Back off, this is ours.”

The patent application process can take well over a year, and you

may need to use your invention before your patent is issued. Make sure that it's clear you have a patent application out to ward off any potential IP theft.

Have An Invention You Want To Patent? Trust Garcia-Zamor

Garcia-Zamor will draft and file your patent application, conduct any necessary research, and keep you posted on how to protect your intellectual property until your patent is issued. Contact us today to learn more about how we can use our over two decades of combined experience to help you. ■



NHTSA Permits Limited Application of Massachusetts' Right to Repair Law—SSDA-AT Responds



By Roy Littlefield IV

The federal government has outlined an approach for automakers to adhere to Massachusetts' automotive right-to-repair law without violating federal regulations. However, the suggested plan from the National Highway Traffic Safety Administration (NHTSA) significantly narrows down the scope of the original law and might not be put into practice for a number of years.

The Massachusetts Data Access Law, which was passed through a referendum in 2020, mandates that car manufacturers selling vehicles in the state must offer wireless access to the car's "telematics" – the software and data stored within the vehicle.

This provision would enable independent car repair shops to compete on an equal footing with factory-authorized shops that already possess access to this data.

In June, the NHTSA told automakers not to comply with the law, arguing that doing so could weaken cybersecurity safeguards for automotive computer networks. This stance prompted a strong response from Massachusetts Senators Ed Markey and Elizabeth Warren, who questioned why the agency had taken over two years to raise this objection.

However, the NHTSA has now proposed that automakers could fulfill the law by providing wireless access to vehicles using short-range Bluetooth radio connections instead of longer-range cellular networks. Since Bluetooth connections have limited range, the potential for unauthorized access is greatly reduced.

In a letter on 8/22, NHTSA stated, "If implemented with appropriate care, a solution like this one would significantly decrease the cybersecurity risks – and consequently, the safety risks – associated with remote access."

Senators Warren and Markey issued a joint statement applauding the NHTSA's change in position. They stated, "This step will not only alleviate burdens and reduce costs for Massachusetts drivers but also ensure that transportation regulators continue to build upon the Biden administration's agenda, which advocates for competition and consumer interests."

However, the proposal comes with significant challenges. Car manufacturers would need to incorporate new telematic systems with Bluetooth radios to transmit



NHTSA has now proposed that automakers could fulfill the law by providing wireless access to vehicles using short-range Bluetooth radio connections instead of longer-range cellular networks.



the data. Given that vehicle designs are planned years ahead, it could be quite some time before this feature becomes a reality.

Massachusetts First Assistant Attorney General Pat Moore noted, “We understand that a period of compliance will likely be necessary.”

Furthermore, the Bluetooth compromise undermines a key goal for independent repair shops – securing constant access to their customers’ digital data.

Currently, vehicles with telematic systems transmit diagnostic data to manufacturers in real time using cellular connections. Car manufacturers can utilize this data to identify potential problems and offer maintenance and repair services to vehicle owners. Independent repair shops argue that this gives factory-backed dealers an unfair edge.

The intent of the Massachusetts law was to provide independent shops equal access to data, allowing car owners to share telematic data with local mechanics rather than exclusively

with dealerships. However, if telematic data is only accessible through short-range Bluetooth connections, mechanics would only have access when the vehicle is physically present at the shop.

SSDA-AT Response

SSDA-AT finds encouragement in NHTSA’s letter, which firmly advocates for the “right to repair.”

SSDA-AT believes that although this is a step in the right direction, the new approach fails to adequately

address repairing vehicles that are already on the road today. SSDA-AT is also concerned that the implementation could span several years.

Right to Repair remains a top priority for SSDA-AT members and a national law would provide for much needed clarity and direction in vehicle repair.

SSDA-AT has been supporting the REPAIR Act in the 118th Congress which now has 36 bipartisan co-sponsors. ■

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Support for 199A Reaches New Heights



By Roy Littlefield III

The effort to make permanent the Section 199A Main Street business deduction just hit a significant milestone.

In just a few weeks the Main Street Tax Certainty Act (H.R. 4721), introduced by Congressman Lloyd Smucker, has garnered the support of more than 100 House cosponsors. Among those backing the legislation are Democratic Representatives Henry Cuellar (TX) and Josh Gottheimer (NJ), and all 25 Republican members of the Ways & Means Committee.

Section 199A was enacted in 2017 to encourage job creation and new investment by private businesses. It also helps private companies compete with large, publicly-traded corporations. Without the deduction pass-throughs would face rates up to 16 percentage points higher than their publicly-traded competitors. Despite this important role, Section 199A is set to expire at the start of 2026.

Of the more than 5,000 House bills introduced this year, the Main Street Tax Certainty Act is just one of 80 to hit the 100-cosponsor mark. Over the past decade, only about 2 percent of bills have reached that threshold. In other words, the broad support for Section 199A permanence shows lawmakers fully grasp the severity of the situation, and are committed to preventing a massive tax hike on millions of Main Street businesses come 2026.

There's good news on the other side of the Capitol as well. Back in May, Senator Steve Daines (MT) – a longtime ally of the Main Street business community – introduced his 199A permanence bill (S.1706). To date, one of every five Senators is a cosponsor.

Section 199A is more than just a tax provision. It protects thousands of local communities from fewer jobs and more boarded up buildings, reduces the tax burden on local businesses to make them more competitive, and allows multi-generation businesses to stay family-owned.

Ensuring Section 199A is a permanent fixture of the Tax Code is the number one priority for the S Corporation Association. As it turns out, we are not alone. More than 160 trade associations – representing millions of Main Street employers from every corner of the country – recently signed onto our letter thanking Senator Daines and Congressman Smucker for their leadership and are actively backing the effort.

There's still much work to be done, but the broad support for the Main Street Tax Certainty Act shows it is time for Congress to pass this commonsense legislation and let affected businesses go back to doing what they do best: hiring workers, growing the economy, and supporting their communities. ■



Section 199A was enacted in 2017 to encourage job creation and new investment by private businesses.

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