

NOZZLE & WRENCH

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

MAFCAS EDITION

WMDACAR

VOLUME 22/ISSUE 10
OCTOBER 2023

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WMDA/CAR is your advocate in the legislative arena and contact with state agencies. Every location you own benefits, far beyond what you see.

KIRK'S CORNER

Why I should be a WMDA/CAR Member?



By Kirk McCauley, Director Of Member Relations & Government Affairs

We are asked that question all the time, particularly when it comes to additional location. There is a simple answer: **WMDA/CAR Saves/Earns You Money.**

Preferred vendors that save you money, Parts Authority, Reit Lubricants/Chevron products, James Parsons WMDA/CAR attorney are just some examples.

Our members are some of the most regulated businesses in MD, DE, and DC. We work not only with legislators in all 3 areas we represent but the agencies that enforce those regulations.

Sometimes savings are hard to see because you do not see it as hard

cash. Examples are: MDE wanted to make waste oil a hazardous waste, yes you would just add the cost of disposal to environmental charge, on invoice and it would not cost you anything. What you don't see is it also would ban waste oil as a heat source. Many of our repair locations have waste oil heaters!

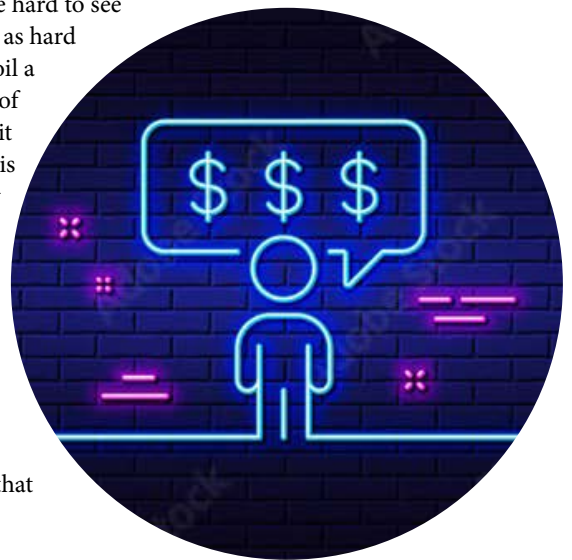
Legislation to change the definition of Manager, contractor, technicians, and overtime pay and how you pay your employees and collect payroll taxes.

Sometimes saving/earnings are easy to see. Retail Sales Tax Holiday for 3 months that saved up to \$18,000 in 3 months payment of sales tax, WMDA/CAR was part of thought process when that was in the early stages of development.

Increase in lottery agent's fees.

Killing a bill that would have banned all flavored tobacco and flavored ESD products in Maryland. Flavored tobacco sales are over 50% of tobacco sales in Maryland, you can calculate that yourself.

Many labor and employment bills that would have affected all our members were either killed or amended. I can calculate how much that has saved our members. Bills that would mandate discontinued use of natural gas, propane, and oil heat in your business.



Continues on page 4

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Continued from cover

We see close to 4,000 pieces of legislation a year from MD, DE, and DC. Many of them would increase the cost of doing business. WMDA/CAR is your advocate in the legislative arena and contact with state agencies. Every location you own benefits, far beyond what you see.

Our membership for primary locations is \$299 per year and \$150 per year for additional locations. That is 82 cents a day for primary location and 41 cents for additional locations.

Being or becoming a WMDA/CAR member is a no-brainer **Membership Does Not Cost—It Pays**. Sign all your location up and recruit someone who is not a member, for there is truly strength in numbers.

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

Thursday October 19, vendors will be setting up booths,

with little pre-show from 5:30pm-7:30pm (sneak peek).

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, and directors, WMDA/CAR attorney, MAPDA, Service Station Dealer of America, repair shop owners, C- store- owners, N.J. gasoline retailers' association.

At the end of this article there is an agenda list of panel members for the work group. 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. 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 I think there is no exception in this case. **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.**

On October 20th, at 11pm MAFCAS show opens and runs until 6pm. Dinner ticket holders will have a cocktail hour from 6pm-7pm

The Awards Dinner will start at 7pm and this is a ticket event, get your tickets or tables early as dinner normally sells out. The 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 tuff as nails, you can go pull one arm bandits before retiring LOL

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

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, and directors, WMDA/CAR attorney, MAPDA, Service Station Dealer of America, repair shop owners, C- store- owners, N.J. gasoline retailers' association.

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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

THURSDAY, OCTOBER 19

12 pm–5:30 pm **Registration Open**
5:30 pm–7:30 pm **Tradeshow**

FRIDAY, OCTOBER 20

8 am–4:30 pm **Registration Open**
10 am–12 pm **Legislative Forum on Industry Issues**
11 am–6 pm **Tradeshow**
1 pm–2 pm **Motor Oil 101, High Mileage Oils, Future Trends – 0W08 or 0W04?**
Speaker: Derek Guinane, Expert Technologist, Castrol
2 pm–3 pm **Strategies for Expanding Alternative Fuels & Available Funding in Maryland**
Speaker: Antoine Thompson, Executive Director, GWRCCC
3 pm–4 pm **Overview of Chevron Products, Installer Consumer Programs & Latest Industry Developments, EVs and More!**
Speaker: Steve Collins, Chevron
2 pm–3 pm **EV – Impact on Tires & Alignment**
Speaker: Steve Dawson, Hunter Engineering
4 pm–5 pm **Get Your MVP and Find Your Culture Champions**
Speaker: Karim Morsli, Owner, Winkler Automotive Service Center
6 pm **Tradeshow closes**

TICKETED EVENT

6 pm–7 pm **Cocktail Reception**
7 pm–9:30 pm **Awards Dinner & Ceremony**
9:30 pm–Midnight **Last Call! After Party** *with DJ Delights*

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LEGISLATIVE INDUSTRY ISSUES FORUM



Maryland Live Casino and Hotel, Event Center - Act Room
October 20, 2023, 10am-12pm

Welcoming Remarks

Sandi Weaver – WMDA/CAR President

Moderator

Kirk McCauley – WMDA/CAR

PANELISTS:

Auto Repair -CAR

Sandi Weaver, BA Auto Care, Bruce Spenser, Walt Eger's Auto Service

Maryland department of Agriculture

Alison Wilkinson, Chief of Maryland Weights & Measures

Maryland MDE Oil Control Program

Chris Ralston, Administrator Oil Control Program
Tom Walter, Chief of Compliance Oil control Program

Maryland Comptroller's Office

Chuck Ulm, Director, Field Enforcement Bureau
Patrick Dunkes, Program Manager

Maryland ATCC

Jeffrey Kelly, Executive Director Alcohol, Tobacco & Cannabis Commission

Maryland Lottery

John Martin, Director of Maryland Lottery & Gaming Agency

Attorney, WMDA/CAR

James Parsons, Lynott, Lynott & Parsons, P.A

NJGCA

Joe Ocello, Board President NJ Gas & Convenience Store association

Federal Legislation

Roy Littlefield III & Roy Littlefield IV SSDA - AT

Mid Atlantic Petroleum Distributors

Ellen Valentino - Executive Vice President, Mid Atlantic Petroleum
Distributors Association (MAPDA)

Maryland Service Station & Convenience

Riaz Ahmad, Past President, WMDA/CAR

D.C. Lottery/Convenience stores

Nasir Cheema, Vice President, WMDA/CAR

WMDA/CAR

Kirk McCauley, Government Affairs

What is Fuel Octane and How is it Rated?



Ken Quasney
Owner, Auto Sense

Octane is another word for Fuel Stability. This is the point where fuel will spontaneously ignite. This is referred to as Spark knock or Detonation in internal combustion engines. Engines are designed to burn fuel in a controlled manner. The lower the octane the lower the stability. Knock or detonation is hazardous to engines. Lower octane (stability) fuel will ignite before an ignition event causing higher than normal pressure in the combustion chamber. Higher octane fuels have a higher stability rating preventing spontaneous combustion (auto-ignite) from happening. Recently car manufacturers have been recommending higher octane fuels.

This allows ignition to ignite the air and fuel earlier (advanced ignition timing) increasing burn time. Longer burn time increases efficiency and helps with a complete burn of all the air and fuel in the combustion chamber. This decreases the number of Hydrocarbons in the exhaust and helps prevent catalytic converter failure and less harmful pollutants.

How is octane rated? First, if you're an older person like me. You remember octane on the pump advertised as high as 102 octane. Gasoline companies advertised this rating to attract customers. The 50's and 60's had a sort of octane war between gas companies as performance engines grew in popularity. There are two basic octane ratings. Research Octane Rating (RON) and Motor Octane Rating (MOR). RON ratings are tested at engine idle with low outside or intake air temperatures. This will give gasoline a higher-octane rating. MOR ratings are tested under more stressful engine loads with higher outside or intake temperature. MOR will rate octane lower. In the seventies the government stepped in and demanded oil companies advertise an average of the two ratings. $\text{RON} + \text{MOR} \text{ divided by } 2 = ?$ If you look closely at a gas pump you will see $\text{R} + \text{M} / 2$. Gasoline octanes really haven't changed much from the sixties. It is more of the rating methods that have changed and of course no lead in gasoline. In the 50's and 60's Oil Companies advertised the RON method of octane ratings to advertise their fuel. So, there you have it in a nutshell. Remember, keep your eye on the ball and live the good life. ■

Recently car manufacturers have been recommending higher octane fuels. This allows ignition to ignite the air and fuel earlier . . .



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- Safeway and Acme grocery rewards redemption
- Increased premium grade ratios vs. unbranded

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The Wills Group and our family of businesses including Dash In, Splash In ECO Car Wash, and SMO Motor Fuels are located across nearly 300 locations throughout the Mid-Atlantic region. Since our founding in 1926, the Wills Group has been committed to caring for and supporting the communities where we live and operate.

The New Trademark Registration From Volkswagen is Electric!

What the New GTI Logo Hints About the Future of Volkswagen

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



Ruy Garcia-Zamor, Attorney at Law

In July of this year, renowned auto manufacturer Volkswagen filed a trademark registration for a new GTI logo. For the most part, the logo was unchanged: the letters G and T seemed to have the same font and general design. The I, however, had been changed into a lightning bolt symbol. This has car lovers speculating a future of electric vehicles for Volkswagen's GTI offerings, an exciting prospect for things to come. Sure enough, Volkswagen has since announced their intention to release 11 all-electric vehicles by 2027, including the ID. GTI.

About GTI and the Volkswagen ID. Line

GTI stands for "Grand Touring Injection." It's a type of direct fuel injection that Volkswagen started using in 1976 in order to create cars that could travel over long distances without losing performance quality. It's most popular in the Volkswagen GTI Golf, a compact five-seater hatchback, especially in the United States. Over time, GTI has become a popular category of Volkswagen vehicles.

Meanwhile, the Volkswagen ID. line is the manufacturer's first line of vehicles built to be all electric. This comes on the heels of tighter restrictions on fuel emissions in Europe, as well as the trend of electric vehicles growing across manufacturers. There are hatchbacks, crossovers, vans, and SUVs all within the ID. line. They sport that classic Volkswagen look with exciting modern electric vehicle technology.

Early this month, Volkswagen released the news that they were developing the ID. GTI, a fully electric vehicle within the GTI line. The vehicle will resemble the ID. 2 previously previewed. It is set to release in Europe for 2027. Although a release date is unconfirmed, it is possible that the ID. GTI will be making its way over to the United States at some point after the fact.



The New Trademark For GTI

The new GTI trademark was registered in July, a couple months before the ID. GTI was released. This clued car lovers in that there was big news to come soon. However, this is likely not the last we will see of electric innovations under the GTI name. A trademark is meant to represent a brand overall. This change in trademark signifies not just one new car but an evolution of the GTI brand overall. This means we can likely still look forward to more news about electric vehicles to come.

This has car lovers speculating a future of electric vehicles for Volkswagen's GTI offerings, an exciting prospect for things to come.

Why Change Your Logo?

Your logo is supposed to be your business's call sign, as it were. When people see it, they know that it's your business. It's important that it be recognizable. It may seem contradictory, then, to change that logo and risk it going unrecognized. However, as we've seen from the Volkswagen GTI example, there may be smart reasons to do so.

For one thing, your brand may not stay the same throughout time. You may decide that you want to shift towards a more modern, sustainable manufacturing design — such as electric vehicles. Or you may want to be known for self-driving vehicles as you grow in innovation for self-driving cars. A change in your logo can serve as a marker to your new direction.

Logos have also been changed as a way of targeting a different

audience, such as a shift from a more family audience to young professionals. What is important to keep in mind is that your logo does not have to change completely. Consider the new GTI trademark: the same font is used, and the logo is much the same, except that the I is replaced with a lightning bolt. It's a good idea to use your old logo as a jumping off point for your new logo, so that it is still recognizable.

Can You Update Your Trademark Registration?

There are some circumstances in which you might be able to amend a registered trademark, as long as it contains the "essence" of the original trademark and "does not materially alter the character" of the trademark. For instance, if you need to add a disclaimer or remove goods and services from your trademark registration, you can do so. However, for significant

changes to the trademark itself, you would be better served registering a new trademark.

In the case of Volkswagen, they registered a new trademark when changing the GTI logo. Although the logo was mostly the same, the differences were significant enough to go beyond the need for a trademark update. Your intellectual property law team at Garcia-Zamor can help you determine whether the best choice for you is to update an existing trademark or register an old trademark. We then take care of the trademark registration for you, so you can focus on the new exciting things you have in store for your brand.

Contact Garcia-Zamor today to learn more about how we can help you when you, like Volkswagen, need to change trademarks to herald a new era in your company. ■

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LEGISLATIVE UPDATE

Right to Repair Updates



By Roy Littlefield IV

Right to Repair Heard in U.S. House Subcommittee Hearing

On September 27th, the United States Congress House Subcommittee on Innovation, Data, and Commerce, which is a part of the House Energy and Commerce Committee, conducted a legislative hearing focusing on the topic of “Proposals to Enhance Product Safety and Transparency for Americans.” During this hearing, particular attention was given to H.R. 906, also known as the “REPAIR Act.”

The REPAIR Act is a comprehensive piece of federal legislation with bipartisan support. Its primary objectives are to preserve competition, affordability, accessibility, and a robust supply chain within the independent market. This legislation aims to ensure that vehicle owners have the freedom to choose where they get their vehicles repaired and maintained without facing obstacles from vehicle manufacturers.

This hearing, which spanned nearly three hours, witnessed the active engagement of over a dozen members of Congress, all seeking detailed insights into this widely supported legislation. It marked a significant milestone in the legislative process, shedding light on the crucial importance of the REPAIR Act.

SSDA-AT is a strong advocate for the Right to Equitable and Professional Auto Industry Repair (REPAIR) Act (H.R. 906), emphasizing the importance of protecting the right to repair on a national scale. The legislation now has 42 bipartisan co-sponsors.

Modern vehicles are equipped with advanced technology that controls various functions, from brakes and steering to airbags and emission controls. Both vehicle owners and repair facilities require full access to information, parts, and tools to accurately diagnose, repair, or reprogram these complex systems.

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.

The overarching goal is to provide clarity and direction in the realm of vehicle repair, making it a top priority for SSDA-AT members and the broader automotive industry.



NHTSA Permits Limited Application of Massachusetts' Right to Repair Law

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

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.



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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."



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

Before NHTSA responded, SSDA-AT worked with Senators Elizabeth Warren (D-MA) and Edward J. Markey (D-MA) sending a letter to Secretary of Transportation Pete Buttigieg and Deputy Administrator of the National Highway Traffic Safety Administration (NHTSA) Sophie Schulman, calling on

NHTSA to reverse its course after it sent a recent letter to auto manufacturers, advising them not to comply with Massachusetts’ Right to Repair law.

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. ■



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Updating the Executive, Administrative and Professional Regulation



By Roy Littlefield III

Recently, the **Department of Labor** (Department) announced publication of a Notice of Proposed Rulemaking (NPRM), Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.

DOL announced: The NPRM proposes to update and revise the regulations issued under section 13(a)(1) of the Fair Labor Standards Act implementing the exemption from minimum wage and overtime pay requirements for executive, administrative, and professional employees. Proposed revisions include increasing the standard salary level and the highly compensated employee total annual compensation threshold, as well as providing an automatic updating mechanism that would allow for the timely and efficient updating of all the thresholds to reflect current earnings data.

SSDA-AT will continue to monitor the developments of this proposed rule and voice our concerns.

Specifically, the Department of Labor's proposed rule would:

- Increase the FLSA regulations' standard salary level from \$684 per week (\$35,568 per year) to \$1,059 per week (\$55,068 per year)
- Increase the total annual compensation requirement for highly compensated employees from \$107,432 per year to \$143,988 per year
- Restore overtime protections for U.S. territories, ensuring workers in those territories where the FLSA minimum wage applies have the same overtime protections as other U.S. workers
- Automatically update earnings thresholds every three years so they keep pace with changes in worker salaries, ensuring that employers could adapt more easily because they would know when salary updates would happen and how they would be calculated

DOL stated: "The proposed rule would help the Department of Labor protect more workers who historically were entitled to overtime pay under the FLSA. The Department of Labor conducted months of extensive consultations with employers, workers, unions and other stakeholders to develop this proposed rule."

For more information on the Notice of Proposed Rulemaking, please visit www.regulations.gov, contact the Wage and Hour Division or call toll-free at 1-866-4US-WAGE (487-9243).

The Department invites the public to comment on this NPRM. The NPRM's 60-day comment period closes at 11:59 p.m. ET on November 7, 2023.

Anyone who submits a comment (including duplicate comments) should understand and expect that the comment, including any personal information provided, will become a matter of public record and will be posted without change to www.regulations.gov. ■



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