

NOZZLE & WRENCH

WMDACAR

VOLUME 23 / ISSUE 3
MARaCH 2024

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

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- >> Credit Reports, Credit Scores, and Judgments
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This means the Lottery Agency would be able to sell lottery products online – without customers having to come to your store.

KIRK'S CORNER

Businesses That Sell Lottery: Action Required, Make Your Voice Heard



By Kirk McCauley, Director Of Member Relations & Government Affairs

Lottery bills that would reduce cashing fee and reduce agent selling fee have Heard but not voted on yet, act now and contact your legislators and Governor,

On Thursday, February 29, the House Ways & Means Committee heard [HB1218](#). This will allow the State Lottery and Gaming Control Agency to develop and operate an online lottery program – known as I Lottery. This means the Lottery Agency would be able to sell lottery products online – without customers having to come to your store.

Talking Points on HB1218:

- The Lottery Agency has NOT done any analysis on the impact this expansion would have on brick-and-mortar businesses in Maryland.
- Not only lottery sales to online, but loss of store traffic and ancillary
- Sales, but now your supplier is competitor is also your rule maker
- The state would not collect the tax from ancillary sales in store

The General Assembly is also considering cuts to lottery agents' sales and cash commissions. The proposed cuts in [HB352/SB362](#) would reduce lottery agent commissions from 6.0% to 5.5% and from 3.0% to 2.0% on gross sales and cashing winning tickets respectively. This amounts to a \$35 million cut to our retailers.

Talking Points on HB352/SB362

- The commission reductions contained in the Budget Reconciliation and Financing Act amount to a \$35 million cut to retail lottery agents that averages out to a around \$8,000 cut to each of the 4,400 businesses that sell these products.
 - This cut makes it harder for these businesses to operate. Labor, inflation, and the cost of doing business continue to rise. Losing this money means cuts in your store too.
- Contact the [your legislators](#) and the [Governor's office](#) TODAY! You can make a difference but only if you act now.



Continues on page 4

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Continued from cover

Tobacco Tax Increase

The House Ways & Means Committee heard [HB1073](#). This will INCREASE the tobacco tax on a pack of cigarettes from \$3.75 to \$4.50.

Talking Points on HB1073:

- Increasing the tobacco tax again will also increase the profits of the illicit market
- Our stores are seeing a HUGE uptick in the amount of coordinated crime to steal cigarettes so they can turn around and sell them illegally.
- These are not petty, individual illegal sales but organized and lucrative criminal enterprises, which do not collect tax, nor check ID, putting youth compliance in jeopardy.
- Hopes for increased revenue will not be realized as buyers will buy their products elsewhere.

Send your Legislators an email or call, use links above.

[HB360](#) Prince George's County – Service Station Attendant Required

Requires a retail service station dealer in Prince George's County to provide fuel service upon request to an individual between 6:00am and midnight.

Bill was heard in Economic Matter and was rejected immediately, bill was withdrawn.

[HB0649](#) / [SB0525](#) Equal pay For Equal Work – Wage Range Transparency

This bill looks okay but upon closer look there was no allowance for an apprentice.

Example: if an A tech were supervising a C-tech and C-tech did the work – C-tech would make A - tech money.

[SB0651](#) / [HB0882](#) Sale of Motor Fuel - Price Signage

Senate Finance and House Economic Matters, looks like we have rough going with this bill. We had formed a compromise with Senator Kagan to override county bills with preemption. This bill would make regulations for how you display your cash and credit, or car wash discount the same in every county and Baltimore city. You would be allowed to use a separate sign if letters and numbers were the same size on both signs. Better for dealers, state enforcement and consumers. Initial vote in senate was a no vote, House has not voted yet.

[HB1272](#) - Cap & Invest Program Establishment

This bill requires the Maryland Department of the Environment (MDE), by December 31, 2024, and in collaboration with the Maryland Commission on Climate Change, to develop an economy wide cap-and-

invest program that reduces climate-altering emissions in the State. In the Fiscal & policy note they say they are unsure if this bill is for development of a program or implementation of a program. MDE advises that it interprets the bill as requiring the development, not implementation. We would like to see Program Only put in bill, so that before any implementation it would get a review and a cost and go through normal vetting. I know what MDE said but memory fades, so let us put it in writing. This would be like the California Cap & Trade program that has been very costly with mixed results.

Google cap and trade for full explanation but this would set up and auction to sell shares to oil companies, for the right to sell motor fuel and how much in the State of Maryland.

The proceeds would be used to reduce climate-altering emissions.

Any questions? Email kmccauley@wmda.net I know this month is a little short but will give a full run down after bills have crossed over to other chamber. ■



**LEGISLATIVE
UPDATE** *with*
KIRK McCAULEY

Wednesdays at 9am via Zoom
Jan 31 – April 10, 2024

6TH ANNUAL

WMDACAR

Golf Outing

TUES., JUNE 11, 2024

RENDITIONS GOLF COURSE
DAVIDSONVILLE, MD

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THE LONGEST DAY

alzheimer's association

8:00 a.m. Registration and breakfast

9:00 a.m. Shotgun Start (4-Man Scramble Format)

1:00 p.m. Lunch with contest prize distribution

\$169 per Golfer/\$650 for Foursome

Price includes Greens Fee, Cart fee, bag drop, Grab n Go Breakfast and Buffet Lunch. Each Golfer will get two Drink tickets redeemable for Alcoholic/Non-Alcoholic Beverages at the Beverage cart. Refreshments will be available on the course. WMDA/CAR will assist in pairing individual registered golfers to make a foursome if requested.

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Golfer #2: _____ Email: _____ Phone: _____

Golfer #3: _____ Email: _____ Phone: _____

Golfer #4: _____ Email: _____ Phone: _____

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Sales Tax Changes



Ken Quasney
Owner, Auto Sense

By now all businesses are required to use

TaxConnectMaryland Portal for sales tax in Maryland.

From what I'm told. The Comptroller's office will no longer accept mail in payments and bfile is not used for filings anymore. TaxConnect has had its issues. As I write this article (February 29, 2024) my January sales tax shows unpaid. I paid and filed on February 16, 2024 (four days before sales tax is due) and was cleared through my bank 02/22/2024.

For some reason sales tax is not posting to my sales tax account on TaxConnect. The person on the phone told me they were having an issue with that. No one knows when this will be corrected. I did find something very interesting. When I reviewed my sales tax, I noticed credits going back to 2007 and to date I have accumulated \$635.93 in credits for some overpayments throughout the last 17 years. I never received notice I had any credits from the Comptroller's office. After spending an hour and a half on the phone with the Comptroller's office. I still do not have an answer to that question.

Question 1: How do I collect my credits?

Answer: "I don't know."

Question 2: Why wasn't I notified of any credits from the Comptroller's office?

Answer: "We don't do that." (Before TaxConnect you wouldn't know.)

Question 3: Am I paid interest on the money the state owes me and never notified me?

Answer: "The state of Maryland does not pay interest. We charge interest and late fees if not timely or delinquent."

Question 4: If I have late fees or penalties. Does the Comptrollers deduct any credits from those fees?

Answer: "I don't know."



Just to be clear. I had to call my delegate to get someone from the Comptroller's office on the phone to help. TaxConnect is new and the employees at the Comptrollers don't have many answers. I'm glad I was paying attention, or I may not have noticed the payment had not posted. Even after I had a call from the Comptroller's office, I still did not get any answers to all my questions. I was also told that any credits that are due to you are only good for four years. So, let me get this straight. I have no idea if I have any credits. You don't notify me of any credits? Then after four years they expire? The answer floored me. The answer was "yes". This doesn't sound fair to me on any level if I got the correct answer. If I didn't get the correct answers. Why Not? This should be common business practice. I'm sure you agree. Now, I have no problem with paying any penalties for my mistakes and yes, I have made a couple mistakes (two days late paying sales tax over the last ten years one time). I think everyone has messed up before. We are human. Do you self a favor and never do that. It is agony to get it corrected. In closing, my only thought is, the people who work there are not informed (not their fault) or the system is not fair. I think we need to investigate this issue. I am trying not to come down heavy on the Comptroller's office, but something is wrong and at our cost. ■

The Comptroller's office will no longer accept mail in payments and bfile is not used for filings anymore.

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Credit Reports, Credit Scores, and Judgments

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

Credit reporting companies, also known as credit bureaus or consumer reporting agencies, collect and store financial data about consumers and borrowers that is submitted to them by creditors, such as lenders, credit card companies, and other financial companies. The three main credit bureaus are Equifax, Experian and TransUnion. These credit bureaus gather information on consumers that is used to prepare credit reports and credit scores.

A credit report is a statement that provides information about your credit activity, including loan paying history and the status of credit accounts. Credit reports often contain personal information such as your name, address, birth date, social security number, and telephone numbers. They also contain account information such as credit limits, account balances, payment history, and the name of the creditor. They will also show missed payments, collection activity, and information on overdue child support. The credit activities are generally limited to the last 7-10 years. Information regarding who has accessed the credit report within the last 2 years is also included. Credit reports do not include information about income, checking or savings accounts, or assets such as retirement accounts, stock holdings or real estate.

The terms “credit report” and “credit score” are often used interchangeably, but they are not the same. As noted above, a credit report is a detailed account of credit history, while a credit score is a three-digit number showing your credit-worthiness. A credit score is calculated using the information in the credit report. The three credit bureaus calculate credit scores in different ways, so you will have more than one credit score. The scores range from a low of around 300 to a high of around 900. In the United States, the most widely used credit score is the FICO score. Lenders may even base their lending decisions on a credit score without looking at an underlying credit report.

Lenders use credit reports and/or credit scores to help them decide things such as whether they will loan you money, what interest rates they will offer, and whether you meet the terms of an existing credit account. Some businesses and property owners may use credit reports and credit scores to determine whether to offer insurance, rent property; or provide various services.



Who can access credit reports and credit scores?

Certain specified groups have legal access to credit reports and credit scores, including lenders, creditors, landlords, employers, insurance companies, government agencies and utility providers. The legal guidelines applicable to credit reporting are set forth in the Fair Credit Reporting Act (FCRA).

Certain specified groups have legal access to credit reports and credit scores, including lenders, creditors, landlords, employers, insurance companies, government agencies and utility providers.



The FCRA sets requirements for credit scores, how credit reporting agencies obtain and share information, identity theft protections, and consumer access to credit information.

As a general rule, if an entity has a legitimate business need, it can access credit information. Under federal law, you are entitled to receive a free copy of your credit report every 12 months by going to annualcreditreport.com. Unlike credit reports, you are not entitled to obtain your credit score for free. You can obtain your credit score by contacting one of the major credit reporting companies (Equifax, Experian or TransUnion) who are allowed to charge a “reasonable fee” for you to obtain your credit score. Credit reports and credit scores are not accessible by the general public.

It is a good idea to check your credit report at least once a year, because what’s in the report can impact decisions regarding your credit cards, mortgages, jobs, insurance, etc. Even if you are not turned down in connection with a loan, the credit score can still impact interest rates and borrowing limits. Mistakes found in credit reports can be disputed by sending a dispute letter to both the credit reporting company and the creditor that was the source of the information. The dispute letter should clearly explain what

is wrong and why, and request that it be corrected. If the disputed information is wrong or cannot be verified, the creditor is required to delete or change it and provide the correction to the credit reporting company. If an investigation doesn’t resolve the dispute, you can request that a statement of the dispute be included in your credit report.

You can also place a “freeze” on your credit report to protect against identity thefts opening credit in your name by contacting the credit reporting companies and requesting that they put a freeze on your credit reports. A freeze will prevent creditors from accessing your credit file unless you lift it (“known as a “thaw”). The downside of a freeze is that creditors may not offer you credit if they can’t access your credit report. Maryland consumers can place a freeze and a thaw on their credit reports free of charge.

Judgments

A judgment is a public record that contains a decision by a court in connection with a lawsuit, such as a debt collection. Judgments used to appear on credit reports as a negative item, and they would be removed after 7 years. Beginning around the 2017-2018 time frame, the credit bureaus stopped including judgments on credit reports. Bankruptcies are now the

only public record that appears on a credit report, and they will be listed for 10 years after the filing date.

Since judgments no longer appear on credit reports, they do not directly impact a credit score. However, consumer behaviors that lead to a judgment being entered against the consumer may indirectly affect a credit score. For example, there may be outstanding balances, debts, collections, etc. If you have a record of missing payments towards credit card bills, loans or other financial agreements—all of which could lead to a judgment—your credit score may be impacted.

Cleaning Up Your Credit Report

Payment history and utilization rate (the amount of credit you’re using divided by the total credit available to you) are the most important factors in credit scores. To improve your credit score, you will want to bring any past-due accounts current. Paying off any collections or charge-offs (accounts that a lender has written off as a loss), and having these entries removed from your credit report, will also improve your score. Credit experts also suggest keeping credit utilization below 30%, so asking for higher credit limits may improve your utilization rate. Taking these steps will maximize your opportunity for more favorable credit terms. ■



GENERAL MEMBERSHIP MEETING

Wednesday, February 28, 2024

Nautilus Diner in Crofton, Maryland provided the perfect backdrop for a productive General Meeting.

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Bill Aims to Prevent DOL from Enacting New Overtime Rule



By Roy Littlefield IV

Congressman Eric Burlison (R-MO-07) introduced the Overtime Pay Flexibility Act, which will prevent a newly proposed rule from the Biden Administration entitled Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees from taking effect.

The Biden Administration's Department of Labor (DOL) proposed rule entitled Defining and Delimiting the Exemptions for Executive Administrative, Professional, Outside Sales, and Computer Employees

imposes significant regulatory compliance burdens and higher costs on businesses while also limiting workplace flexibility for employees.

The proposed rule, if finalized, would increase the salary threshold from approximately \$35K to \$55K annually under which employers are compelled to pay time-and-a-half for working more than 40 hours per week, under the Fair Labor Standards Act.

In 2019 the DOL under President Trump appropriately finalized a rule in which the salary threshold was raised, but only after extensive buy-in from stakeholders. A new rule coming less than four years after the prior increase is unnecessary and irresponsible and will lead to harm felt by millions of American workers and businesses.

SSDA-AT urges your support of H.R.7367, the Overtime Pay Flexibility Act, which would prohibit the Department of Labor ("DOL") from finalizing, implementing, or enforcing its proposed rule titled "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees," published in the Federal Register on September 8, 2023 ("Proposed Rule").

SSDA-AT members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, employees' career advancement opportunities, and clarity for employers when classifying employees.

If allowed to be finalized, DOL's Proposed Rule will dramatically and negatively impact businesses, nonprofits, colleges and universities, states, cities, towns, and public schools as well as the workers they employ and the consumers, students,



The proposed rule, if finalized, would increase the salary threshold from approximately \$35K to \$55K annually under which employers are compelled to pay time-and-a-half for working more than 40 hours per week...

GOVERNMENT AFFAIRS

and people they serve.

The Proposed Rule would force the reclassification of millions of employees from salaried to hourly. This change means these employees will lose access to critical benefits, their hard-fought status in the workplace, opportunities for career advancement, flexible work arrangements, and potentially their jobs entirely.

These consequences will be disproportionately borne by entry level workers, particularly those from rural and economically struggling areas or those graduating with degrees that do not traditionally command high salaries.

Moreover, the costs and organizational changes required to comply with the Proposed Rule could immediately destabilize an economy that is still vulnerable following the COVID-19 pandemic, and DOL has failed to provide any evidence that current regulations, which were last updated only four years ago, are insufficient in protecting American workers.

The employer community has repeatedly cautioned DOL about the real-world consequences of its proposed changes to the overtime regulations, but these concerns have been ignored.

The Overtime Pay Flexibility Act would force DOL to abandon its misguided Proposed Rule, safeguarding the American economy from its disastrous repercussions, protecting workers'

jobs, benefits, and future career growth, and shielding American businesses in all sectors from the administrative costs and burdens of the Proposed Rule.

Meanwhile, the bill preserves DOL's authority to make future adjustments to the overtime rules as appropriate. If the Department decides to move forward with a rule in the immediate future,

it will need to initiate a new rulemaking process.

SSDA-AT urges Members of the House of Representatives to support this legislation.

We urge Congress to force DOL to abandon this dangerous proposal and go back to the drawing board for any changes it wishes to make to the overtime pay regulations. ■



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U.S. Corporate Transparency Act (CTA) is Declared Unconstitutional



By Roy Littlefield III

A federal judge just ruled that the Corporate Transparency Act (CTA) is unconstitutional, marking the end of a 16-month legal battle.

SSDA-AT has long supported these efforts to strike down the CTA.

By way of background, the CTA is a sprawling new data collection regime that would have required more than 32 million entities – including virtually every small business in America – to hand over their sensitive private data to the government.

We’ve written about the statute extensively, but the bottom line is that the CTA would have saddled law-abiding citizens with compliance headaches and criminal penalties, while doing virtually nothing to combat illicit activity.

Recognizing that the federal government went far beyond their enumerated powers in enacting and implementing the law, the National Small Business Association filed a legal challenge back in 2022, alleging that it violates a laundry list of constitutional protections.

As it turns out, presiding Federal District Court Judge Liles Burke agrees with our concerns. In a ruling issued just this evening, he wrote:

When Congress passed the 2021 National Defense Authorization Act, it included a bill called the Corporate Transparency Act (“CTA”). Although the CTA made up just over 21 pages of the NDAA’s nearly 1,500-page total, the law packs a significant regulatory punch, requiring most entities incorporated under State law to disclose personal stakeholder information to the Treasury Department’s criminal enforcement arm.

By requiring these disclosures, Congress aimed to prevent financial crimes like money laundering and tax evasion, which are often committed through shell corporations. Broadly defined, a shell corporation is a legal entity with no (or minimal) employees, customers, business, or assets.

Although shell corporations serve many legitimate purposes, it’s also possible to disguise the identity of interested individuals and the flow of money by layering shell companies on top of each other, “such that each time an investigator obtains ownership records for a domestic or foreign entity, the newly identified entity is yet another corporate entity, necessitating a repeat of the same process[.]” Pub. L. 116-283 § 6402(4).

Yet corporate formation includes far more than for-profit enterprise. Each year, the States grant formal status to millions of entities that can and do serve “any lawful purpose,” including benefit corporations, non-profits, holding companies, political organizations, and



We’ve written about the statute extensively, but the bottom line is that the CTA would have saddled law-abiding citizens with compliance headaches and criminal penalties, while doing virtually nothing to combat illicit activity.

everything in between.

With that in mind, this case presents a deceptively simple question: Does the Constitution give Congress the power to regulate those millions of entities and their stakeholders the moment they obtain a formal corporate status from a State? The Government thinks so. While it acknowledges that Congress “can exercise only the powers granted to it,” the Government says that the CTA is within Congress’ broad powers to regulate commerce, oversee foreign affairs and national security, and impose taxes and related regulations.

The Government’s arguments are not supported by precedent. Because the CTA exceeds the Constitution’s limits on the legislative branch and lacks a sufficient nexus to any enumerated power to be a necessary or proper means of achieving Congress’ policy goals, the Plaintiffs are entitled to judgment as a matter of law.

As a result, the Court GRANTS the Plaintiffs’ motion for summary judgment and DENIES the Government’s motion to dismiss and alternative cross-motion for summary judgment.

So for now, millions of small business owners can stop navigating FinCEN’s website and go back to running their businesses.

The Department of Justice is almost certain to appeal the ruling, so the court challenge is far from over.

But whichever way it goes, the ruling will help focus the attention of the public, the media, and lawmakers as to the threat the CTA and other laws like it pose to the privacy of law-abiding Americans, and it will help us in our efforts to ultimately fight these laws in Congress.

The decision issued is a big win for SSDA-AT members and for millions of law-abiding businesses nationwide.

SSDA-AT will continue to provide updates and developments. ■

Petroleum Marketing Group, Inc.

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ELECTRICITY PROGRAM

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Tom Gussen
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LEGAL SERVICES

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WEBSITE DESIGN & MANAGEMENT

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410-964-9701
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Chevron/Havoline
Jamie Atkinson
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[H.N.Funkhouser & Co.](#)
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WMDA/CAR LEGISLATIVE & REGULATORY INFORMATION

[WMDA/CAR](#)
Kirk McCauley
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LET YOUR MEMBERSHIP WORK FOR YOU!

Simply participate in all of the programs for which you are eligible and you will save or make enough to pay for your membership in WMDA/CAR!



The future of fuels retail begins with **you.**

With nearly 100 years of experience in the industry, the Wills Group is one of the most trusted fuels network partners, with nearly 300 locations across the Mid-Atlantic region.

Why work with the Wills Group:

We aim to be the preferred choice, working in partnership with our customers to offer superior value.

Key benefits:



Custom solutions
Partner approach
for best value



Industry-leading
fuel brands
Lowest fuel prices



Flexible credit
and EFT terms
No hidden fees

Three ways to work with us:

Self Service

- Best and lowest fuel cost
- Guaranteed fuel supply
- Upfront delivery costs with negotiated rates

Flexible Growth

- All Self Service benefits
- Site upgrade assistance
- Cash grant options

Wills Advantage

- All Self Service & Flexible Growth benefits
- Management of fuel system upgrades
- Splash In ECO Car Wash franchise opportunity

Fuels network
brands and
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Exxon™

