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WMDACAR

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Attendees will enjoy discounted pricing and a unique opportunity to meet face-to-face with key regulatory officials.

KIRK'S CORNER

Ink in September 29 for MAFCAS at Maryland Live



By Kirk McCauley, Director Of Member Relations & Government Affairs

Events will start at 12 noon on Monday, with opening of the trade show

You have time to take care of morning business requirements and spend the day with, vendors, fuel suppliers, state regulators, Maryland Lottery officials and attend our Legislative — Industry Issues Forum on the floor of trade show at 2pm–4pm. Look at the line up of speakers that will be on the panel and you will have a chance to ask questions at end of panel discussion. We have 2 hours allotted for panel discussion and Q&A, but it could be shorter depending on Q&A.

Back to the trade show until

Cocktail Hour starts at 6pm for Award Dinner Ticket Holders, awards dinner starts at 7pm. Governor Larry Hogan will be our keynote speaker and awards to individuals and Customer Service Contest winners will follow.

Talking about ticket holders, we have already expanded our seating arrangements to meet demand. So not wait, a complete sellout is anticipated. Attendees will enjoy discounted pricing and a unique opportunity to meet face-to-face with key regulatory officials. Representatives from MDE, ATCC, the Comptroller's Motor Fuel Bureau, the Lottery Director, and Weights & Measures will be available to answer questions and provide important insights. This is a valuable opportunity to engage with those in enforcement authority and to network with other industry leaders. Our guest speaker who is rumored and teasing that he could very well be running for Governor come November 2026, we need to show him our support. Our pockets are only so deep, and I do not think we can take another 4 years of current administration, not only will our wallets be empty but will have holes in our pockets. If you get there when show opens, go to forum discussion and check with rest of vendors you can always wonder down to casino for a little one arm bandits' action LOL This is the time you can be talking to people that matter to your business. What is the latest trends in our industry, how far has AI made its way into our businesses, how is it working? Do we see shrinkage in inventory when



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Continued from cover page

self-service terminals are employed, or are losses less than cost of employees? Do grind & brew coffeemakers bring in customers? Chicken, pizza, subs, burgers, what is selling and what vendors are you using? Speaking of what is in demand, how about Apps and loyalty programs, what are their costs vs rewards to businesses, including repair facilities. Delivery services, which ones are best, or do you need more than one? This is an opportunity to talk to business people with like interests, who love to share success stories, you cannot buy this knowledge but you can get it at a free trade show, thanks to our sponsors! Come and open a conversation, ask questions, and see why WMDA/CAR membership does not cost, it pays.

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Cap off the day with a Cocktail Hour at 6 PM, followed by the Awards Dinner & Entertainment (tickets required for evening events). Keynote Speaker at Dinner, Fmr. Governor Larry Hogan.

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KEYNOTE SPEAKER: GOVERNOR LARRY HOGAN

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The Question of Good Faith in Wholesale Motor Fuel Pricing

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

In a previous article, I wrote about the possible remedies available to a retail gasoline dealer under Section 2-305 of the Uniform Commercial Code to address excessive wholesale pricing by a motor fuel supplier. Wholesale pricing for motor fuel is governed by the terms of the motor fuel supply agreement between a fuel supplier and a dealer. If the pricing arrangement is a “rack plus” deal, then the price will be the agreed upon difference between the rack price and the margin over rack (e.g. rack plus 2¢). However, if the arrangement is based upon a “dealer tankwagon” or “DTW” price, then the price will be determined by the supplier, and the price will be typically described in the supply agreement as the price “in effect” for the dealer’s area.

The prices for motor fuel charged by a wholesaler are subject to the limitations of Uniform Commercial Code (UCC) Section 2-305. That section requires that where a contract includes an “open price term” to be set by the seller (such as a DTW price), the price must be set in “good faith,” which is defined under Section 1-201(20) of the UCC as “honesty in fact in the conduct or transaction concerned.” The comments to Section 2-305 provide that good faith “includes observance of reasonable commercial standards of fair dealing in the trade.” The comments also provide for a “safe harbor” for the seller, by stating that “in the normal case a ‘posted price’ or . . . ‘price in effect,’ . . . or the like satisfies the good faith requirement.” Where a dealer claims that a supplier is setting the price for fuel in bad faith, the supplier may try to defend the allegation by asserting that the price charged to the dealer is the “price in effect” for the dealer’s location, and that the safe harbor provision applies to defeat the claim of bad faith. There is some case law support for the proposition that even when the wholesale price charged by the supplier is a commercially reasonable “price in effect,” if it is alleged to be fixed in bad faith, then the seller may not be entitled to the safe harbor good faith presumption. See, *Allapatah Servs. Inc. v. Exxon Corp.*, 61 F.Supp.2d 1308 (S.D.Fla. 1999). On the other hand, some courts interpreting Section 2-305 have held that if the price is commercially reasonable and “within the range” charged by other suppliers to their dealers, then the subjective intent of the supplier in setting the price may be disregarded. See, *Shell Oil Co. v. HRN, Inc.*, 144 S.W. 3d 429 (Tex. 2004).

In a recent case out of California, the court adopted the latter approach. In the case of *Windy Cove, Inc. v. Circle K Stores, Inc.*, 121 F. 4th 1355 (2024), a group of gasoline dealers brought an action against their fuel supplier alleging that the fuel prices set by the supplier were not being set in good faith based on the supplier’s use of a non-industry standard pricing formula in setting the prices. Citing the *HRN* case referenced above, the court stated that a price “within the range” of the prices

The prices for motor fuel charged by a wholesaler are subject to the limitations of Uniform Commercial Code (UCC) Section 2-305.





charged by the seller's competitors is commercially reasonable. The court relied on uncontroverted evidence that the prices charged by Circle K were lower than at least one other refiner to find that the prices at issue were "within the range" of prices charged by Circle K's competitors. The fact that the higher prices were those of a refiner, as opposed to a distributor, was of no consequence, because the evidence in the case showed that refiners are in competition with distributors in the wholesale distribution of gasoline. The court therefore affirmed the judgment in favor of the fuel supplier. Despite this decision, there is at least one case from another geographically closer jurisdiction (*Havird Oil Co. v. Marathon Oil Co.*, 149 F.3d 283 (4th Cir. 1998) (arising out of South Carolina) that found that a deviation from industry standard *is* relevant to the issue of good faith pricing. Considering the differing opinions on this issue, a dealer that is able to show that (i) the price is not commercially reasonable, *and* (ii) is being set in a discriminatory manner, has the best chance of asserting a successful claim under Section 2-305. In circumstances where a dealer has direct evidence of a subjective intent by the supplier to put the dealer out of business, combined with evidence of discriminatory pricing, the chances of a successful challenge by the dealer are significantly higher. ■



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One of the smartest moves operators can make right now is to evaluate capital expenditures before year-end.

Finishing 2025 Strong: Preparing for Growth in 2026

Brought to you by Tim Jancius, Spigler Petroleum Equipment, LLC

Fall has arrived. The kids are back in school, summer vacations are behind us, and before we know it, the holidays will be here. That also means 2025 is entering its final stretch — and now is the time to make sure your business finishes strong.

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The holidays bring higher traffic, tighter schedules, and more stress for customers. What can you do to stand out?

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- Reliable “little things” like an easy-to-use air machine, which often earns more loyalty than we realize.

Small touches create repeat customers — and loyalty is the one thing the big chains can't buy.

Look Ahead Without Losing Sight of Now

It's natural to already be thinking about 2026 — growth, expansion, new opportunities. But don't let the final months of 2025 slip away. Every strong finish sets the stage for a stronger start.

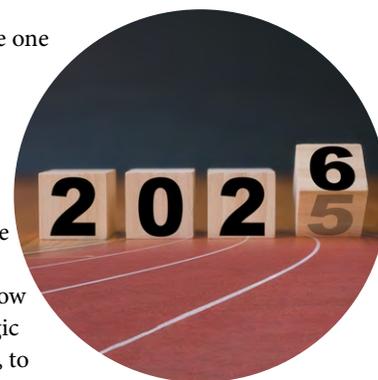
One of the smartest moves operators can make right now is to evaluate capital expenditures before year-end. Strategic upgrades — from dispensers that keep customers moving, to monitoring systems that protect compliance, to checkout solutions that cut down wait times — are more than operational improvements. They can also deliver tax advantages that stretch well into 2026.

By planning ahead and investing wisely in the final quarter, you position your site to be more competitive today and more profitable tomorrow.

The Road Ahead Together

At Spigler Petroleum, we believe success in this industry isn't achieved alone. It's built through shared knowledge, common goals, and supporting one another. We want to hear from you: What challenges are you facing? What topics matter most to you?

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Protecting Dealers in Washington: SSDA's Latest Advocacy Efforts



By Roy Littlefield IV

SSDA-AT representing WMDA/CAR on the nation level is keeping a close eye on a number of policy developments in Washington that have the potential to significantly affect service station dealers, repair shop owners, and the broader automotive aftermarket. These range from major shifts in trade policy to upcoming changes in tax reporting, as well as ongoing advocacy on behalf of Right to Repair, an issue critical to the future of independent shops.

On August 7, the U.S. government imposed a sweeping expansion of tariffs on imports from nearly 70 countries, with new rates ranging from 10 to 41 percent. Canada, one of America's largest trading partners, was hit with a 35 percent tariff, while Brazil now faces a 40 percent rate—effectively 50 percent when factoring in the new 10 percent baseline. India, currently subject to a 25 percent tariff, will see that figure double to 50 percent on August 27 as a result of continued oil trade with Russia. Laos and Myanmar were each hit with 40 percent tariffs, while Syria topped the list at 41 percent. Goods shipped before August 7 that arrive in the United States by October 5 remain temporarily exempt. This action represents one of the largest single-day tariff expansions under the Trump administration, and SSDA-AT is tracking the developments closely to keep members informed.

At the same time, the White House extended its pause on additional tariffs for imports from China. President Trump signed an executive order providing a 90-day extension of the existing tariff truce, which had been set to expire on August 12. Without this move, tariffs on certain Chinese imports could have risen as high as 245 percent, with China threatening retaliatory measures of up to 125 percent on U.S. exports. Current tariffs remain in place, with U.S. exports to China facing roughly 30 percent duties and Chinese goods entering the U.S. subject to a 10 percent baseline tariff plus an additional 20 percent penalty. SSDA-AT continues to monitor the situation as both countries navigate an increasingly unpredictable trade relationship.

The IRS also announced it will not implement planned changes to key reporting forms or withholding tables for the 2025 tax year under the One Big Beautiful Bill Act. Forms such as the W-2, 1099, and 941 will remain the same for the upcoming filing year, allowing employers and payroll providers to continue using current procedures. This delay is intended to avoid disruption during tax season and provide time for a smoother transition. The IRS is preparing new guidance and updated forms for 2026, which will include changes to the reporting of tips and overtime pay. SSDA-AT will continue to share details as they are released.

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In addition to trade and tax issues, SSDA-AT is heavily engaged in advocacy around Right to Repair. The association has joined with other aftermarket groups in support of the REPAIR Act (H.R. 906), legislation designed to ensure that consumers and independent repair shops retain access to the data, software, and tools needed to service modern vehicles. With automakers increasingly controlling vehicle repair information through telematics and proprietary

systems, this bill is essential to maintaining a competitive marketplace. SSDA-AT has been meeting with lawmakers, submitting testimony, and working in coalition with partners such as the Auto Care Association and MEMA Aftermarket Suppliers to move the bill forward. This effort is especially important for WMDA/CAR members, as protecting Right to Repair means repair shops dealers and service providers can continue to compete fairly and deliver the service their

customers depend on.

Through its work on tariffs, taxes, and the REPAIR Act, SSDA-AT remains committed to representing the interests of service station dealers, repair shop owners, and the independent aftermarket in Washington. These policy decisions carry real consequences for the industry, and SSDA-AT will continue to keep members updated while fighting to ensure that independent businesses remain strong and competitive in the years ahead. ■

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SSDA-AT Joins National Call for Strong Surface Transportation Reauthorization



By Roy Littlefield III

SSDA-AT is taking an active role in shaping the future of America's infrastructure.

Recently, SSDA-AT joined more than 60 associations and industry groups in signing a joint letter to congressional leaders and committee chairs urging action on a new surface transportation law ahead of the September 30, 2026, deadline.

The letter highlighted the critical role that modern, safe, and efficient infrastructure plays in sustaining American commerce and daily life. While recent investments in roads,

bridges, and public transit systems have brought important safety upgrades and mobility improvements, the message from the undersigned organizations was clear: much more needs to be done, and Congress must act to continue progress.

In the letter, SSDA-AT and its coalition partners urged lawmakers to maintain at least the current baseline investment levels for highways, bridges, and public transit, adjusted for inflation, to ensure ongoing improvements to safety and congestion relief. The groups also stressed the importance of giving states maximum flexibility to determine how best to use federal resources to meet their unique transportation needs. Another key theme was safety—calling for greater investment and research to better protect roadway users, transit riders, and construction workers alike. Finally, the organizations pushed for reforms to streamline project delivery by modernizing federal permitting and environmental review requirements, which often slow down construction timelines and increase costs.

SSDA-AT's involvement in this effort reflects a strong commitment to advocating for its members and the communities they serve. By joining forces with a broad coalition of industry voices, the association is helping to ensure that the priorities of businesses and transportation stakeholders are front and center as Congress and the administration begin drafting this major reauthorization.

Looking ahead, SSDA-AT will remain deeply engaged in the policy discussions that will shape the next surface transportation law. The association is focused on advancing practical and forward-looking solutions that strengthen infrastructure, improve safety, and drive economic growth. With a new law required before the September 2026 deadline, SSDA-AT and its partners will continue working to ensure that federal investment is used efficiently and effectively to build the transportation systems that keep America moving. ■



The letter highlighted the critical role that modern, safe, and efficient infrastructure plays in sustaining American commerce and daily life.

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Wills Advantage

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

Fuels network
brands and
companies:



Exxon™

