

WMDA NEWS

VOLUME 11/ISSUE 1



JANUARY 2012

An Official Publication of the Washington DC, Maryland & Delaware Service Station & Automotive Repair Association



A LOOK AT FEDERAL ISSUES... SEE PAGES 2-5

SAVE THE DATE FOR TRAINING DAY 2012... SEE PAGE 9

CELEBRATING OVER 75 YEARS



OF SERVICE TO OUR MEMBERS

Class A, B & C Operator Training



Quality online training and certification that saves you time and money

- No travel required, available online 24/7 for your convenience
- Learn at your own pace and when your schedule permits— start and stop as needed
- Content tailored to state specific regulations for Class A, B and C storage tank operators
- Only \$135 per person with WMDA member discount
- Use promo code WMDAMD10 for Maryland & WMDADC10 for DC

"Even after thirty years in the petroleum industry, this program provided me with new knowledge and updated compliance information."

*Herb Meade
Director, Facility Maintenance
Carroll Independent Fuel*

Watch for our classroom training schedule!

www.apioperatortraining.com

+1 888 951 3456



AMERICAN PETROLEUM INSTITUTE

API WORKSAFE®



Contact:
Shawn Bobick
Direct +1 443 837-1135
Shawn.Bobick@anteagroup.com



anteagroup

WMDA
 1532 Pointer Ridge Place
 Suite G
 Bowie, MD 20716
 301-390-0900
 Fax: 301-390-3161
 Website: www.wmda.net

Marta Gates
Director of Operations
 301-390-0900, ext. 115
 mgates@wmda.net

Kirk McCauley
*Director of
 Member Relations*
 301-390-0900, ext. 114
 kmccauley@wmda.net

Tirika Williams
*Director of Finance
 and Administration*
 301-390-0900, ext. 113
 twilliams@wmda.net

Editor
 Marta Gates

Marketing Director
 LaKisha Pindell

Graphic Designer
 Frank Lang



TABLE OF CONTENTS

Editorial: A Look at Federal Issues2

Kirk's Korner: A Look Ahead 6

2012 WMDA Area Meetings7

CAR Talk: Happy New Year – Looking Back and Moving Forward8

Training Day 20129

Profit Factor: Do You Have What It Takes to Be a Successful
 Business Owner in Today's Challenging Economy? 10

NHTSA Interprets TPMS "Make Inoperative" Provision12

Motor Watch14

ADVERTISER'S INDEX

anteagroup.....Inside Front Cover

Benjamin F. Brown Insurance Agency.....4

Maryland Pump & Tank6 & Inside Back Cover

MTD Services, Inc.3

Petroleum Marketing Group11

Spigler Petroleum Equipment, LLC2

Tire Distributors, Inc.Outside Back Cover



EDITORIAL

by Roy Littlefield

A LOOK AT FEDERAL ISSUES

For the next several months we will be bombarding you with issues in Annapolis, Washington, and Dover. To get ready for those sessions, we are formulating positions, seeking allies, attending strategy meetings, and making the rounds at political fundraisers.

The U.S. Congress has just completed the first year of their 2-year cycle (the 112 Congress). So before we turn much of our attention to state and city issues, I thought I would give a report of where we are on several national issues.

SMALL BUSINESS LEGISLATIVE COUNCIL (SBLC)

This past weekend I attended the annual retreat of the Board

of Directors of the Small Business Legislative Council. SBLC was founded in 1977, and I have been involved since 1979. There are 18 members on the Board, all execs of small business associations, including, for example, Dan Gilligan, Head of the Petroleum Marketers Association of America (PMAA). Each year we prepare a report for the President and Congressional leaders of what we believe are the top legislative issues for the next year for the small business community.

Each of us was asked to propose our top four issues. The 50 plus issues were then posted and we debated for hours a priority list. We had set a goal to come up with the top three issues, but we ended up with four. In the end, three of the final issues (the first three) were from my original list of four. My issue that did not make the final cut was passage of the multi-year Federal-Aid Highway Bill.

2012 SMALL BUSINESS LEGISLATIVE PRIORITIES

(1) **A Plan to Restore Fiscal Responsibility and Economic Growth for Small Business.** To allow the economy to reach its full potential, the growing Federal deficit and debt must be addressed and brought under control. Nothing should be left off the table, from entitlement reforms to elimination of tax expenditures that cannot be justified by cost/benefit analysis. If Congress and the President are not willing to do so, SBLC supports the implementation of sequestration as scheduled. This would help stabilize the U.S. financial position, the value of the U.S. dollar, prevent future inflation, and lower business and government borrowing costs (net interest payments on the national debt).

Some combination of spending reduction and increased revenue is urgently needed to get our nation's fiscal house in order as numerous deficit reduction commissions have recommended. Nothing should be left off the table, from entitlement reforms to elimination of tax expenditures that cannot be justified by cost/benefit analysis.

(2) **Make Permanent the Estate Tax Relief.** SBLC will

Spigler Petroleum Equipment, LLC
Retail and Commercial Petroleum Equipment Sales, Service, Installation, and Training

- Quality Product Lines
- Standard & 24-hour Emergency Service
- Maryland 3rd Party Inspections
- Tank Installation & Removal
- Compliance Testing
- Gilbarco Veeder-Root Training Partner with Factory Certified Trainers

Give us a call for all your Petroleum Equipment and Service needs!

Spigler Petroleum Equipment, LLC
 P.O. Box 32796 Baltimore, MD 21282-2796 (443) 471-7600
 719 Frederick Street Hagerstown, MD 21740 (301) 739-4462
www.spiglerpetroleum.com

pursue making the current estate tax relief permanent with the 35 percent rate, \$5 million exemption (indexed) and other aspects such as spousal portability.

(3) Health Care. SBLC will continue to monitor and ensure that health care policy implementation does not have an adverse unfair impact on small business.

(4) Burdensome Federal Regulations. To help reduce the dead-weight loss of overly burdensome regulations so more resources can be dedicated to productive endeavors.

- Make improvements to existing regulatory flexibility provisions for small business, in particular, require full compliance with the Regulatory Flexibility Act (RFA) and the Small Business Regulatory Enforcement Fairness Act (SBREFA) by all of the agencies, including the IRS.
- Enact a one-year freeze/moratorium on new regulations that would have an impact on small businesses, as determined in accordance with the standards set by the RFA, so that small businesses can focus on job creation.
- Provide clear and comprehensive compliance guidance and then enforce regulations so compliant businesses do not find themselves at a competitive disadvantage.

To structure a tax system that is equitable for small businesses, SBLC encourages domestic investment that produces cost savings and tax simplification.

- Lower the marginal rates and set top corporate and individual tax rates at the same level.
- Maintain small business immediate expensing at current levels.
- Enact permanent 5-year NOL carryback.
- Simplify the tax code.
- Enact simple estate tax. Lock in existing exemptions/ tax rates on estate tax (\$5 million per individual and 35% top rate). Add COLA to the exemption amounts.
- Enhance incentives for domestic economic activity that are focused on small businesses.

SBLC will continue to pursue other long time SBLC priorities as appropriate. The above lists are not intended to be exclusive in that regard.

HIGHWAY BILL

U.S. House of Representatives Transportation and Infrastructure Committee Chairman John Mica (R-FL) has announced that the Committee will delay consideration of the multi-year Federal-Aid Highway bill.

Passage of a long-term highway bill is a top SSDA-

...Your Auto Dealership - Car Wash and Service Facility Specialists!



800-419-4437

contact-us@mtdservicesinc.com

- AIR COMPRESSORS & SYSTEMS
- CAR WASH BUILDINGS & UPGRADES
 - EXHAUST REMOVAL SYSTEMS
 - HEATERS - RADIANT & WASTE OIL
- LIFTS
 - SURFACE
 - INGROUND
 - HEAVY DUTY
 - ENVIRONMENTAL
- LUBRICATION EQUIPMENT & SYSTEMS
- OVERHEAD DOORS & OPERATORS
 - PUMP AND TANK SYSTEMS



Design • Sales • Service • Installation • Construction

AT/WMDA legislative priority. There are several issues being debated that would have a significant impact on SSDA-AT/WMDA members, including:

- Passage of 1 5 to 6 year bill at current spending levels (**support**).
- Increase in the Federal motor fuel tax rate (**oppose**).
- Index future motor fuel tax increases (**oppose**).
- Impose a national weight-distance tax on truckers (and eliminate several other existing taxes, including the FET on new truck tires (**oppose**).
- Increase the FET on new truck tires by 10% (**oppose**).
- Reinstate the FET on passenger tires (**oppose**).
- Reinstate the FET on rubber used in the retreading process (**oppose**).
- Impose a vehicle miles traveled tax on motorists (**oppose**).
- Restrict the privatization of highways (**support**).
- Mandate the start of the consumer education program on tire rolling resistance by the Department of Transportation (**support**).

COMPETING REFORM EFFORTS

The House has passed a bill, the Workforce Democracy and Fairness Act, H.R.3094, to change some union representation election process rules. This version of this bill has its roots in

a proposal made earlier this year by the majority party of the National Labor Relations Board (NLRB) to overhaul the union representation election process. The bill is the House majority's "answer" to that NLRB proposal. The bill provides employers with at least 14 days to prepare their case to present before a NLRB election officer and an opportunity to raise additional concerns throughout the pre-election hearing; ensures no union election will be held in less than 35 days; reinstates the "traditional" standard for determining which employees will vote in the union election; and, establishes that workers would be able to choose the type of personal contact information that is provided to the union, rather than directed by NLRB regulations.

And speaking of those NLRB proposed rule changes, the NLRB, has voted to develop a final slimmed down version of those changes. The majority whittled it down to six changes. If you have not been following the saga, the NLRB is down to three Board members, two Democrats and one Republican. One of the Democrats has been serving as a "recess appointment" which means the President appointed him when Congress was out of session and his appointment will end at the end of the year. At that point, the NLRB will fall below the quorum necessary to do anything hence the sprint by the majority to get something done this month.

Call the Family-Owned Insurance Company You Can Depend On!




Benjamin F. Brown Insurance Agency

Reliable Service • Low Rates • Over 5 Decades of Experience

Don't throw your money away... call Ben, Berry or Marian today!

Benjamin F. Brown Insurance Agency, Inc.
304 Compton Avenue • Laurel, MD 20707
301-604-7788

The WMDA endorses the Benjamin F. Brown Insurance Agency, Inc. because of the high standard of service and over 50 years of experience in the automotive industry. Service, experience and low rates make Ben's agency great!



The Senate Republicans have been adept at keeping Congress in session so that no further recess appointments can be made and they are not likely to allow a confirmation vote to occur – for all of 2012 is my guess. So these changes are likely to be among the NLRB's last official acts for a long time. At the same time, the Senate Democrats are not likely to bring the House passed bill to the floor during 2012.

The NLRB changes do not make for easy reading. The National Labor Relations Act provides for a pre-election hearing to determine whether there exists a "question of representation" to be resolved by an election and the first proposed amendment gives the hearing officer authority to limit the hearing to matters relevant to the question of whether an election should be held. The second proposed amendment authorizes the hearing officer to decide whether to permit the parties to file briefs depending on whether the hearing officer believes the case presents issues that would benefit from it. The Board's current rules require parties to file two separate appeals to seek Board review of pre-election issues and issues concerning the conduct of the election, respectively and the third amendment consolidates the two appeals into a single post-election procedure. The fourth amendment prohibits delaying the scheduling of elections to permit time for a pre-election appeal. The fifth amendment would narrow the circumstances in which a request for special permission to appeal to the Board would be granted. The sixth amendment would give the Board discretion to hear and decide any appeals to the election process, whether they concern pre-election or post-election issues.

BALANCED BUDGET AMENDMENT

Why are you still hearing talk about the balanced budget amendment to the Constitution when you know the House did not pass an amendment by the constitutionally-required majority to move it forward?

The Senate will consider it because the debt ceiling increase deal requires both chambers to vote. Since the House did not approve it, the Senate does not have to consider the same version. At the moment, the Democrats and Republicans have dueling versions. Neither will get the necessary margin and it will be interesting to see how many Democrats vote for one given it is a "free" vote.

PAYROLL TAX RELIEF

Other than the aforementioned funding issue, the last great battle of 2011 appears to be over the extension of the temporary payroll tax relief for employees.

It looks like the extension of the current 2% cut is a pretty

good bet. Some change it would be lowered by another 1.1%. There is the slight possibility it could be expanded to include relief for employers.

The challenge is the revenue offset. In the Senate, as the two sides whittle down the revenue offset to avoid increasing taxes on higher income folks, the less likely employers will get any temporary payroll tax relief. The battle ground is a surtax on incomes for millionaires. It does catch the high end of small businesses since S Corporation, sole proprietorships and partnerships pay on the individual schedule.

For me the income threshold isn't as a big a problem as paying for temporary relief with a permanent increase. If I could get a permanent 3.1% cut in payroll taxes, I am not sure I would shed as many tears for the millionaires.

Of course, the House majority is not interested in any tax increase, and is not that thrilled about extending the payroll tax cut for employees so it remains a three sided debate.

TAX RELIEF

On November 29, Senate Democrats introduced a bill to increase and extend the current payroll tax relief. The "Middle Class Tax Cut Act of 2011" as introduced by Joint Economic Committee Chairman Bob Casey (D-PA) contains the following provisions:

- Cuts the employee portion of the payroll tax in half from 6.2% to 3.1% for 2012. This is an increase in the tax relief in effect for 2011, which reduced the employee portion of FICA from 6.2% to 4.2%.
- Cuts the employer portion of FICA from 6.2% to 3.1% on the first \$5 million in taxable payroll for 2012.
- Cuts the employer portion of FICA from 6.2% to zero on the first \$12.5 million of increased taxable payroll for the 4th quarter of 2011 and the first \$50 million of increased taxable payroll for 2012.
- Makes the Social Security Trust Funds whole for the full \$265 billion cost by transfer from the General Fund of the Treasury.

At this time, House leaders are looking at options for a major tax bill covering the tax extenders, continuation of extended unemployment insurance for 2012, the "doctor's fix" to forestall a 27% cut in physicians' Medicare payments next year, and possibly a payroll tax extension. House leaders expect to negotiate with Senate Democrats and the White House to get some of their priorities, such as repatriation of overseas profits and a curb on certain regulations, included in any bill finally passed. ♦



KIRK'S KORNER

by Kirk McCauley
Director of Member Relations

A LOOK AHEAD

Big Brother is looking over your shoulder again, and he is determined to catch tax cheaters! New this year – he is requiring any company that processes credit cards to send a 1099K to the Internal Revenue Service (and one to you) if you or your business was credited with \$20,000 or more in credit card sales – or 200 transactions per year. This 1099K will include your gross sales for the year. This law was tucked into the Health care plan of 2010. I don't think this will be the revenue producer that the IRS envisions, but we are stuck with it.

Maryland's Legislative Session starts January 11, 2012, and we will face some challenges in a year when every state entity is looking for money. High on the list will be the gas tax which we see all kinds of numbers and gadgets being attached to. The most credible source says they are looking for a 15 cent hike, spread out over three years – with an index attached. Some will try to make a constitutional amendment to restrict the use of state fuel tax to fund transportation related projects only. The original purpose of the fuel tax was for transportation related projects, and if the state would have stuck with that ideal, Maryland would now have the best roads and bridges in the country. But the transportation fund is under attack every year to use for other projects, and routinely gets raided at will. We will oppose the gas tax, support a constitutional amendment for a lock box, and oppose any indexing.

A little noticed item, but one that is very important to our members, is the SLC (State Lottery Commission) efforts to have lottery tickets sold on-line. At any given time this would be a slap in the face to our members who have labored to make the Maryland Lottery one of the best, but at a time when small business is being assaulted by big box stores and mega stations selling their gas as loss leaders, this would be a major blow to small businesses. Sometimes you have to stick with who brought you to the dance, and small business has been the dance for Maryland Lottery. We will oppose any effort to change that.

Then there will most likely be an effort, as there is every year, to gut the Below Cost Selling Law – we will stay alert to see if anyone tries to slide that in this year.

Most likely we will see a bill to add sales tax on to labor – we will oppose that as well.

If we send an email out to members that we need you in Annapolis for a show of unity, please make every effort to be there. Whether you are a repair facility, a C-store, or a station with bays, ***we need to stick together on legislative issues.***

The clock is ticking on Operator Training, so don't wait until the last minute to get your certificate and train your C's. You can go to a classroom training session, or do it on-line with the Antea group at www.apiooperatortraining.com or call 1-888-951-3456 and use code WMDAMD10 for Maryland dealer or WMDADC10 for DC dealer to get your discount. ***Please be sure that your dues are up to date before you call, as this is a member benefit that WMDA provides to our members, at our cost.***

See you at the Area Meetings (see schedule on page 7). Bring your questions, your comments, and your ideas with you, as this is your opportunity to have your voice heard and let us know what you would like to see WMDA and CAR do for you. Here's to 2012! ◆

Maryland Pump & Tank
Fueling Technologies Since 1960

Sales	2512 Erick Street
Service	Baltimore, MD 21230
Installation	tf: 800-466-0426
Compliance	fx: 410-547-0373
Car Wash	mdpumpandtank.com



2012 WMDA AREA MEETINGS

Thursday, January 5	Anne Arundel County Area Sponsored by PPC Lubricants	Double -T Diner	12 Defense Street, Annapolis
Tuesday, January 10	Montgomery County Area Sponsored by PPC Lubricants	Seibel's Restaurant	15540 Old Columbia Pike, Burtonsville
Thursday, January 12	Baltimore Area Meeting Sponsored by Carroll Independent Fuels	Double -T Diner	6300 Baltimore National Pike, Catonsville
Tuesday, January 17	Western Maryland Area Sponsored by Spigler Petroleum Equipment	Double -T Diner	5617 Spectrum Drive, Frederick
Thursday, January 19	Eastern Shore Area Sponsored by PPC Lubricants	Holly's Restaurant	108 Jackson Creek Road, Grasonville
Thursday, January 26	Prince George's County/Southern Maryland Sponsored by PMG	Rip's Country Inn	3809 Crain Highway, Bowie

**All Meetings are
9:30am - 11:30am**

**WASHINGTON,
MARYLAND, DELAWARE
SERVICE STATION AND
AUTOMOTIVE REPAIR
ASSOCIATION**

**1532 Pointer Ridge Place, Suite G
Bowie, MD 20716**

**Phone: 301-390-0900
Fax: 301-390-3161
Website: www.wmda.net**

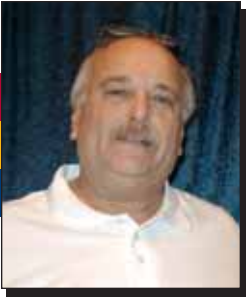
2012 will be an especially challenging year for our industry on the legislative front. We need to address current laws that are expiring or that will be targeted for change.

We have new endorsed programs that can save you money, and A, B, C Operator training...so much to discuss!

We will bring you up-to-date on these issues and more. Please take time out of your busy schedule to attend. Area meetings are the best opportunity for WMDA to discuss local issues with our members – to tell you what we are doing, and to hear what is on your mind.

Join us for breakfast at any of the above locations. If you can't make the meeting in your area, please come to one of the other meetings.

Because these are breakfast meetings, please be sure to RSVP to Marta Gates at mgates@wmda.net or call 301-390-0900 ext 115 so that we can have a seat for you!



CAR TALK

by Ken Quasney
CAR Committee Chairman

HAPPY NEW YEAR – LOOKING BACK AND MOVING FORWARD

Last year (“Looking Back”) was a good year for CAR (Council of Automotive Repairs). Our membership is growing!!! Our Oil Program through PPC Lubricants/Castrol has helped CAR membership tremendously. PPC has done a great job helping us achieve new members. I’m hoping that by the time you read this article we will have an endorsed Parts Supplier that will offer great discounts to many of our members. We are also hopeful that by the end of January we will finally have a Uniform endorsement as well, and I think most of you will be shocked at the discounts from that – if and when it is finally done. If you don’t have Health Insurance at your location then you should check out our new health insurance program through TIA

The CAR website is completed and has a forum for members. All members are listed on the web site for customers to find a Certified Council of Automotive Repair Center near them. The website includes AutoNetTV – these are videos for potential customers that discuss maintenance and repairs in simple language that everyone can understand.

We have also started advertising the CAR website on the Nutz & Bolts radio show on 1300 AM. This station covers most of Maryland, Washington D.C., and parts of Delaware. The show is Saturday mornings 8 a.m. to 9 a.m. for those who want to listen.

This year (“Moving Forward”) we hope will be a banner year for CAR – starting with our annual Area Meetings from January 5 through January 26. If you can find the time, come out and have breakfast and find out what is planned for the coming year. Call Marta at 301-390-0900, ext 115, to RSVP. Of course we will have Lobby Day sometime in February (keep an eye out for the date) which will coincide with the Gas Tax hearings in Annapolis. The Maryland Legislature will be back in session on January 11, and we are sure the Gas Tax will be proposed at 15 cents per gallon (5 cents per year for the next 3 years). This will affect us all. Also we are pretty sure we are going to have to fight Sales Tax on Labor again.

We oppose it and will be there to fight it. This will add an average of 3% to your repair orders.

Our annual Training Day for Techs and Execs will be held on Saturday, February 25, at CCBC in Catonsville. This is the most cost effective training offered. Send a Tech for a whole day of training. We are working on something new for our ECAT training program that will benefit everyone who participates Big Time!!! I will keep everyone informed as we proceed.

We will continue to have committee and board meetings throughout the rest of the year to continue to “Move Forward” with new things. Of course there’s the convention. The MEGA Show. If you have never been to the MEGA Show in Ocean City, you should really make it a point to come this year. Participation has been excellent and everyone enjoys themselves.

I shouldn’t have to remind everyone. There are only seven members on the CAR committee that work real hard to make things better for our members. I would urge everyone to look at, and participate in, our programs.

Communication is always an issue. If you have a new email address or haven’t given us your email, then please contact Marta and give the information to her. We can’t keep you informed if we can’t communicate with you. This is a never-ending battle at the Association. Please help by keeping us current on contact information.

Member Dues – please send in your dues when you receive the invoice. Making calls to collect dues takes precious time away from other work on an already overworked staff at CAR and WMDA. Let’s work together for a better tomorrow for our families!!!! United we Stand, Divided we Fall!!!!

I speak for everyone on the Council in wishing all of you a Happy, Healthy and Prosperous 2012. ♦



Training Day 2012



Head Start & Advanced Training for Techs & Execs!

**Saturday
February 25, 2012**

9:00am - 4:00pm

Questions?

Call Marta Gates at 301-390-0900 or
1-800-492-0329 ext. 115
Email: mgates@wmda.net

WMDA /CAR & The
Community College of
Baltimore County
partner together to
offer you a day of
educational training



Save the date!

**Classes and instructors
are being scheduled now**

**Course selection forms will be
mailed out to you soon**

**Plan to spend the day at the
Community College of
Baltimore County,
Catonsville Campus -
and bring your techs and
managers!**



PROFIT FACTOR

by Kereakos Zuras
WMDA Board Member

DO YOU HAVE WHAT IT TAKES TO BE A SUCCESSFUL BUSINESS OWNER IN TODAY'S CHALLENGING ECONOMY?

You Must Be Flexible

When you own a business, you no longer have “one” job with clearly defined duties and responsibilities. You will have multiple jobs; you will be responsible for managing all facets and areas of your business, which are often not accounted for and discovered when something goes wrong. As a business owner you must be ready to deal with all the unexpected situations that arise and be willing to do whatever it takes to solve the problem(s).

When you own your own business you cannot pass the buck. As a business owner, you're the one who will have to deal with whatever the problem is, and it is your responsibility to solve it. You're the one who will have to make the decisions; it is your responsibility and yours alone.

You Must Be Self-Motivated

As a business owner there is no one to tell you what to do, or advise you. You may be used to having others giving you direction when you were an employee, but as a business owner you have to direct yourself; you will have to decide your own actions. You can't just sit there and do nothing, hoping a solution will present itself. You must identify problems and quickly take action. In the beginning, you may not know what the right action to take is but you must take action. Taking action is better than not taking action at all.

You Must Recognize Opportunities and Capitalize on Them

As a business owner, you must be the one constantly looking for opportunities and be able to recognize them when you see them. It might be a small opportunity, such as the chance to get a new customer, or a big opportunity, like selling your product or service to a large company, but as a business owner, you have to keep looking and positioning yourself to act on the opportunities that you find. When you were an

employee you were most likely not used to looking for opportunities, it was not your concern; as a business owner you need to be looking for opportunities at every point of contact – it is critical to your success.

You Must Be Able to Plan Ahead

As a business owner, you need to develop expertise in both short-term and long-term planning. When you go into business for yourself, the first thing you must do is develop a business plan. Without a well defined business plan, it's like navigating a ship in the open seas hoping to find your destination. Not very likely but, surprisingly enough, the majority of business owners do just that. They operate by default and not by design, and they end up losing everything.

Not having a system or a plan is the cause of 94% of all failures. As your business becomes operational, you'll find that this plan will have to be revised and that new plans need to be created, as you work towards the long-term goals that you've established for your business. You are no longer following someone else's plan as an employee, you have to learn how to develop the plans yourself and adjust the plans as the business and economic climate changes.

You Must Be Committed to Your Success

Being a business owner takes a lot of time and energy in the beginning, and you need to be able to give it 110 percent. You can't afford to go along to get along, or go just through the motions if you're running your own business. Your customers need to know that you are committing 110 percent of your attention and effort to them. If you do not, they will leave you and go to your competitor.

Furthermore, you must deliver consistent, unparalleled dedicated service without the employee mentality. Most

employees are used to being able to “call out sick,” not worry about who covers their work schedule. As a business owner, you’ll have to go in and work, no matter how you feel or shut down your business if you don’t have employees who can cover a shift. Be prepared to work on weekends and holidays that many employees expect to have off until you establish clear expectations of employment and hire the right people who are committed and dedicated. This will enable you to work *at your business* not in your business where the money flows in and the freedom rolls out. Being in business should be fun, exciting and rewarding. If you structure your business properly, you can have time off to be with your family, travel, and live life on your terms.

You Must Plan for Market Changes and Uncertainties

As a business owner, there is no guarantee that the products or services you offer will be in demand forever. There is no guarantee that your customers will pay their bills on time or even pay them at all. There is no guarantee that your best customers, who seem to be perfectly happy with your services, won’t leave you without notice. There is no guarantee that you will have cash flow or make a profit each month. For many business owners who used to receive a paycheck every week as an employee, the uncertainty that comes with owning their own business is a shocking reality that is very hard to deal with.

You Must Have Self-Responsibility

You are totally responsible for the success of your business and your life. There are no excuses. There may be setbacks or economic changes or problems that affect your business. No matter how bad you might have it, no matter what difficulties or challenges you might encounter, let me assure you that there are many people who have had difficulties and challenges far greater than you are ever likely to encounter, and somehow they manage to pull through. You can do the same. Here is a little credo that can help you: “If it’s to be it’s up to me.”

You Must Be Able to Communicate Effectively

The ability to communicate effectively with others is critical. You must be able to interact with other people on their level, so they understand you and the points you are trying to get across to them. Remember that everyone is different. Each of us has different communication and behavior styles, and you need to be versatile enough to relate to each person according to their individual style. Be careful that you speak in terms they understand and can relate to and that you do not overuse “buzz words” or industry jargon.

Application of all eight characteristics virtually guarantees your success in any business endeavor. ♦

Petroleum Marketing Group, Inc.

Quality Branded and Unbranded Supply

Economical re-imaging and competitive pricing programs

Fuel Inventory Services

Environmental Inventory Management Systems and Compliance Reporting

Marketing Programs for Branded and Unbranded Locations

Internet Based Credit Card Reports, News and Information Sources

All of this and so much more, contact us ...

12680 Darby Brooke Court
Woodbridge, VA 22192
410-729-3625
www.petromg.com
Contact Mike Ingle
443-871-5445

PMG
Supplying you with much more than energy!

NHTSA INTERPRETS TPMS “MAKE INOPERATIVE” PROVISION

Last year, the Tire Industry Association (TIA) sent a letter to the National Highway Traffic Safety Administration (NHTSA) asking for guidance on several scenarios related to the “knowingly make inoperative” language in the Tire Pressure Monitoring System (TPMS) Final Rule. According to 49 USC 30122(b):

A manufacturer, distributor, dealer, or motor vehicle repair business may not knowingly make inoperative any part of a device or element of design installed on or in a motor vehicle or motor vehicle equipment in compliance with an applicable motor vehicle safety standard prescribed under this chapter unless the manufacturer, distributor, dealer, or repair business reasonably believes the vehicle or equipment will not be used (except for testing or a similar purpose during maintenance or repair) when the device or element is inoperative.

Since this applies to every business that services tires and wheels in any way, the interpretation of this prohibition has varied to some degree over the years. Therefore, TIA narrowed it down to four different scenarios and asked NHTSA to rule on whether a “make inoperative” violation had occurred.

Scenario #1

If a motorist is made aware of an inoperative TPMS sensor and declines to purchase a new one, does the service provider knowingly make the system inoperative and violate 49 USC 30122(b) by removing the dead or damaged sensor and replacing it with a standard snap-in rubber valve stem?

NHTSA's Response

Basically, if the sensor is damaged or the battery is dead prior to servicing the tires and wheels, then, “a motor vehicle repair business would not be violating 49 USC 30122(b) by removing an inoperative or damaged TPMS sensor and replacing it with a standard snap-in rubber valve stem. The removal of a malfunctioning TPMS sensor that is integrated with a valve stem would not violate the “make inoperative” provision because the element of the system was already inoperative.”

Scenario #2

If a motorist purchases a set of aftermarket winter tires and wheels and declines to purchase new TPMS sensors, does the service provider violate 49 USC 30122(b) because they would be installing assemblies that knowingly make the system inoperative?

NHTSA's Response

“In this scenario, we assume that the vehicle has a functioning TPMS system at the time he or she purchases aftermarket tire and wheels. In that case, a service provider would violate the “make inoperative” prohibition of 49 USC 30122(b) by installing new tires and wheels that do not have a functioning TPMS system. To avoid a “make inoperative” violation, the service provider would need to decline to install the new tires and rims, use the TPMS sensors from the original wheels (if they are compatible), or convince the motorist to purchase new TPMS sensors and ensure that the sensors are properly integrated with the vehicle’s TPMS system.”

Scenario #3

If a service provider inadvertently breaks a non-defective sensor and is unable to locate a replacement part immediately, is it a violation of 49 USC 30122(b) to allow the vehicle to return to service if the service provider makes arrangements to obtain a replacement part and install it at a future date?

NHTSA's Response

In this scenario, the answer is not nearly as clear as the first two. For example, NHTSA says, “Generally, we would not consider inadvertent actions to violate the “make inoperative” prohibition. However, without more specific facts concerning whether the TPMS was knowingly made inoperative, we cannot provide a more complete response to your question.” There are a number of ways that a sensor can be inadvertently damaged, so someone will have to determine if the action knowingly disabled the system or inadvertently disabled the system in order to decide if 30122(b) applies.

However, NHTSA goes on to say, “A motor vehicle repair business would violate 49 USC 30122(b) if it has knowingly made inoperative any part of a device and allowed the vehicle to be used (other than for testing or similar purpose).

This would be true regardless of whether arrangements have been made for future repair, as there are no other exceptions to the “make inoperative” prohibition in the statute. Of course, if the repair business has not knowingly made a device or element inoperative, there would be no need to use this exception, and the motor vehicle repair business would be able to release the vehicle to the customer, with or without making arrangements to complete a repair, without violating 49 USC 30122(b).”

We’re still trying to figure this one but we believe it all boils down to “knowingly make inoperative” or “inadvertently make inoperative.”

Scenario #4

If the service provider releases the vehicle to the driver without an illuminated malfunction indicator lamp and then it illuminates after the vehicle has been driven, does that become a violation of 49 USC 30122(b)?

NHTSA’s Response

“The mere illumination of the malfunction indicator lamp after the vehicle has been released by a motor vehicle repair

business to the driver would not itself be a violation of the “make inoperative” provision.”

Summary

As it stands right now, it appears there are two basic rules that apply to servicing tires and wheels with a TPMS. Number one, if the system is broken prior to service, then the repair business does not violate the “make inoperative” provision by replacing damaged or dead sensors with standard rubber snap-in valve stems. Number two, if the system is operating prior to tire and wheel service, it must be operating after the tire and wheel service. Custom wheels and winter tire assemblies must have sensors one way or another if the system is operational when the vehicle arrives.

TIA is recommending that dealers document the status of the TPMS before and after service so they can offer proof that broken systems were already broken and operational systems were operational when they left the building. For more information on this ruling and other TPMS issues, make plans to attend the Advanced TPMS class during WMDA Training Day. ♦



Motor Watch

The indefatigable protector of the American public's right to have safe defect-free motor vehicles.



Mr. KNOW IT ALL

Brake rotors made in China will break you in...



• New brake pads on new brake rotors don't really require a break-in procedure because the texture on the surface of the rotors will grind down the surface of the pads within a few miles.

False. Because of the huge variety of rotor and pad quality on the market today and some compounds used in brake pads and finish on brake rotors require proper break in procedures for optimal brake performance.

• Dirty air filters can waste gas. An air filter that is clogged with dirt, dust and bugs chokes off the air and creates a "rich" mixture, which is too much gas being burned for the amount of air. Replacing a clogged air filter can improve gas mileage by as much as 10 percent.

False. This is an old saw left over from the days of non-feedback carburetors. All engines made since 1980 with oxygen sensors automatically adjust for less air volume.

• Running a vehicle extremely low on fuel may cause the sediment on the bottom of the tank to clog the fuel pump pickup, fuel filter, or fuel injectors.

False. Almost all modern vehicles have fuel pump pickups located at the lowest point in the fuel tank; any contaminants in the fuel are continuously being filtered out as the fuel is constantly pumped through the filter to the engine with the unused fuel being returned back to the tank.

• You should change the oil after the first 20 miles because it will have a lot of metal filings in it.

False. The break-in oil should be changed at between 1,000 and 1,500 miles because it contains silica from the casting mold, silicone chemicals used to seal the engine, and iron particles that come from the rings during the first 500 miles of operation as they seat against the cylinder walls.

✧ **Fuel pump replacement** causes radio noise, which shows up by cycling the key on with the radio on while the pump does its priming pulse. A new fuel pump may generate more RFI than the original pump, especially on Fords. Ford says to install a Radio Frequency Interference (RFI) Filter P/N F1PZ-18B925-A on the fuel pump.



Talmudic laws spell out what can and what cannot be done by Jews on the Sabbath, also called "a day of rest." Use of machinery of any kind is forbidden, including driving a car. Bar-Ilan University in Israel Rabbi Dror Fixler, an electro-optics expert is working on an encephalography helmet that can monitor brain waves and send them to an electronic system in the car that will operate the steering, throttle and brakes. This may turn out to be a clever way of allowing the driver to remain "at rest" while actually driving the car.



E-mail mgates@wmda.net for your access codes for the Motor Watch Virtual Members website.



**Look in Your Inbox
for our
New & Improved Newsletter!**

Don't already receive our newsletter?

**Sign up TODAY at
www.mdpumpandtank.com**

**Learn about new products & services
and
receive coupons and special offers!**



Become our fan on Facebook



tdi

tire distributors inc.

FREE ON-LINE ordering available @ www.tire-distributors.com

**Serving the Baltimore/Washington Areas Since 1977
Multiple Same Day Deliveries to Most Areas
Daily Delivery to Maryland's Eastern Shore**

**People who know cars
go to people who know tires.**



Michelin offers safe, fuel efficient, long-lasting tires that provide exceptional performance and extraordinary value.

**Most Major and Private Label Tires
Available With One Phone Call**

410-574-4200 800-339-8464