

NOZZLE & WRENCH

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



VOLUME 20/ISSUE 8
AUGUST 2021

INSIDE THIS ISSUE:

- >> OSHA's Safe and Sound Week
- >> Marketing Strategies Worth Your Dealership's Budget
- >> Right to Repair

President Biden has signed an executive order, and the Federal Trade Commission has voted unanimously, that consumers should have the Right to Repair.

KIRK'S CORNER

Latest on Massachusetts Addition to Historic Right to Repair Law



By Kirk Mccauley,
Director Of Member
Relations &
Government Affairs

75% of Massachusetts voters approved amendments to the existing law that would require auto makers to give vehicle owners the right to decide where electronic data (Telematics) would be sent. *Alliance for Automotive Innovation* a group that represents manufacturers filled an injunction to the amendment to keep the law from being enforced.

A Boston federal court judge says he will decide by August 20th after hearing Massachusetts petition to dismiss on July 21st. The Article link is below from Seyfarth Shaw.

[Judge Promises to Render Prompt Decision as Massachusetts Right to Repair Trial Concludes | Seyfarth Shaw LLP](#)

Executive Order

President Biden has signed an executive order, and the Federal Trade Commission has voted unanimously, that consumers should have the Right to Repair. The FTC is working on new regulations for Right to Repair and submitted a report to congress.

Some of the issues will need congressional approval and some can be done by regulation. To that end it would not hurt to send an email to your federal congressman and senator asking them to support the recommendation that the FTC has identified and adding consumers right to decide who has access to the data your vehicle generates, through telematics.

While the wheels of the federal government turn slow, with presidential backing some of this could happen quickly via the FTC regulation that does not need congressional approval or a legislative bill.

You can go to the WMDA home page and click on legislative, click on the drop-down menu and select find my legislator. Simple and quick, click on the name and info on the contact will pop up. WMDA Web-Site: www.wmda.net.



Continues on page 4

Parts Authority

Auto Parts Super Stores

"The Answer Is Yes!"

- WMDA Preferred Parts Supplier
- Aggressive and competitive pricing
- "SHOT-GUN" and scheduled deliveries to most MD, VA and DC areas
- Experienced parts professionals to answer your calls and questions
- Online cataloging/ordering websites

➤ www.nexpart.com

➤ pai.turboii.com

➤ imcparts.com



OUR LOCATIONS



Annapolis
Maryland
(410) 268-6615

Baltimore (Kelso)
Maryland
(443) 673-3438

Baltimore (Mainline)
Maryland
(410) 664-8100

Baltimore (Robinwood)
Maryland
(443) 673-3438

College Park
Maryland
(301) 474-1030

Crofton
Maryland
(410) 721-4477

Frederick
Maryland
(301) 990-1600

Gaithersburg
Maryland
(301) 990-1600

Glen Burnie
Maryland
(301) 681-3602

 **Hanover**
Maryland
(800) 874-8925

***Hyattsville (Kenilworth)**
Maryland
(301) 779-8700

Jessup
Maryland
(240) 542-5140

Laurel
Maryland
(240) 459-3902

Lutherville-Timmonium
 Maryland
(410) 769-0833

Rockville (Stonestreet)
Maryland
(301) 424-6270

Rockville (Wyaconda)
Maryland
(301) 424-2010

Arlington
Virginia
(703) 528-1871

Norfolk
Virginia
(757) 962-4647

Richmond
Virginia
(804) 354-0766

***NW Washington D.C.**
Washington, DC
(202) 829-6315

***SE Washington D.C.**
Washington, DC
(202) 582-1300

We Deliver

The Next Business Day in 2 Hours



Store Hours

Monday-Friday 8:00am-6:00pm / Saturday 8:00am-5:00pm / *Sunday 9:00am-3:00pm

PRESS #9 FOR SPANISH HOTLINE



www.partsauthority.com | my.partsauthority.com

JOIN THE TRADE
ASSOCIATION THAT
PUTS MONEY IN
YOUR POCKET

WMDA



**SERVING THE
SERVICE STATIONS,
CONVENIENCE &
REPAIR BUSINESSES**

*Over \$245,000 in Rebates
to members in 6 months*

**JOIN TODAY AT
WMDA.NET**



TABLE OF CONTENTS

KIRK'S KORNER

Latest on Massachusetts Addition to Historic Right to Repair Law Cover

CAR TALK

Community Involvement 8

NEWS FROM WASHINGTON

Legislative Update: Infrastructure Bill Update 16

Editorial: Right to Repair. 18

ALSO IN THIS ISSUE

OSHA's Safe and Sound Week 8

Four Paid Marketing Strategies Worth Your Dealership's Budget 10

Help Wanted 13

Promptly Clean Up or Warn About That Spill! 14

WMDA/CAR Endorsed Membership Benefits & Service Providers 20

ADVERTISERS' INDEX

Ameritrust Connect. 9

Carroll Motor Fuels 17

CMR Insurance Agency, LLC/Erie Insurance 17

Day, Deadrick & Marshall 12

Parts Authority Inside front cover

Petroleum Marketing Group 13

Service Station Vending Equipment, Inc. 19

Spigler Petroleum Equipment, LLC 11

The Wills Group. 7

WMDA PAC 21

WMDA/CAR
1532 Pointer Ridge Place
Suite F
Bowie, MD 20716
301.390.0900
Fax: 301.390.3161
www.wmda.net

Swapna Sripada
Director of Operations
301.390.0900, ext 115
ssripada2@wmda.net



Kirk McCauley
Director of Member
Relations and
Government Affairs
301.390.0900, ext. 114
kmccauley@wmda.net

Connect with us!



Continued from page 1

FTC Recommendations

[FTC Report to Congress Examines Anti-Competitive Repair Restrictions, Recommends Ways to Expand Consumers' Repair Options | Federal Trade Commission](#)

[Nixing the Fix: An FTC Report to Congress on Repair Restrictions](#)

The Massachusetts bill would open the door to other state legislative bodies, but a federal regulation and law would be the absolute best.

Dues Up to Date?

While we are on CAR business, I would like to remind everyone that our program with Parts Authority for a rebate every six months is contingent on dues being up to date. Rebates are considerable and dues are \$299. Do not be left out!

District of Columbia Flavor Ban

The tobacco and ESD flavor ban passed, along with a restriction on selling any ESD within a quarter mile of a middle or high school. While the mayor signed the bill and it now has a 30 day congressional review, it still must be funded. Under D.C. law any bill that takes money out of treasury (\$17 million) in this case, must have an alternate funding source.

The \$17 million has not been funded but I believe a budget hearing is coming up and they will tax something else to make up amount.

I think \$17 million over 4 years is way under what it will cost the D.C. government. More like \$40 million by the time you figure tax on lost sales including gas and inside store sales.

Expo - Customer Service Contest - Awards Dinner 2021

October 26, 2021 will be the Expo date at Martins West and I look forward to seeing all of you there. Put it in ink that you will reserve that day and evening for catching up on technology and equipment on display, food and drinks, the awards dinner in the evening and a special keynote speaker, Secretary of Commerce and Republican candidate for Governor, Kelly Schulz. We are also securing a speaker to talk about the future of

carbon fuel, what it means to retailers, and repair facilities and possibly another Guest speaker to address the Repair shops specifically.

Our CAR committee is putting together a two-hour Car Summit/Roundtable and will be announcing speakers shortly. It will start at noon and be over as the Expo hall opens at 2pm. Lunch will be provided.

The Expo is free as is the CAR Summit/Roundtable. Dinner tickets can be purchased online at www.wmda.net/events along with Expo Registration.

The Customer Service Contest this year will be sponsored by all our suppliers and Parts Authority. We will have both traditional American and Halal food, desserts galore and drinks leaded and unleaded (Alcoholic and Non-Alcoholic)

I will need some repair facility nominations for CSC and suppliers will provide conventional stations and Convenience stores. Email me at kmccauley@wmda.net to enter your repair facility or if you any questions.

This year we will cut down on the number of locations in each category and add a new award, "Giving Back to the Community" One award for members and one award for associate or supplier. Honoring our own for giving back to the community in these unprecedented times will be a delight.

Delaware

Delaware is quiet. The minimum wage law does not go into effect until 2022. Their legislation session ended without any surprises.

Lead Wheel Weights in Maryland

I have had two inquiries this month about lead wheel weight so I will say this. Lead wheel weights have been illegal to sell or install in Maryland since have January 1,2020. The bill passed in 2017 with a 2020 start date. I think with the pandemic a lot of shops forgot about the bill and maybe MDE did also with limited outside workers. I think they are back on the job. They will give a warning first time and up to a \$1,000 fine after that. Link to bill: <https://mgaleg.maryland.gov/mgaweb/site/Legislation/Details/HB0066/?ys=2017rs> ■

WMDA/CAR ANNUAL EXPO & AWARDS DINNER 2021

Tuesday, October 26, 2021

MARTIN'S WEST, 6817 DOGWOOD ROAD, BALTIMORE, MD

In Conversation with Industry Leaders | 12 pm - 2 pm
(Exclusively for Auto Repair Businesses; Lunch Included)

Expo | 2 pm - 6 pm (Light lunch available 2:30 pm - 4:30 pm)

Cocktail Reception | 5 pm - 6 pm

Awards Presentation & Dinner | 6 pm - 8 pm

All American buffet and Halal options will be available.

Social Hour & After Party | 8 pm - 9 pm



FREE EXPO ADMISSION (2:00 p.m. – 6:00 p.m.)

☐ I will attend the Expo. Please list names below:

(Expo is Open to anyone in the automotive, c-store, service station and repair industry)

Primary Contact: _____ Business Name: _____

Guest Name: _____ Guest Name: _____

Guest Name: _____ Guest Name: _____

AWARDS DINNER TICKETS (6:00 p.m. – 9:00 p.m.)

☐ Individual Tickets \$65 x # _____ = \$ _____

☐ Table of 10 \$600 x # _____ = \$ _____

CONTACT INFORMATION

Company: _____ Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Email: _____

PAYMENT INFORMATION

☐ Check Enclosed ☐ Visa ☐ MasterCard ☐ American Express

Zip Code of Billing Address for Charge Card _____

Account # _____

Expiration Date _____ CVV Code _____

Total Amount Due \$ _____

Account Name (print) _____

Signature _____

☐ Checking box is my Electronic Signature and payment authorization

Community Involvement



By Sandi Weaver
BA Auto Care, Inc.

While scrolling through Facebook last night I came across a post about a fundraiser and the lady was asking if any local businesses would be willing put the flier out for customers to see. What caught my eye was it was being held at Hysteria Brewing, Bullhead Pit Beef and Lost Arc Distillery which are right across the street from our shop. Plus, it's helping raise fund for Curing Coats*. Being in an industrial park, the addition of these companies has made it more of a community so anytime we can help a cause and join forces with our neighbors, we're in!

Not only are we able to support our neighbors, help a worthy cause, which feels pretty great but it also ended up being an advertising opportunity. I've now met the lady who's organizing the fundraiser (her son has Coats), a potential customer but she's also put us on the event's website.

Over the years we've helped various businesses, school and non profits by volunteering our time, donating money or item and offering our services to those in need. We do it because we care about our community and the people in it, the bonus is we get our name out there and build relationships.

What do you do for your community? We'd love to hear. ■

WHAT IS COATS DISEASE?

Coats disease is a very rare eye disease that causes the blood vessels in your eye to leak, causing retinal detachment, blindness and – in extreme cases – the loss of your eye.



Coats can be discovered when taking a photo and the resulting image includes one yellow eye

and the other red. The yellow eye is the Coats Eye. To learn more or to attend the fundraiser, go to www.curingcoatsfundraiser.com.

Bullhead Pit Beef is owned by Larry Jackson Jr. Larry owned a gas station and was a WMDA member for years before changing course and



opening the Bullhead Pit Beef food truck. Now Bullhead has two locations (Columbia and Cross Street Market) and still travels with the truck offering the best pit beef around. Check out their website at www.bullheadpitbeef.com.

Not only are we able to support our neighbors, help a worthy cause, which feels pretty great but it also ended up being an advertising opportunity.



BUILDING RELATIONSHIPS THROUGH
POWERFUL BRAND EXPERIENCES

THE WILLS GROUP FAMILY IS EASY TO DO BUSINESS WITH THE UTMOST FLEXIBILITY
WITH LOW-COST SUPPLY, LOANED EQUIPMENT, AND/OR UP-FRONT CASH PAYMENTS

YOU CAN COUNT ON THE WILLS GROUP FAMILY OF BRANDS TO PROVIDE...

- BEST OPERATIONAL SUPPORT IN THE INDUSTRY
- COMPREHENSIVE PORTFOLIO OF BRANDS
- PROFESSIONAL MARKETING CAMPAIGNS
- SUBSTANTIAL FINANCIAL SUPPORT
- 7/24/365 FUEL DELIVERY
- AND SO MUCH MORE!

PLEASE CONTACT ROBB HARLING AT (240) 435-5314 OR RHARLING@WILLSGROUP.COM



Occupational Safety and Health Administration (OSHA) holds a nationwide event each August called Safe and Sound Week... the event runs Aug. 9-15, 2021.

OSHA's Safe and Sound Week

Brought to you by AmeriTrust CONNECT

Each year, more than 5,000 workers are killed on the job. Additionally, more than 3.6 million employees are seriously injured each year while at work. Because of this, the Occupational Safety and Health Administration (OSHA) holds a nationwide event each August called Safe and Sound Week, which promotes the importance of companies incorporating safety and health programs into their workplace. This year, the event runs Aug. 9-15, 2021.

The event highlights employers' successful workplace safety and health programs. It provides program resources employers can use to keep their workers and workplace safe. Visit www.osha.gov/safeandsound/safety-and-health-programs to find the prepared resources. Some examples available are:

- Brochures
- Webinars
- Safety and health program course offerings
- OSHA safety and health program practice guidance

Why Participate?

Employers that participate in the Safe and Sound event receive invaluable help from the resources provided when it comes to jumpstarting their safety and health programs. What's more, businesses participating in the event have the opportunity to enhance their existing programs and share their safety successes with an audience. By participating in Safe and Sound, employers proactively engage in safety activities and programs, thereby increasing safety awareness and their ability to identify and reduce hazards.

Who Participates?

Organizations of any size or industry looking to hone their safety awareness and get recognized for their commitment to safety are welcome to participate in Safe and Sound. Last year more than 3,400 businesses participated in Safe and Sound Week to raise awareness about workers' health and safety.

Business leaders are encouraged to share their commitment to safety and health with workers on a regular basis. They can do this by:

- Establishing a visible presence within the organization
- Delivering a safety and health message
- Publicizing their commitment to safety

Some ways a business can get workers to participate include:

- Listening and asking for feedback
- Recognizing workers for their contribution to workplace safety
- Empowering workers with safety and health information

To get involved, employers can visit the Safe and Sound website and select activities to participate in. Once the event is over, the employer can download a certificate and web badge off the website to recognize their organization's and workers' participation. ■



Contact your AmeriTrust CONNECT team today for additional workers' compensation resources at (800) 726.9006 or get a quote at www.ameritrustconnect.com/association/wmda.



WE EMPOWER

Service/Repair Station Owners
with a **SIMPLE.FAST.DIRECT.**

Online Work Comp Solution!

- WMDA members eligible for premium credit
- Dividend opportunity

Get your quote online
in minutes!

www.AmeriTrustCONNECT.com/WMDA
(800) 726-9006



SEO takes time to build results and bring revenue, which is why many dealerships choose to partner with a reputable SEO expert so they can jump right in.

Four Paid Marketing Strategies Worth Your Dealership's Budget

Brought to you by Netdriven

Recently, we shared [eight free website strategies](#) to boost your online performance. Now we are looking at the paid strategies that can take your website results even further. Every good website strategy should include a healthy marketing budget – whatever that may look like for the dealership.

Here are the paid marketing strategies that we believe are worth the investment – as well as some best practices to help you get your money's worth.

Search Engine Optimization

Any website worth its salt will be based on best practices for Search Engine Optimization (SEO) to help it gain traction and start building prominence. Initial SEO acts as a launch pad, but your website requires ongoing work to maintain – and increase – its momentum. After all, SEO is the act of aligning your website with search engine algorithms, and search engines continually update their requirements throughout the year.

Is additional SEO work worth the effort for your dealership? Well, 70% of online users click on organic links¹ and hold organic results in high esteem, which means that investing in your dealership's organic website presence will reflect well on your brand. In fact, SEO is the single biggest investment you can make for your website – averaging 44% of all revenue².

SEO takes time to build results and bring revenue, which is why many dealerships choose to partner with a reputable SEO expert so they can jump right in. Results can also be achieved by the dealer if they have sufficient time to learn through trial and error.

Best practices for SEO:

- Focus on one area of your website at a time, starting with sectors that need the most improvement.
- Create value-driven copy that establishes your dealership as a trusted expert (e.g., blogging!).
- Use longtail keywords to align with shoppers' search intent and pull in more relevant traffic.
- Remove any old, broken or "spammy" links from your website and comment sections.
- Pay attention to search engine updates – past and present – to maintain your site compliance.



¹ [Search Engine Journal](#)

² [Higher Visibility](#)



Pay-per-Click Advertising

Paid marketing is one of the fastest ways to build brand awareness and see an ROI on your marketing efforts. As the name suggests, Pay-per-Click ads are an SEM strategy that operates on a keyword bidding system, and you pay a pre-specified amount only when your paid ad is clicked. These ads reside on search engines like Google and appear prominently in relevant search results.

One of the greatest strengths of paid advertising is its ability to apply shopper behavior to your ad strategy. In 2021, 76% of businesses still don't use consumer behavior data in their online marketing³, which means the field is open for dealers who take the initiative to tailor their ads to their prospects' actions. These actions include search history, frequently visited websites and purchase history.

Best practices for PPC advertising include:

- Set a budget in advance for your PPC ads – you can grow your budget over time.
- Identify your customer type (e.g., location, similar interests, demographic, etc.).
- Align your messaging with your audience type (e.g., educational for first-time buyers).

- Know your customers' pain points and target solution-based keywords (e.g., "tire repair").
- Start with small campaign to test which ad types and messages resonate the most.
- Use analytics to gather data on ad performance and ROI for future campaigns.

Remarketing Ads

Many shoppers don't make a website conversion the first (or second, third and so on) time they visit a website. About 97% of website visitors leave a website without converting⁴, and it's difficult to know which pages they viewed unless you can track their visit. Remarketing ads use



- 24/7 Emergency Service
- Family Owned and Operated
- 25+ Technicians
- 3 Dedicated Salesmen
- Full Sales Counter in Westminster, MD
- Full Gilbarco Training Facility

Ask about our affordable and convenient Loyalty Plan!



Are you EMV ready?

Spigler Petroleum Equipment, LLC
 1280 Landing lane, Unit 4 Westminster, MD 21157 www.spiglerpetroleum.com 443-471-7600

³ SmallBizGenius

⁴ MailChimp

special coding on each webpage to track website visitors and send them relevant advertisements based on their visit.

Best practices for remarketing ads:

- Use responsive display ads to automatically adjust size and format to different screens.
- Tag specific user actions, such as adding an item to their cart, to trigger remarketing ads.
- Add personalized incentives (e.g., promo code or free shipping) for the products viewed.
- Upsell or cross-sell your existing customers through ads for relevant products and services.
- Analyze ad performances to track response by location, age, incentives and more.

Social Media Marketing

Social media is one of the most influential virtual spaces for dealers who want to connect with prospects and existing customers. With so many available marketing tools, any dealer can find a cost-effective strategy that fits their budget and achieves significant results.

Facebook is a fantastic platform to reach niche audiences, as it offers superb

audience targeted capabilities. Interest-based marketing is especially helpful to reach Facebook users who have demonstrated an interest in auto, tires, parts, repair services and more.

Best practices for social media marketing:

- Create custom audience lists for specific conversions.
- Use high-quality images to attract audience attention.
- Establish and maintain a consistent brand voice on ads.
- Study competing dealer accounts and their strategies.
- Post organically, too, to build up engagement and trust.

Investing funds into your online marketing doesn't automatically guarantee you will see the results you are hoping for. Success is achieved by choosing the marketing tools that fit your dealership's goals and budget, and then implementing best practices to enhance the campaign performance. ■

Do you have more questions about using paid marketing strategies to grow your sales revenue without overextending your budget? Net Driven's team of marketing experts can help. [Connect with us today!](#)

DDM Insurance, Inc. has provided the auto services community with full service, independent insurance products since 1909.

We are currently appointed with a number of insurance carriers who offer *Garage, Gas Station and Convenience Store* quotes. Many of our carriers offer the following discounts and programs for qualifying businesses:

- Comprehensive Auto Garage and Gas Station Insurance Programs.
- Group dividend, if one is declared, at the end of the policy year
- Loaner car coverage
- Dealer & Transport tags
- Able to look at 24 hour stations
- Nine different carriers to quote with ensuring our best possible pricing up front
- Consistent shopping of coverage to ensure our best pricing



DAY, DEADRICK & MARSHALL

Give us a call before your next renewal and we will come to you!

Matt Deadrick, CJC	Darrell Diehl
Mdeadrick@ddminsurance.com	Darrell@ddminsurance.com
M: (301) 606-8022	M: (301) 537-1397
O: (301) 937-1500 ext. 13	O: (301) 937-1500 ext. 18

Find us online:
www.ddminsurance.com

HELP WANTED

Auto Technician / State Inspector

High Volume Service Station with 4 bay Repair Facility seeking Experience Automotive Technician/ State Inspector (preferred) to replace our lead technician of many years working with our experienced management and staff. We are a family owned company since 1976 with locations in the Gaithersburg/Rockville area. We have an excellent compensation package plus benefits which include health insurance, paid vacation, sick leave, paid holidays, profit sharing and uniforms. We have Identifix repair software applications.

Our industry has been volatile so we offer a minimum Weekly guarantee - Based on experience

Responsibilities:

- Diagnosis, Service and Repairs
- Perform Routine Maintenance Services
- Maryland State Inspections
- Advise Service Manager of services and repairs required

Contact Troy Parcelles
301-351-8482

WMDA is HIRING!

We are looking to hire an Administrative Assistant.

Position will be Part-time and Temporary.
(August-October)

Good phone skills, knowledge of MS Office is a must and QuickBooks experience will be an advantage.

If interested, please contact Swapna Sripada at
ssripada2@wmda.net



Petroleum Marketing Group, Inc.

Quality Branded and Unbranded Supply

Marketing Programs for Branded and Unbranded Locations

Economical Re-imaging and Competitive Pricing Programs

Reliable Fuel Delivery 24/7

Fuel Inventory Services

Internet Based Credit Card Reporting

Exclusive Circle K Branding for Stores

2359 Research Court
Woodbridge, VA 22192
www.petromg.com

PMG

Contact Mike Natale
413-478-4272

Promptly Clean Up or Warn About That Spill!

By James L. Parsons, Jr., Lynott, Lynott & Parsons, P.A.

...numerous lawsuits have been filed against store owners arising from slip and fall or other injuries sustained by customers on store premises allegedly caused by such things as wet floors, cracked or uneven floor tile, and carpets not affixed to the flooring.

In my two most recent articles, I reviewed cases addressing the potential liability of a store owner for crimes on business premises, and the obligation of the store owner to provide help or call for police or other assistance if a customer is injured or in danger. Store owners can also face potential liability for dangerous conditions in or around the store premises. Over the years, numerous lawsuits have been filed against store owners arising from slip and fall or other injuries sustained by customers on store premises allegedly caused by such things as wet floors, cracked or uneven floor tile, and carpets not affixed to the flooring.

The concept of premises liability for dangerous conditions was considered by the Court of Special Appeals of Maryland in the case of *Rehn v. Westfield America*, 153 Md.App. 586 (2003). In that case, the plaintiff (Rehn) broke his hip when he slipped on spilled soda near the service counter of the Chick-fil-A located in the food court of the Annapolis Mall. Westfield America (Westfield) was responsible for maintaining the area where Rehn fell, and had contracted with Interstate Cleaning Corporation (ICC) for those maintenance services.

It was undisputed that right after Rehn purchased a sandwich and drink at the counter, he took a small step and slipped on soda and ice that another customer had just spilled. The Chick-fil-A employee working at the counter testified at her deposition that she had served the other customer several sodas, and that shortly after leaving the counter, the other customer came back and told the employee that she had spilled her drinks. The employee saw the spill on the floor and immediately told another employee to notify Westfield of the spill. The employee also testified that the spill was on the floor for less than four minutes before Rehn slipped on the spill. The wet floor was not marked and Rehn did not see the spill before he fell. As a result of the fall, Rehn's right hip fractured, requiring surgery.

Rehn sued Chick-fil-A, Westfield, and ICC in the circuit court for Anne Arundel County, and all three defendants moved for summary judgment before trial, arguing that they did not breach any duty to Rehn under the circumstances of the case. The circuit court agreed, and granted the motions. On appeal, the Court of Special Appeals of Maryland affirmed the circuit court's ruling.

In affirming the trial court's decision, the court reviewed the common law in Maryland related to premises liability. The court first pointed out that an "invitee" – a person on the property for a purpose related to the possessor's business (which would include a store customer) – is owed a duty of care to keep the property safe. However, store owners "are not insurers of their customers' safety," and there is no presumption of negligence just because a customer is injured on the store premises. The customer has the burden to show that the owner had "actual or constructive





knowledge” of the dangerous condition prior to the injury. When another customer creates the danger, the store owner may be liable if it has actual notice of the dangerous condition and a sufficient opportunity to either correct the problem or warn its other customers about it. The question of whether there is sufficient time for the owner to discover and cure or clean up a dangerous condition, or warn other customers about it, will depend on the circumstances of each case.

As to Rehn’s claim against Chick-fil-A, the court noted that Chick-fil-A (through its employee) had notice of the dangerous condition before the accident. However, the court found that there was no evidence in the record from which a jury could reasonably find that the employee had sufficient time to do something that might have prevented Rehn’s fall. In fact, the employee was in the act of notifying her co-worker when Rehn fell. Based upon the facts of the case, the court found that the jury would have to speculate as to how long Chick-fil-A knew about the spilled drinks, and how long it would reasonably take to respond, which was not a

permissible evidentiary basis to support liability. As to the claims against Westfield and ICC, the court noted that they did not have actual notice of the spill before Rehn slipped. As to whether they had sufficient time to clean the spill or warn other customers, the only evidence was the employee’s testimony that the spill was on the floor for “less than four minutes,” and the employee did not know how much less time elapsed, because she did not see the spill or the fall. The court found that no reasonable juror could rely on these facts to find that Westfield and ICC had enough time to discover and either clean up or warn about the spill. As a result, the decision of circuit court in favor of all three defendants was affirmed.

The lesson to be learned from the *Rehn* case is that a store owner owes a duty of ordinary care to its customers to keep the property safe. If a store owner is on notice of a dangerous condition (such as a spill, defect in flooring or carpet, etc.), the store owner must act with reasonable promptness to clean up or cure the condition, or warn customers about it. Even though the court in the *Rehn* case found that “less than four minutes” was not sufficient time,

there are other cases that have found that the question of whether the store owner had sufficient time to correct or warn of the condition is for the jury to decide. For example, in the case of *Daniel v. Moran Foods, LLC*, 2018 WL 3862232 (D. Md. 2018), a puddle on the floor that the plaintiff slipped upon was only on the floor for a minute and a half, and the court found that the question of whether the store had sufficient time to cure or warn of the condition was a jury question.

As with the cases addressing a store owner’s potential liability for criminal activity on the premises and duty to assist or call for help that were discussed in my most recent two articles, the cases referenced above also highlight the need for proper training of employees. When dangerous conditions are discovered, prompt action must be taken to correct the problem or warn about it. Store owners should have “wet floor” stanchions or other warning devices readily available to mark the area of a spill or dangerous condition while it is being cleaned up or repaired. In addition, it is important to have adequate insurance in place to cover any such claims that may arise if accidents do occur. ■

Infrastructure Bill Update



By Roy Littlefield IV

On July 1, the House of Representatives passed a five-year \$592 billion transportation reauthorization H.R. 3684, the “INVEST in America Act,” along mostly partisan lines (Reps. Chris Smith (R-NJ) and Brian Fitzpatrick (R-PA) supported the bill) with a vote of 221 to 201. After five hours of debate on the surface portion of the bill 127 amendments were included largely along party lines. The bill provides or authorizes hundreds of billions for roads, bridges, transit, rail, plus non-transportation water above the \$592 billion. \$319 billion from the Highway Trust Fund

(HTF) was allocated for highways (exclusive of earmarks, NHTSA and FMCSA funds) and provides a significant increase over FAST Act levels. This funding level along with the five-year authorization period allows for the stability necessary for both industry and State transportation department planning and project delivery purposes. H.R. 3684 also makes a substantial funding increase for the Highway Safety Improvement Program which is vitally important to help drive down fatalities on our roadways and reduce that number toward zero deaths.

One of the biggest challenges remains how to pay for the highway bill. The INVEST Act includes a \$148 billion general fund bailout of the Highway Trust Fund (HTF) but it is not paid for at this time. Additionally, the legislation fails to extend the federal excise taxes that fund the HTF leading to the Highway Account of the HTF running out in 2024. The Mass Transit Account will remain solvent until the end of the bill’s scope in September 2026.

The Senate Committees on Environment and Public Works (S. 1931) and Commerce, Science and Transportation (S. 2016) have both passed bipartisan titles for the Senate surface transportation reauthorization bill. It is still not known when the Senate Committees on Finance and Banking, Housing, and Urban Affairs will pursue their titles. Senate Majority Leader Schumer (D-NY) continues to push for Senate action on infrastructure this July with the possibility that currently absent titles will be added on the floor without Committee action.

Meanwhile the White House reached a bipartisan infrastructure agreement on a \$1.2 trillion infrastructure framework with 21 Senators on June 24. The proposal provides \$579 billion in additional infrastructure spending above the current baseline including \$109 billion for roads, bridges, and major projects above the baseline. This agreement is still an outline of scope with proposed financing sources. House T & I Chairman Peter DeFazio (D-OR) recently announced that he hopes to merge his highway bill legislation with the bipartisan infrastructure package. The Chairman remarked that it made sense to merge the INVEST Act, Senate EPW’s S. 1931, and the bipartisan agreement into one bill and conduct an informal conference between the House,



The bill provides or authorizes hundreds of billions for roads, bridges, transit, rail, plus non-transportation water...

GOVERNMENT AFFAIRS

Senate, and the White House. At this point in time no decisions have been made.

SSDA-AT is hopeful that a bipartisan, bicameral process will move forward to ensure a long-term bill with strong highway funding will be signed into law before the September 30. SSDA-AT will continue to provide updates to its members as the process moves forward.

SSDA-AT supports a long-term infrastructure package. SSDA-AT opposes taxes that would have a negative impact on the service station and automotive repair industry. SSDA-AT is also opposed to turning over the interstate system to the states and allow Governors to set tolls, changing the highway formula from 80% federal funding and 20% state funding to 80% state funding and 20% federal funding. Additionally, SSDA-AT is opposed to LIFO repeal as a pay for in the bill and the privatization of roads, bridges, and tunnels. SSDA-AT believes there are a variety of other funding options available that would not be harmful to the service station and automotive repair industry including repatriation of overseas money. SSDA-AT strongly believes that all users of infrastructure must pay their fair share, not just the highway users. ■



Erie
Insurance®

C M R Insurance Agency LLC

Henry T. "Buddy" Clark IV

Auto • Home • Business
14418 Old Mill Rd Ste 101
Upper Marlboro, MD 20772-3094
Office: 301-574-9494 • Fax: 703-349-7454
buddy@cmrinsure.com



DEALER FRIENDLY

24/7/365 FUEL DELIVERY

GAS STATION & C-STORE DESIGN

SITE INVESTMENT OPPORTUNITIES

ENVIRONMENTAL COMPLIANCE MANAGEMENT

STATION BUSINESS OPPORTUNITIES

COMPETITIVE BRANDED & UNBRANDED PRICING

STATION MAINTENANCE & CONSTRUCTION SERVICES

COMPLETE SITE BRANDING

ROBUST DEALER PORTAL



877-235-0223

WWW.CARROLLBRANDEDFUELS.COM

Right to Repair



By Roy Littlefield III

SSDA-AT, along with six other aftermarket trade groups, sent a letter to the new chair of the Federal Trade Commission (FTC) on June 30 expressing appreciation to the FTC for findings and conclusions of the recently released report entitled “Nixing the Fix: An FTC Report to Congress on Repair Restrictions.” The report highlights the barriers that face consumers when they seek independent repairs, including from independent motor vehicle service facilities.

The aftermarket groups state in their letter that “the report accurately describes the extensive breadth of problems vehicle owners face and recognizes that the commission can take certain steps relatively quickly without further statutory authority.” The aftermarket trade groups included a list of recommendations that the commission could undertake immediately and also included suggestions for more substantive actions that may require congressional action.

The recommendations to the FTC included:

- Improve consumer education and compliance assurance with the Magnuson-Moss Warranty Act (MMWA), which prohibits the conditioning of warranties with the use of original equipment parts or service.
- Eliminate manufacturers’ marketing practices that discourage the use of non-original equipment parts or services.
- Develop better enforcement tools that the commission can undertake to better ensure compliance with MMWA.
- Advocate for new legal authority that would expand the scope of MMWA to include commercial vehicles.
- Obtain legislation that would provide vehicle owners with access to data transmitted by their vehicle and provide them the ability to have that data made available to the independent repair shops where they have their vehicle repaired.

Following the letter, President Biden issued an executive order addressing right to repair concerns and repair barriers. Biden signed the order as part of a plan to boost competition across numerous sectors, from healthcare to the auto industry, online platforms, and consumer devices. The order also aims for better regulatory support for independent automotive repair shops.

Right to repair remains a top priority for SSDA-AT. The association has been working with other industry groups and the FTC on this initiative.

SSDA-AT thanks the administration for recognizing the importance of right to repair to ensure consumers have access to the repair shop of their choice.

The order is aimed at promoting competition in the United States and is sure to give a boost to the right to repair movement.



The aftermarket trade groups included a list of recommendations that the commission could undertake immediately...



News of the recent executive order are encouraging, and SSDA-AT is enthusiastic about the attention this is bringing to the issue. For years, SSDA-AT has pressed Congress for federal action with some interest but little movement.

SSDA-AT urges the Administration and the FTC to

take strong actions to reduce anti-competitive barriers to repair for our industry so that we can continue to service our customer's vehicles.

SSDA-AT will work with the FTC on the executive order, and we will continue to explore options for federal legislation that would support the motor vehicle

owner's right to repair. Right to repair remains a top priority for WMDA/CAR members and a national law would provide for much needed clarity and direction in vehicle repair.

Recently Roy IV and I met with the FTC to discuss next steps. We will continue to update you on this topic. ■



Are YOU Tired of Broken Machines, Angry Customers or Missing/Late Commissions...

It's time you called SSVE!
Service Station Vending Equipment, INC
Is the Largest Independently Owned
Coin Operated Air & Vacuum Company
in the NATION!

**We Buy IT
We Install IT
We Maintain IT
You Share the Revenue**

**NO Cost
NO Maintenance**

Added Benefits to You

- ★ Simple Commission Program
- ★ Payment Made at time of Collection
- ★ No waiting for a Check
- ★ 24 Hour Service
- ★ Externally Visible Coin Counters

You know How much \$\$ is in the machine at all times.

SSVE
Service Station Vending Equipment

You need to call us at:
1-800-AIR-USA1 / 1-800-247-8721
Web: www.airusal.com



WMDA/CAR ENDORSED MEMBERSHIP BENEFITS & SERVICE PROVIDERS

Be sure to check out these companies endorsed by WMDA/CAR.

ATM MACHINES

Intelicom, Inc.
Larry Shapero
1-877-666-6269
intelicom@verizon.net

INTELCOM, INC.

AUTO PARTS SUPPLIER

Parts Authority
Michael Ground
202-829-6315
mground@partsauthority.com



CONVENIENCE STORE PRODUCTS

Century Distributors, Inc.
Lori Rodman
301-212-9100
lrodman@centurydist.com



Century Distributors, Inc.

CREDIT CARD PROCESSING

First Merchant Services
Dan Cohen
1-866-511-4367, ext. 105
dcohen@firstmerchant.us



ELECTRICITY PROGRAM

Sprague Energy (MAAGIC)
Tom Gussen
732-440-0031
tgussen@spragueenergy.com



LEGAL SERVICES

Lynott, Lynott & Parsons, P.A.
James L. Parsons, Jr.
301-424-5100
jparsons@llplawfirm.com



OIL BUYING PROGRAM

REIT Lubricants Company
Chevron/Havoline
Jamie Atkinson
800-423-3624 | 443-309-9929 cell
jatkinson@reitlube.com



WEBSITE DESIGN & MANAGEMENT

Net Driven
1-877-860-2005
sales@netdriven.com



WMDA/CAR LEGISLATIVE & REGULATORY INFORMATION

WMDA/CAR
Kirk McCauley
301-390-0900, ext. 114
kmccauley@wmدا.net



WORKERS COMP INSURANCE

AmeriTrust Connect
Nicholas DiCarlo
800.825.9489
nicholas.dicarlo@ameritrustgroup.com



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!*



Having a Voice – Representing Our Members

Our Industry is facing not only the overwhelming effects of COVID-19 but issues that affect the core of our business.

- Maryland, Delaware, and District of Columbia belong to the Transportation Climate Initiative (TCI) with a goal of reducing carbon fuel use up to 30% by 2030.
- New cars manufactured are installing telematics in vehicles that only send information to their dealerships – no option to the car buyer.
- Ban on menthol cigarettes (already a law in Massachusetts)
- California bans gas powered cars by 2035.
- Baltimore council member wants to ban new service stations in the city.

This sounds like a Steven Spielberg horror movie, but these are real issues that face our industry!

These issues will be or already are in the legislative process and will affect every business WMDA/CAR represents. Outside and inside sales, and car count in our shops. Legislators are looking to raising funds for their next election. They are also looking at supporters who provide those funds and support their efforts.

We are working hard to protect our members and associates and your contributions are essential to that process. The devastating effects of COVID -19 and combining that with real legislative issues that affect all our members is difficult to absorb but they are a real danger to our businesses.

Now is the time to support the WMDA PAC and protect your business.

We suggest \$150 per location however, any amount is welcome. Please send contributions to:
WMDA PAC
1532 Pointer Ridge Place, Suite F
Bowie, MD 20716

You may direct any questions about legislation to Kirk McCauley at kmccauley@wmda.net.

Your fellow business owners and PAC officers,
Rick Agoris, PAC Chairman
Riaz Ahmad, PAC Treasurer



CONTRIBUTION RULES:

1. Maryland currently is in a 4-year election cycle which began January 1, 2019 through December 31, 2022.
2. No individual or corporation can contribute more than \$6,000 to any single candidate or a state PAC over the 4-year election cycle. (The maximum contribution to the WMDA PAC cannot exceed \$6,000 in total during this cycle.)
3. Your contribution to WMDA PAC can be a personal or corporate check. Political contributions are not considered a business expense or tax deductible.