

NOZZLE & WRENCH

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One of Governor Moore's signature bills as written would have raised minimum wage to \$15.00 an hour in October of 2023 for all, small and large employer.

KIRK'S CORNER

Maryland Legislation, it's Almost Over



By Kirk Mccauley, Director Of Member Relations & Government Affairs

Maryland legislation will be ending on Monday, April 10th.

There are a couple of bills of importance that have been decided and are awaiting Governor Moore's signature.

[HB0775](#) - [SB0542](#) Emergency Management consumer protection against Price Gouging.

Maryland Attorney General Anthony Brown had this bill introduced and has passed both General Assembly chambers waiting for Governor Moore's signature. This bill stated out with twelve items that would come under control if state of emergency was declared and allowed a 10% increase in

profit over non-emergency times.

WMDA/CAR along with coalition partners were able to eliminate those twelve items from automatic control and up allowed increase on goods and services to 15%. The bill now allows for seasonal pricing, is very liberal on added costs and labor. It was a win for business and a win for our new attorney general. Through several meeting with Attorney Generals Anthony Browns office, we were able to come to terms, legislators accepted, and bill was amended.

[HB0549](#) - [SB0555](#) Fair Wage Act of 2023

One of Governor Moore's signature bills as written would have raised minimum wage to \$15.00 an hour in October of 2023 for all, small and large employer. The bill also contained a Consumer Price Index (CPI) provision that would take effect in 2025 with a 5% cap. We were able to have bill amended to not start until January of 2024 and to eliminate CPI.

CPI was a big win as it can go up year after year but never is reduced if prices decline. With inflation we have now it would have added \$.75 cents to \$15.00 minimum wage.

[HB0566](#) Internet Sales of Subscription Pan

What it does not say in the title is it would allow a lottery player to set up an electronic subscription plan out of an online wallet, which is not allowed now. WMDA/CAR turned in written opposing this and the bill was withdrawn before oral testimony was given.

There are over 4400 lottery agents in the state that employee thousands of workers. Allowing subscription to be accessed through an electronic wallet would eventually lead to lottery online. Lottery agents' sales contributed \$1.391 billion to the State of



Continues on page 4

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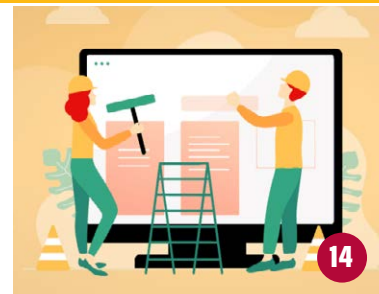


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America is facing a worker shortage crisis. The U.S. Chamber of Commerce's Worker Shortage Index ratio indicates the number of available workers for every job opening. States with a higher ratio have more workers available to fill open jobs.



2023 WEEKLY LEGISLATIVE HOUR

WITH KIRK MCCAULEY
(ONLINE)

EVERY FRIDAY
UNTIL APRIL 14
9AM VIA ZOOM

Continued from page 1

Maryland in FY2021 and \$1.511 billion in FY 2022.

What is not counted in this dollar amount is the 6% sales tax on items that are purchased in store along with \$.427 on every gallon of fuel purchased. Customers like one stop shopping, business and employees benefit, along with the State of Maryland. This bill would be forerunner to putting everyday lottery online. Our agents put a human face on the lottery and at the same time protect against underage purchases.

SB0828 - HB0988 – Family and Medical Insurance program – Modification

This was about modification of family leave bill only, bill was passed in 2022 with no idea how it would be administered, percentages of contributions and lots of questions on technical issues with bill. In short it was passed with very little thought and pushed through by leadership.

Bill Summary, in addition to various minor, technical, and conforming changes to the FMLI Program and its administrative processes, the bill's significant changes include:

- The program's start dates for contributions and benefit payments are delayed by one year, to October 1, 2024, and January 1, 2026, respectively.
- The Secretary of Labor must set the initial total rate of contribution by October 1, 2023, which applies from October 1, 2024, through June 30, 2026, and may not exceed 1.2% of an employee's total wages before taxes including Social Security.
- Employer/Employee contribution split is set at 50%/50%

This is a big bill with more changes and we will have a HR company put it all together in simple language. How it affects current benefits and what is required of an employer. In written testimony and Oral

testimony WMDA/CAR advocated to cut maximum total leave to 12 weeks instead of possible 24 weeks but it fell on deaf ears. We did get a year's delay on the start of collecting benefits and start of access to benefits.

District of Columbia – 30 Year Old UST

WMDA/CAR and MAPDA meant with District Department of Energy and Environment involving UST regulation on 30 year old tanks and regulation of removal by 2025.

We mentioned concerns about replacing tanks that are perfectly good and passing all tests. In the hour long meeting we did not get any concession but a promise to explore our suggestions and get back together. I Will keep our members updated but as of now D.O.E.E. are looking at 58% of UST in ground will be 30 years old by 2025 or are 30 years old now.

Montgomery County Price Sign Bill

Bill 7-23 Influenced by Senator Kagan to put a Gas price sign bill in the Montgomery County Council introduced 7-23. As written this bill would have taken effect requiring station that are using 'Discount for Cash' to include credit card price of product within the sign. If you were discounting regular – mid grade – Premium, you would have to purchase another poll sign to show six prices within the sign. As amended bill would allow you to use as an alternative sign on the ground that is visible and with same size letters. Bills looks like it gives you 6 months to comply with new law, but I will confirm that. A frame sign on ground with numbers of same size should do and you will have to illuminate at night if not visible enough.

This is a bill that should not be, but is, there was only one complaint for every 7,389,143. transactions that price on pump

is different from price on sign, filed with Weights and Measures. or twenty-one total complaints in FY 2022.

So as not to jink myself I will update you on Senator Kagan's bill in Maryland Senate and the rest of employment, tobacco flavor ban and labor bills on April 14th Friday legislative update on zoom. The old saying is "it isn't over until its over" and it will be over on April 10th.

Prince Georges County also has a sign bill in but has not gone to committee yet, we will keep you updated.

Delaware

Legislators are on a 2 week break, so far not many bills affecting our members, I think we will start seeing more labor and employment bills when they return.

Worker Shortage

We have been talking about labor shortage since before pandemic, but Maryland Chamber of Commerce had statistics from U.S. Chamber that puts a number to the shortage.

America is facing a worker shortage crisis. The U.S. Chamber of Commerce's Worker Shortage Index ratio indicates the number of available workers for every job opening. States with a higher ratio have more workers available to fill open jobs. A ratio above 1.0 would indicate a surplus of available workers when compared to job openings.

According to the U.S. Chamber, Maryland currently sits at a ratio of 0.55, or 55 available workers for every 100 open jobs – landing our state in the "more severe" worker shortage category. At this time, there are roughly 206,000 job openings throughout Maryland, 92,396 unemployed workers, a labor force participation rate of 64.7%, a quit rate of 2.5% and a hire rate of 4.2%.

Contact Kirk with any questions. ■



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Training Day

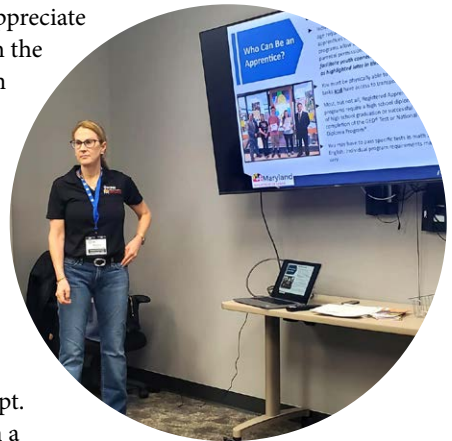


Sandi Weaver
BA Auto Care, Inc.

I've been a part of the auto repair industry for most of my life. My parents opened our shop in 1978; twenty years later I started working as an administrative assistant while attending college. My roll went from answering phones and making appointments, to managing the office to managing the shop to now being an owner. During the last 25 years I have been working on improving myself including earning Accredited Automotive Manager (2007) and Accredited Master Automotive Manager (2018) through the Automotive Management Institute, attending various training events and working with both automotive and business coaches. I worked on improving the culture of our shop and change our hiring process.

In 2016, I joined the CAR committee. Ken's enthusiasm for our industry and being the change we want to see is what lead me to where I am today. Our industry is always changing and WMDA is here to support its members with those changes. This year's Training Day was different than those in past years. One reason was difficulty securing a location. We greatly appreciate ATI and Karen for allowing us to use their space. With the difficulty of finding a location, we were very delayed in reaching out to trainers. While looking for classes for technicians, owners, service advisors and managers, we came up with a few that were a little outside of the norm. One being inviting Stephanie Discepolo, the Youth Apprenticeship coordinator for Howard County Public Schools. Stephanie spoke on the Youth and Registered apprenticeship programs available to all repair shops in Maryland. We plan to continue to work with Ms. Discepolo and Sheila Jackson (Apprenticeship Navigator with Maryland Dept. of Labor) to bring more students who are interested in a career in automotive repair to the members of WMDA, to build a partnership that will help us grow the next generations of auto technicians we desperately need.

With next year's training day and other events in the planning stages, please reach out with issues that are important to you and your business. With our annual tradeshow (Mid-Atlantic Fuel, Convenience & Auto Repair Show) planned for October at the Maryland Live, we hope to incorporate vendors and information sessions to help your business. ■



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GOLF OUTING

TUES., JUNE 13, 2023

*Renditions Golf Course • Davidsonville, MD
1380 Central Ave, Davidsonville, MD*

8:00 a.m. Registration and breakfast

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

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

\$169 per Golfer/\$650 for Foursome

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

REGISTRATION INFORMATION

Golfer #1: _____ Email: _____ Phone: _____
Golfer #2: _____ Email: _____ Phone: _____
Golfer #3: _____ Email: _____ Phone: _____
Golfer #4: _____ Email: _____ Phone: _____

☐ Please assist in making a foursome if less than 4 golfers listed above.

Contact Person: _____ Company Name: _____
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☐ Golfers x \$169 = \$ _____
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WMDA / CAR TRAINING DAY 2023



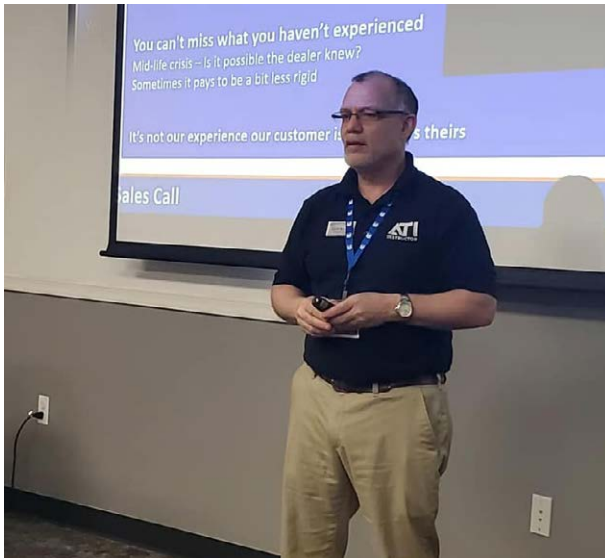
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When Can You Buy an Employee's Silence?



Christine V. Walters, J.D.,
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The NLRA gives all non-supervisory employees, including those not represented by a union, the right to act in concert with regard to wages, hours, or conditions of employment.

On February 21st, the National Labor Relations Board (NLRB) ruled that an employer violated the National Labor Relations Act (NLRA) when it offered a severance agreement to an employee that broadly prohibited the employee “from making statements that could disparage or harm the image of the [employer] and further prohibited them from disclosing the terms of the agreement.”

The NLRA gives all non-supervisory employees, including those not represented by a union, the right to act in concert with regard to wages, hours, or conditions of employment. Thus, the Board’s rationale is how can employees exercise those rights if they are constrained by an agreement that prevents

them from talking to one another about them?

That’s not all. For the same reasons described above, the NLRB also found the confidentiality provision of the agreement violated the NLRA. It prohibited the employee from disclosing the terms of the agreement “to any third person, other than spouse, or as necessary to professional advisors for the purposes of obtaining legal counsel or tax advice, or unless legally compelled to do so by a court or administrative agency of competent jurisdiction.”

One month later, on March 22nd, the NLRB’s General Counsel issued a memo supplementing that ruling. Some key take-aways are:

- Simply proffering an agreement with overbroad restrictions may violate the NLRA, even if the employee does not sign it.
- The decision is retroactive and applies to existing agreements as well as former employees.
- The decision applies to not just severance agreements but to “any employer communication to employees.”
- Other clauses that the GC views as “problematic” include noncompete clauses; no solicitation clauses; no poaching clauses; broad liability releases and covenants not to sue.”

Tip? Review your employment agreements, contracts, offer letters and other communications. Work with your company’s legal counsel to review them with an eye to the NLRA, as well as your state and local laws that may have enacted similar limitations to these restrictive covenants. ■





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Want to Deliver Extreme Customer Value as an Auto Mechanic? Talk to Your Food Truck Customers About Branding

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



Ruy Garcia-Zamor, Attorney at Law

Food trucks are more than just a kitchen on wheels. By their very design, they are a walking brand and promotion of their business. But food trucks break down just as much as any other motor vehicle, something auto mechanics know well.

Whether you're fixing the engine of a food truck or making some necessary cosmetic designs, you can take your customer value to the next level by talking to your food truck customers about their brand before you get started.

Why Talk About Branding?

As an auto mechanic, your food truck customer's brand is not strictly your line of work. It's their job to market their business and your job to make repairs to their food truck when needed. But there is an intersection when the vehicle you're fixing is itself your customer's main element of branding.

Every speck of imagery on a food truck has significance. The colors, the logos, the font are all important to their brand. Sometimes even the design of the truck plays into their brand. These are elements that you may very well interact with while working on the truck.

Taking the time to speak to your customers about their brand before you begin to work on their truck shows a level of consideration that will make them want to come back in the future. If you want to turn food truck customers into raving fans who develop a loyalty to your services and recommend you to their friends, show them your support of their brand.

A Legal Case Where Food Truck Branding Mattered

In 2022, Atlanta-based restaurant Twisted Taco franchise, Inc. sued a food truck, The Drunken Waffle LLC in Dayton, Ohio, for their use of "Twisted Taco" as a menu item. They had first sent a cease-and-desist letter to The Drunken Waffle in 2020, explaining that Twisted Taco was their trademarked intellectual property and that The Drunken Waffle used imagery that mimicked or copied their trademark. A follow-up letter came in August of 2021, followed by a hand-served lawsuit.



...there is an intersection when the vehicle you're fixing is itself your customer's main element of branding.



The owner of The Drunken Waffle claimed that they ignored the cease-and-desist letters because their food truck had been out of business for some time and they no longer used “Twisted Taco” on their menu. However, Twisted Taco’s attorneys also demanded social media posts from The Drunken Waffle using the term be taken down and that the restaurant be compensated for the earnings from the menu item.

The Drunken Waffle could have avoided this scenario by having their menu items protected as registered trademarks, at which point any conflicting trademark/branding would have become clear. This case also shows that, with the longevity of social media, even food trucks no longer in operation can be held responsible for intellectual property issues.

What To Discuss When It Comes to Brand

So what should you bring up when discussing a brand with your customer? Here are a few things that can come up:

Name

Food trucks often come with their own unique, quirky, and eye-catching names. Ideally, their business name should be trademark registered so that their competition can’t draw customers away with a similar name. And this doesn’t just apply to the name of the food truck itself. Names

of menu items or unique offers can be trademarked. Ask your customers if they have protected their business name. If not, you can encourage them to do so.

Logos and Slogans

Logos and slogans can also be trademarked in order to keep their brand distinct from other food trucks. The logo of the food truck usually features prominently on the truck, as well as the menu. Slogans may also be painted onto the side or front of the truck, as well. In discussing logos and slogans with your customers, you can learn the stories behind them and see how much thought they put into their brand. They may also appreciate your support in asking them whether their logos and slogans have been trademark registered?

Artwork

Food trucks are always artistically

designed so that they stand out from other vehicles on the street. Food truck owners often take great pride in the artwork featured on their truck — whether they designed the truck themselves or had help from commissioned artists. So it can be devastating if that artwork is ripped off by the competition. Fortunately, artwork can be copyrighted, so that if this happens, they can take legal action. This is another element of branding that you should discuss with your food truck customers to help them protect their business.

If your food truck customers know that their auto mechanic has their back in addition to providing great mechanic service, you’ll be on your way to building a relationship with them. Need help with your own business brand or IP protection? Garcia-Zamor has you covered. Contact us today to learn more. ■



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Spring Cleaning your Digital Storefront

Brought to you by Hollie Flottum, Netdriven

It's spring and it's time to think about spring cleaning. Not just in your home or store, but your website too. In the spring I am ready for a quick to-do list, and I want to see fast results. You know what to do with your brick and mortar store, but where do you begin when thinking about spring cleaning your website? I can help!

1. **Review each page.** Is there out of date content that needs to be removed/updated? Does this page still have useful information for potential and current customers?
2. **Think about customer questions.** Are those answers represented on your website? Is the content easy to find and digest? Today's customers have very short attention spans. Are they able to find out **who you are, what you offer and why your brand has value?**
3. **Promote your sales!** Do you have **new promotions, events, or coupons to add?** Out with the old, in with the new!
4. **Feature customer testimonials.** Do you have **customer testimonials** you can display on your site? [FinancesOnline](#) found that **68% of consumers will choose a business because of their positive reviews.** Online reviews build trust. Recent reviews create new content opportunities. Sharing and responding to a negative review builds empathy and shows that you stand behind your brand.
5. **Enable digital customer service!** Live chat on your website can be a great addition to your service. Interacting digitally with your customers proves to the search engines that you care about your customers and your content is genuine. It can even help you move your website up in the search engine rankings.
6. **Add high-quality images of your business!** Review the images on your website. Are they clear? Are they up to date? Do you include inventory, a view from inside and outside? Shoppers are drawn to visuals. They want to envision themselves at your store or enjoying their new purchase.
7. **Review CTAs on your website!** A CTA, or call to action, on your website is just like having signs to assist customers in your brick and mortar. Look at your site and make sure it is easy to find out how to call you or request a quote!

Working on our digital storefront can be fun and overwhelming! Remember we are here to help. [Contact Us](#) | [Net Driven*](#) ■





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LEGISLATIVE UPDATE

Right to Repair Updates



By Roy Littlefield IV

SSDA-AT and WMDA/CAR are keeping up the fight for passage of right to repair legislation, testifying March 8 in Maryland before the House Economic Matters Committee on House Bill 1193, which was introduced in February.

The bill, titled Consumer Protection - Motor Vehicles - Right to Repair, addresses the right to repair issue on the state level by requiring a manufacturer that sells motor vehicles with telematics systems to install an open data platform in certain motor vehicles.

The bill was introduced in the Maryland legislature Feb. 10. We worked with Maryland Delegate Kevin Hornberger (R) and his staff to introduce the bill.

Overall, 35 of those testifying supported the legislation and five opposed.

Right to repair remains a top priority for our members in Maryland and H.B. 1193 would provide for much needed clarity and direction in vehicle repair. Without legislation, Maryland vehicle owners will have fewer repair options, face longer wait times and pay higher prices when they repair their vehicle.

SSDA-AT has been rallying industry support and organizing local members to encourage passage of right to repair legislation in states and on the federal level.

In addition to Maryland, SSDA-AT has supported efforts in Maine on a right to repair ballot initiative. On Feb. 21, 2023, the Maine secretary of state announced that enough valid signatures were submitted for the “Right to Repair Act” initiative, allowing it to be certified to the Maine State Legislature.

Out of the 83,252 signatures submitted by the Maine Automotive Right to Repair Committee on Jan. 19, 2023, 74,686 of the signatures were found to be valid. This met the 67,682 minimum valid signature requirement to be certified to the legislature.

The initiative will now await action from the legislature. In Maine, a citizen initiative can only appear on the ballot as an indirect initiative. The initiative goes to the ballot if the legislature rejects the initiative or does not take action by the end of the session. If the legislature passes the initiative, and the governor signs it, the initiative becomes law.

The initiative would allow car owners and independent repair facilities to have the same access to onboard diagnostic systems and wireless data that manufacturers and approved repair facilities have access to.

At the federal level SSDA-AT supports right to repair legislation known as the REPAIR Act (H.R. 906). The bi-partisan legislation was reintroduced earlier this year by Rep. Neal Dunn (R-FL-02) and is co-sponsored by Rep. Brendan Boyle (D-PA-02), Rep. Warren Davidson (R-OH-08), Rep. Marie Gluesenkamp Perez (D-WA-03), Rep.



Right to repair remains a top priority for our members in Maryland and H.B. 1193 would provide for much needed clarity and direction in vehicle repair.

GOVERNMENT AFFAIRS

Zoe Lofgren (D-CA-18), Rep. Glenn Thompson (R-PA-15), Rep. Brittany Pettersen, (D-CO-07), and Rep. Tim Walberg, (R-MI-05).

Modern cars and trucks contain advanced technology that monitors or controls virtually every function of the vehicle including: brakes, steering, air bags, fuel delivery, ignition, lubrication, theft prevention, emission controls and soon, tire pressure. Car and truck owners, as well as the facilities that repair these vehicles need full access to the information, parts and tools necessary to accurately diagnose, repair or re-program these systems.

Our members who repair vehicles need access to the vehicle's mechanical data, and the Maryland consumer should have the right to decide where that data goes.

SSDA-AT will continue to monitor the progress of H.B. 1193 and other right to repair efforts.

Massachusetts to Enforce Right to Repair Law Starting June 1

Attorney
General Andrea

Campbell said last week that the state of Massachusetts will move forward and enforce the Right to Repair law beginning June 1. Campbell filed a Notice of Intent to Terminate Non-Enforcement Stipulation with the United States District Court of Massachusetts on March 7th.

The Right to Repair law, which allows independent repair shops access to the diagnostic data was approved by voters in 2020. The law has been held in court for over two years.

In the meantime, some manufacturers began making vehicles without wireless

technology in order not to run afoul of any Right to Repair laws.

Campbell said, "The people of Massachusetts deserve the benefit of the law they approved more than two years ago. Consumers and independent repair shops deserve to know whether they will receive access to vehicle repair data in the manner provided by the law."

Campbell also said in her filing that company's suit against the state should be dismissed.

SSDA-AT was early supporters of the Right to Repair law in Massachusetts. ■

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Administrator Bhatt Rescinds “Fix it First” Memo



By Roy Littlefield III

On Friday, February 24, 2023, Federal Highway Administration (FHWA) Administrator Shailen Bhatt released an updated policy memo on how states should prioritize funding from the Bipartisan Infrastructure Investment and Jobs Act (IIJA).

As you know, on December 16, 2021 Acting FHWA Deputy Administrator Stephanie Pollack issued guidance encouraging states to prioritize maintaining current capacity with their discretionary IIJA funds.

In his updated memo, Administrator Bhatt stressed the importance of maintaining roads in a state of good repair, but he highlighted that states should determine which projects they want to finance with their federal-aid highway formula dollars.

SSDA-AT is thrilled that Administrator Bhatt, since his confirmation, has acted quickly to update his policy memo.

SSDA-AT has advocated for state flexibility with federal-aid formula funds since Deputy Administrator Pollack originally introduced the “fix it first” memo.

Most recently, SSDA-AT joined a group of transportation industry stakeholders in sending a letter to Administrator Bhatt urging him to rescind the December 16 memo.

Additionally, SSDA-AT discussed the strategy of using the Congressional Review Act on the memo with staff for Senate Environment and Public Works Committee Ranking Member Shelley Moore Capito (R-WV) and House Transportation and Infrastructure Committee Chairman Sam Graves (R-MO).

With the decision to rescind the December 16 memo, SSDA-AT believes there is a great opportunity for the FHWA and Congress to move forward on remaining key priorities from the IIJA.

As such, SSDA-AT was thrilled to see Administrator Bhatt highlight the need for the FHWA to move forward with implementing “One Federal Decision”; this policy will help streamline the approval process for new projects, building them faster and at a lower cost. ■



SSDA-AT is thrilled that Administrator Bhatt, since his confirmation, has acted quickly to update his policy memo.



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