

NOZZLE & WRENCH

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KIRK'S CORNER

Happy New Year All

Maryland, Delaware, District Columbia



By Kirk Mccauley,
Director Of Member
Relations &
Government Affairs

Legislative sessions begin this month in Delaware and Maryland with a lot of uncertainties for the business community. DC is in year around. In talking with legislators, we can forecast some of the legislation we will see in 2023.

- Minimum wage bill that increases wages to \$15.00 in 2023 instead of 2025 for employers with 15 or more employees and 2026 for 14 or less employees.
- Price sign bill that would require stations to post highest price for product.
- Catalytic converter bill that we could work with as long as it does not restrict replacement to manufacture dealers only.
- Predictive scheduling would require owners to post employees work

schedules from 2-4 weeks ahead of time and pay penalties if the schedule is changed.

- Tobacco bills on flavor, authorization for cities, counties to control tobacco laws and electronic smoking devices.

Electrification bills, require business location to install EV chargers, raise gas taxes to pay for EV incentives, restrict use and sale of waste oil heaters and how you can heat, a/c, or cook in your business.

WMDA/Car will continue to advocate for our members in repair, convenience store or motor fuel. We will see if there is any appetite for modifying the Family leave bill (CH0048). Modification is not because of the money as we can raise our prices in keeping with inflation theme (LOL). But we cannot compensate for losing a technician for 12-24 weeks with a guarantee of a job when they return.

WMDA/Car will not introduce a bill for beer and wine in our convenience stores but will advocate for being included in any of the bills that are submitted. We do not want legislators to pick winners and losers on who can or cannot sell beer and wine.

This is just a snapshot of legislation for 2023. Maryland and Delaware are now dominated by a democratic majority in the house and senate and with democratic governors. The District of Columbia also fits this mold.

In 2023 we will need all members on board, and that means some that testify, all to email and call legislators. I do know that legislators pay attention to members in their districts and 5 minutes of your time to send an email or make a phone call could sway a vote and testifying can sway many votes. Become active in the legislative process, not for me but for your business and fellow members.

Questions – Call Kirk at 301-775-0221 or Text

Continues on page 4

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As quickly as technology moves, will the charger you buy today charge the battery of tomorrow?

EV Charging Locations

WMDA/CAR have been contacted by legislators, as have some members on why more businesses have not put in EV charging stations. Yes, we sell motor fuel and repair carbon burning vehicles but that is not the reason for the lack of chargers. Very few legislators understand the dynamics or the costs of installing level 3 DC chargers. I surely don't understand it all and have done a fair amount of research. We want to be part of the solution, not part of the problem, and not go broke in the process.

- Does my location have space for a charging location without compromising my business and what is that location worth?
- Cost of Level 3 chargers, cost of bringing 480 volts (if available) to charging location including trenching and breaking concrete, maintenance costs.
- What is my return on investment.

Obviously, a location that is new to industry (NTI) would be less expensive than an older location to install chargers. Either way it's a very expensive installation.

I say Level 3 chargers because they are the only chargers that are quick enough that might be acceptable to customers. Places of work, parking garages, shopping centers might be able to use different chargers, but no one wants to hang around a repair facility, service station or convenience store while charging EV.

Cost and return are the bottom line, and we see location now with 8 empty chargers sitting in a row, looking like Easter Island statues. We know EVs are coming, we also know we will be selling gasoline and diesel for a long time. To have a robust network waiting, we might have to think of subsidies from the state just to break even. The subsidies diminish as charging increases and eventually go away when a model becomes profitable.

There also needs to be a location within the states that can help any company that is looking at installing chargers. The agency's only mission would be to help locations sort through equipment, subsidies, discounts, permits, and

cost to bring power to the chargers. The members we represent do not have the resources to sort through the entire process.

As quickly as technology moves, will the charger you buy today charge the battery of tomorrow?

Prince Georges County

I have had inquiries about a bill presented at the last council meeting that set conditions for tobacco shops. CB-009-2023 in P.G. county would affect tobacco shops, electronic cigarette shops, or retail tobacco shops, for the purpose of amending the zoning ordinance to include parameters as to hours of operation and where they can be located as a criterion for approval of special exceptions for tobacco shops. The bill is currently in committee.

This bill is meant for stand-alone tobacco outlets as defined in the PG. code. We see these popping up in strip malls and this bill should not affect our members.

Minimum Wage as of Jan. 1, 2023

Here are wages for the start of new year, Maryland, Howard County and Delaware changed, MOCO and D.C. stayed the same. Required poster links are listed for all jurisdictions. You should read posters for your locations as there are exceptions in some locations for training, school programs and age.

Maryland- Except Montgomery and Howard County [wage poster](#)

- \$13.25 with 15 or more employees
- \$12.80 with 14 or fewer employees

Howard county

- \$16.00 with 16 or more

- employees [wage poster](#)
- \$13.25 with 15 or fewer employees

Delaware [wage poster](#)

- \$11.75

Montgomery County Stays the Same [wage poster](#).

- \$14.00 with 10 or less employees
- \$14.50 with 11-50 employees
- \$15.65 with 51 or more employees

District of Columbia Stays the Same - [wage poster](#)

- \$16.10

Fuel Sellers – FYI -Super fund tax starting January 1, 2023

On August 16, 2022, President Biden signed the Inflation Reduction Act of 2022 (IRA), which takes effect on January 1, 2023, and resurrects the Hazardous Substance Superfund Trust Fund better known as "Superfund tax" on oil and petroleum products. This tax is paid for by importers and refiners and passed on to suppliers. Some suppliers include these taxes in price for a gallon motor fuel and some list them as a separate line item. The tax will add approximately \$35.00 to a 9000-gallon delivery. The 2023 rate for this "Superfund" tax is 0.164 per barrel (42 gallons) and will be in addition to the currently-in-force Oil Spill Liability Trust Fund tax.

- The petroleum oil spill tax rate is \$0.09 per barrel
- The petroleum Superfund tax rate is \$0.164 per barrel for 2023 (rate is indexed annually for inflation)

Links for further information:

[Petroleum Tax](#)

[Babst & Calland](#) ■



2023 WEEKLY LEGISLATIVE HOUR

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DETAILS TO COME – BE ON THE LOOKOUT

CAR TALK



Sandi Weaver
BA Auto Care, Inc.

Last month I attended the Advisory Board meeting for the Global program at CCBC, as I usually try to do. It's very informative and they welcome suggestions on what they can do to help prepare the students to work in a shop. I have a few take-a-ways I thought would be worth sharing.

First, I was one of only two owners from independent repair shops present. Every other person was from a dealership or franchise and there were about 25 people in attendance. Being that the meeting was for Global it was disappointing to have so many dealerships represented and

so few independent shops.

After the advisory board meeting they had a small job fair. Being there were so few independent shops there, the dealerships and franchises pretty much had their pick of students looking for jobs. We currently have two of their students working with us; one high school student who is part of the Youth Apprenticeship Program and another student who just finished his first class at CCBC. Let me tell you, these two students are the best we have had in years! Please, look into becoming a shop who is teaching the next generation of technicians. Don't wait until they've learned all those bad habits from other places.

During the lunch I sat with a AAA Repair shop rep and boy did he volunteer a lot of information about AAA. First, they have opened up the AAR program to dealerships and franchises. His words were, we realized we were only getting a small slice of the pie by only having independent repair shops in the program. Now it is open to any repair facility that meets their requirements. AAA realized they made a huge mistake in 2016 when they asked for AAR shop's customer information and now do not require it. I asked why he was here at the job fair and he replied all the shops in his territory were all looking for techs (who isn't?) and he was there hoping to help those shops. When I asked if he was searching for techs for the AAA repair shops, he said he was a bit but since they only hire B and C level techs and punt the difficult work to more qualified shops, there was no one there to teach the students. Wow was I happy to learn this. I know AAA has sent diagnostic work to us in the past, I didn't know their business model was set up like this. It has proved we made the right decision to leave the AAR program back in 2014.

Why am I telling you all this? Well, I think we need to step up to the plate and support the local tech schools. Build relationships with them and commit to training all these students who are so enthusiastic to learn. Let's get an apprenticeship program started here at WMDA or at the very least be available to assist shops who want to start an apprentice program of their own. It isn't always easy but the rewards far out way the difficult times. Please reach out to me if you would like more information or if I and WMDA can help you in any way, sandiw@wmda.net. ■



Nick Dargakis (27- CCBC student) Doria Wiedel (16- Howard High School)

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Another Bonus Bites Back



Christine V. Walters, J.D.,
MAS, SHRM-SCP, SPHR

www.FiveL.net
info@FiveL.net

Last month we told you about a year-end or holiday bonus that got an employer into trouble. This time it is about incentive pay or production bonuses. Here's the scenario. An employer's non-exempt employees frequently worked over 40 hours per week, averaging between 40 and 60 hours per week. The employer provided those employees with bonuses as "an incentive for hard work." The allegation is the employer failed to include the bonuses in the employees' regular rate of pay for purposes of calculating their overtime compensation, and "denied significant amounts of overtime compensation."

As of this writing, this class-action lawsuit has not yet been heard by the court. If the facts are as alleged, it appears the employer failed to comply with the Fair Labor Standards Act. A non-discretionary bonus must be included in a non-exempt employee's regular rate of pay for overtime calculations. A non-discretionary bonus may be a misnomer. The name is not based on your ability to discontinue the bonus program at your discretion. It generally refers to a bonus that is announced in advance, for the purpose of changing behavior, and upon which an employee performs some work in reliance upon your announcement.

For example, you tell me that if I work an extra 8-hour shift you will pay me an additional \$2 per hour. Sometimes this practice is called a shift or weekend differential to entice employees to work less popular hours of the day or days of the week. I say "OK" and work that shift to earn the extra money. I end up working 48 hours that week. My hourly rate of pay is usually \$12. The hourly rate of pay for the extra shift was \$14. My regular rate of pay for that work week is $\$12.33 (40 \times \$12) + (8 \times \$14)/48$. That is the rate on which my overtime must be based.

Tips. Be proactive. If you use a payroll vendor, ask them how their system calculates overtime when you pay non-discretionary bonuses to your non-exempt employees. Make a record of their response. If you find an error, talk to your company's legal counsel to discuss options for remedial action. In the interim check out the DOL's related [Fact Sheet #56C](#). ■



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General Membership Meeting

FEBRUARY 28, 2023

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Designating a Beneficiary for a Motor Vehicle in Maryland

Brought to you by James L. Parsons, Jr., Lynott, Lynott & Parsons, P.A.

Motor vehicles are commonly titled in the name of an individual. Upon the death of the owner, a vehicle titled in an individual's name is typically part of the owner's probate estate. To transfer the vehicle in this situation, the personal representative of the estate must open an estate, obtain letters of administration, and present the letters of administration with the vehicle title and death certificate to the MVA to allow for the transfer of the title in accordance with the terms of the person's will.

Prior to 2017, an owner of a vehicle in Maryland could avoid the probate process for the vehicle by designating a beneficiary for the vehicle using MVA form VR 471 (which must be signed by the owner). Under that procedure, upon the death of the owner, the beneficiary presents the signed VR 471 form and the title to the MVA to transfer the title to the beneficiary.

Based upon a law that became effective in 2017 (Md. Transportation Article Section 13-115), a vehicle owner may now designate a beneficiary on the title itself, and the use of the VR 471 form is no longer required. The designation of the beneficiary is shown by the words "transfer-on-death" or the abbreviation "TOD" after the name of the owner on the title. The ownership of the vehicle is not affected until the death of the owner, and the title is not required to be delivered to the beneficiary for the designation to be effective. If the beneficiary does not survive the death of the owner, the vehicle becomes part of the estate of the deceased owner. The process is similar to a payable on death (POD) designation on an Individual Retirement Account or life insurance policy.

Some of the additional requirements for the beneficiary designation in Maryland are listed below:

- The vehicle must be solely owned and currently titled in Maryland.
- Only one beneficiary can be named, which can be either an individual or a business entity.
- If the vehicle is subject to a lien, then a letter of permission from the lienholder will be required to transfer ownership.
- No inspection will be required if the beneficiary is an immediate family member (spouse, child or parent of the deceased).
- Tags may be transferred if the vehicle is transferred to a member of the immediate family. All other transfers will require the purchase of new registration plates.

The process of designating a beneficiary can be accomplished via the MVA's website. There is a fee of \$20, and the new title with the beneficiary's name will be mailed to the owner.

Using the beneficiary designation is a relatively simple and easy way to avoid having a vehicle go through the probate process. It is especially helpful if all other property of the deceased is owned jointly with a surviving spouse or is titled in the name of a trust, because under those circumstances the vehicle would be the only property of the probate estate. ■

Using the beneficiary designation is a relatively simple and easy way to avoid having a vehicle go through the probate process.



TRAINING DAY



GOLF OUTING



EXPO AWARDS & DINNER



MEMBERSHIP MEETING



FAMILY DAY



LEGISLATIVE UPDATE

No Death Tax Hikes in 117th Congress



By Roy Littlefield IV

Thank you for your support during another year of fighting back against a barrage of harmful tax hikes on family businesses.

SSDA's main focus was pushing back on language advanced by the House Ways and Means Committee, which would have cut the current unified estate, gift, and GST exemptions in half and wreaked havoc on family estate plans, making it harder to pass family businesses on to the next generation of ownership.

Many of our letters made a splash on the hill and in the media. In addition, we met with several critical offices (mostly moderate Democrats) with requests that they share their constituents' concerns with Democratic leadership. The small business and agriculture communities deserve a lot of credit for locking arms and digging in against these tax hikes. Chairman Neal decided against including the estate tax provisions in the House's BBB bill, telling Bloomberg that "enough members had raised concerns..." about the proposals.

In addition to the harmful House language, new ideas to tax family businesses seemed to come from all angles this Congress. Chairman Wyden, Sen. Elizabeth Warren, House Democrats, and the Biden administration all proposed changes that would have taxed unrealized gains both annually and at death. They threw everything at the wall, but as it stands now, the 2017 tax relief for family businesses remains fully intact.

118th Congress outlook

Over the next two years under a divided government, we expect some unpleasantness involving regulatory changes for family businesses. SSDA-AT will stay highly vigilant regarding proposed changes to valuation discounts or GRATS.

We have promised our continued support to Sen. Minority Whip Thune and Congressman Jason Smith on their bicameral legislation to eliminate the death tax (155 House and 37 Senate cosponsors currently) to solidify as much support as possible before Congress takes up tax reform again. SSDA-AT will continue to make the case for tax permanence and full repeal of the unfair and economically destructive death tax while standing guard against new regulatory overreach. We are now one year closer to the expiration of most small business tax relief in 2025, and the work to achieve the best results in the next tax reform package must continue. ■



The small business and agriculture communities deserve a lot of credit for locking arms and digging in against these tax hikes.

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Election Results and 2023 Outlook



By Roy Littlefield III

The voters defied historical expectations by keeping the Senate in Democrat hands and keeping the red wave in the House to a small ripple. Actually, it was the best mid-term for the party controlling the White House in 20 years. Prior to the election, Minority Leader Mitch McConnell publicly acknowledged that he was worried about winning the Senate because “candidate quality has a lot to do with the outcome.” As it turned out, the voters agreed with him. While not true in all parts of the country, for most of the country the take away was that the electorate (particularly with the Senate elections

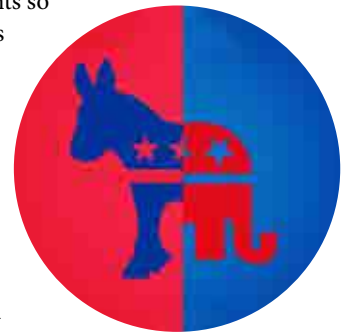
where candidates were not dealing with a safe district like so many of the gerrymandered House districts) rejected extreme candidates and wanted a return to normalcy.

Prior to December 9th, the Senate ended up with 51 Democrats (really 49 Democrats and 2 Independents who caucus with the Democrats) and 49 Republicans by gaining one seat with Senator-elect John Fetterman in Pennsylvania. The House at this point has 221 Republicans and 213 Democrats, with the last remaining race to be decided likely to go to a Republican.

Just to keep things exciting on December 9th, Senator Kyrsten Sinema announced she was now a registered Independent, joining Senators Bernie Sanders (I-VT) and Angus King (I-ME), both of whom caucus with the Democrats. Senator Sinema made it clear that she will be keeping her committee assignments so this change is not likely to change the way the Democrats in the Senate will be able to operate. Having 51 Senators means the Democrats will have majorities on the committees which will make it much easier for the operation of the committees.

Most Hill observers are expecting gridlock next year. The expectation as already expressed by many House Republicans in leadership positions is that they plan to investigate President Biden, the President’s son (who has no position in the government), Hunter Biden, Secretary of Homeland Security, Alejandro Mayorkas, the January 6th committee, Speaker of the House, Nancy Pelosi, as to why the Capital wasn’t better protected on January 6th, the origin of COVID-19, the alleged politicization of the Justice Department, and many other issues and Democrats. Some Republicans have said that they are hoping these investigations will lead to impeachments of President Biden, Attorney General Merrick Garland and Homeland Security Secretary, Alejandro Mayorkas. This would lead one to think that nothing of substance will happen in the House as far as meaningful bipartisan legislation.

- But... what if the following groups in the House were able to work together -
- the Problem Solvers Caucus – a bipartisan group where there are 58 members with equal numbers of Republicans and Democrats, all of whom came to Congress to get things done and not get caught up with ideological fights, and



...for most of the country the take away was that the electorate... rejected extreme candidates and wanted a return to normalcy.



are chaired by Representative Josh Gottheimer (D-NJ) and Representative Brian Fitzpatrick (R-PA), and

- the Republican Governance Group, chaired by Representative David Joyce, (R-OH) which is a centrist group with 44 members, and maybe
- the Blue Dog Coalition, 19 fiscally conservative Democrats, co-chaired by Representatives Ed Case (D-HI), Stephanie Murphy (D-FL), and Tom O'Halleran (D-AZ), and maybe even
- the Main Street Caucus, a group of 52 House Republicans who favor pragmatic governance, co-chaired by Representatives Don Bacon (R-NE), Mike Bost (R-IL) and Pete Stauber (R-MN).

Could they turn the 118th Congress into one where actual problems are worked on seriously in a bipartisan way? It's possible and that would be a pleasant surprise. Working against this are what are now being referred to as the "exotics" – the extreme right and left members of Congress who have little interest in working across the aisle. Almost all of these members come from "safe" districts meaning that there is no competition from the other party in that district so little incentive to work with the other party. In fact, working with the other party can be held against

a member at the primary level in a safe district. Also, working against a productive House is the fact that control of the House keeps swinging back and forth almost every Congress primarily because the country is almost evenly divided between Republicans and

Democrats – so why should a member from a safe district try to work in a bipartisan fashion when his/her party will likely control the next Congress and the legislation passed in the prior two years is likely to be thrown out during the next two years? ■

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ELECTION 2022:

- ✓ **In 2022 our businesses received 3 months of retail sales tax relief**
- ✓ **Lottery agents received increase in agent fees**
- ✓ **Untold amount of saving on bills that did not pass**

- **Ban on menthol cigarettes** in District of Columbia means there will be copycat bills in Maryland and Delaware this year.
- California **bans gas powered cars** by 2035, will Maryland be next?
- Baltimore council members want to **ban new service stations** in the city, ban plastics, Styrofoam & sugary drinks. They have shut down many retailers with pad locks on doors, blaming business for crime. Police are telling our retailers you are on your own, hire security guards. They need to focus on crime, not plastic bags. The absurdity of actions like this underscores the need for new legislators.
- Labor and employee bills in all three jurisdictions would add thousands of dollars in **payroll cost** per year. While we have been successful in stopping or amending most bills, they will all be back this year.
- **Right to Repair/Telematics** – New cars manufactured are installing devices in vehicles that send information over wireless networks to dealerships automatically.

As absurd as some of these bills are, they are real and affect all our members. These issues will be or already are in the legislative process. We need legislators who support retail business, do not be on the side lines.

Support your PAC and PROTECT your business.

We suggest \$150 per location however, any amount is welcome.

Please send contributions to: WMDAPAC 1532 Pointer Ridge Place, Suite F Bowie, MD 20716

Your fellow business owners and PAC officers,

Rick Agoris, *PAC Chairman*

Riaz Ahmad, *PAC Treasurer*

