

# NOZZLE & WRENCH



**CAR**  
Council of Automotive Repair  
A Division of the AAA

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- >> Cutting the Cost of Doing Business
- >> Potential Liability for Crimes on Your Premises
- >> Digital Strategies to Stay Relevant

## KIRK'S CORNER

# Colonial Pipeline Shut Down – What a Mess



By Kirk McCauley,  
Director Of Member  
Relations &  
Government Affairs

On Friday May 7th, Colonial Pipeline shut down its 5,550-mile pipeline following a cyberattack on the company's computer systems. I got a call early Saturday morning that terminals already were canceling orders. I called multiple dealers to check on any problems with gas delivery, no problems so far but I knew that would change quickly. I called Swapna to keep her informed and then said you better fill up and that is when we unknowingly became part of the problem. Customer panic buying (when not needed) depleted inventories, stations were pumping 3 - 4 times their normal volume until they ran dry. Without this type of behavior, I do not think we would have had near the problem. A survey

I took of 100 locations indicated around 40% of our members were out of fuel on Tuesday. The District of Columbia had up to 70% of locations out.

The pipeline shut down affected all dealers, some more than others depending on whether they were DTW, rack, no contract, formular or commission agents. Those with no contracts, who shopped open supply were in trouble. Suppliers were pulling loads from terminals that were not on the pipeline which made for long hauls.

The WMDA survey indicated that Maryland alone had 700 retail locations out of fuel and some for an extended period. Stations would receive a load in morning, then tanks would run dry the next day and then the dealer was waiting his turn for the next delivery.

The pipeline opened Thursday around 5:00 pm, supplies were slow getting to stations for a simple reason – not enough tankers or drivers for the supplies that were needed. The Colonial shutdown highlighted the shortage of drivers with a hazardous material licenses that were available. When the pandemic started, and volumes dropped, many drivers who were laid off took jobs elsewhere. Also, stiffer regulations on qualifying for a hazardous hauling license have eliminated some candidates. State and Federal governments dropped RGF, RVP requirements and hours of service (HOS) requirement for drivers which let attainment area gas come into RFG



*Continues on page 4*

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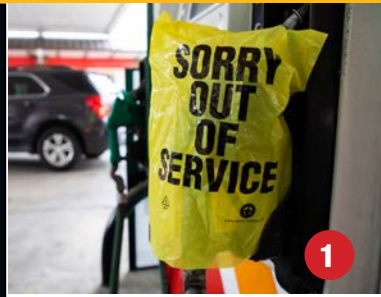
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*Continued from page 1*

areas and keep drivers in the seat longer. Motor fuel supply is still not back to normal as the EPA extended fuel waivers on May 28, for RVP and RGF until June 6th.

I remember putting a big sign in the back of my pickup truck that said, “**Last Car for Gas**” and no, that was not in May of this year, but October of 1973. I do not think this shortage lasted long enough for that to happen. Let us all hope that pipeline companies, power companies and other suppliers of essential goods heed what happened and fortify their networks and have backups on the shelf. They say you cannot track bit coin and certain types of electronic currency. Then make its use illegal in this country and other countries will follow. This type of attacks will keep repeating themselves and the federal government needs to act now to avoid future cyberattacks. Aggressive action is required when our essential networks of fuel, power companies and food and water supply are affected.

[Shortage Of Tanker Truck Drivers May Lead to Higher Gasoline Prices This Summer | OilPrice.com](#)

### **Requirement to Look for Work Reinstated in Maryland**

Governor Larry Hogan has instructed the Maryland Department of Labor’s Division of Unemployment Insurance to begin the process of reinstating the requirement for new and current unemployment insurance claimants to actively search for work and engage in reemployment activities each week.

In March 2020, the requirement to actively search for work was suspended for all unemployment insurance claimants due to the adverse economic conditions caused by the COVID-19 pandemic.

### **Enhanced Unemployment Insurance Payments**

WMDA/CAR members report employees are hard to come by and 24 states have opted out of a federal program that provided enhanced unemployment insurance payment. The program that provided \$300 extra to UI payments ,plus 3 other programs. June 1<sup>st</sup> Governor Hogan sent required 30 day notice to federal government that Maryland was opting out of program. The governor thought like many employers that the program was keeping former and potential employees from coming back to work or seeking employment. Program will end July 3rd.

At the same time, I understand the problem parents are having with virtual leaning and childcare for their children. There are many families with school age kids and working mothers who cannot afford to work and pay a sitter. With all this money being spread around by President Biden it is about time he addresses an issue that affects all ethnic groups and has for a long time. If your family income is below a certain amount, you get childcare credits so you can afford to work. These credits could be claimed by childcare businesses and would get a direct payment. Just a thought.

### **Retail Sales Tax Portal is Open**

The retail sales portal is open, and I understand it is straight forward and easy to use. You can now take your credit on retail sales tax for March, April, and May up to \$3,000 per month or \$9000 total. [Sales-and-Use-Tax-FAQs-FINAL.pdf \(marylandtaxes.gov\)](#) This applies to stations, convenience stores and repair facilities. There are some restrictions so read the Q&A link above.

### **Oil Prices Go Up**

ReitLube has informed us that there will be a price increase in finished oil products due to an increased price in base oil products and additives. They tell us they are working with Chevron to minimize increases. This increase in lubricant prices has impacted other suppliers as well. Any questions can be addressed to Jamie Atkinson 443-309-9929 or customer service at 800-423-4624.

### **District of Columbia B24-166 - Nutrition Equity Amendment Act 2021**

On May 19th WMDA/CAR testified on a bill that would add 30 cents to a 20 oz. soda. It would add 1.5 cents an oz. on bottled or fountain, tea or any drink except coffee that contains sugar. There is certainly no equity in this bill when those that live in the city and cannot travel will pay higher price for their favorite drink. WMDA/CAR also sent in written testimony (see page 6).

### **Getting Vaccinated is a Winner in \$400,000 Ways**

Maryland held its first of 40 consecutive \$40,000 lottery drawings for people who have been vaccinated against COVID-19, as several states use lottery prizes to encourage people to get inoculated. The Maryland Lottery said the first winner lives in

Baltimore County and a second drawing went to someone in P.G. county. There will be 38 more drawings for \$40,000 in the \$2 million total promotion, which ends with a \$400,000 drawing prize on July 4.

The Maryland drawings are being done with a computer program that randomly selects a number from within the range of numbers provided to the lottery by Maryland's health department. To be eligible, a participant must be a resident who is 18 and older and who has received a vaccine shot in Maryland.

### **Delaware Wins Incentive Program**

<https://news.delaware.gov/2021/05/25/state-of-delaware-announces-de-wins-incentive-program-to-drive-covid-19-vaccinations/>

### **CDC – No Mask for Those Who are Vaccinated**

If you are fully vaccinated, you no longer need to wear a mask, CDC says summarizing the new guidance and encouraging more Americans to roll up their sleeves. “Get vaccinated — or wear a mask until you do.”

The guidance still calls for wearing masks in crowded indoor settings like buses, planes, hospitals, prisons, and homeless shelters. It will help clear the way for reopening workplaces, schools, and other venues — even removing the need for social distancing for those who are fully vaccinated. Maryland, Delaware, and the District of Columbia are all following CDC guidelines. As of this writing Baltimore City was not. <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated.html>

This should be a no-brainer for anyone that is eligible for a shot, those 12 and older. Those that say “no” are putting their family, friends, and fellow employees at risk of serious illness or death. More and more schools, non-retail businesses, and social venues are saying “no vaccination – no entry” We have been through a year of seclusion, illness, and death. There are businesses, and friends we will never see again. Worldwide there were 3.5 million deaths, in the US 600,000 deaths and you can count on your hand how many died who received vaccine. Unless you have a medical condition, and a doctor advises against vaccination you need to get a shot.

Any questions contact Kirk. ■

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WMDA/CAR Service Station  
and Automotive Repair Association

To: Ward 1 Councilmember Brianne K. Nadeau, Chair and  
Members of Committee on Human Services

RE: B24-166 - Nutrition Equity Amendment Act 2021

From: Kirk McCauley - WMDA

This legislation while well intended will hurt small business in the District of Columbia at a time when they are struggling to survive. The real estate in D.C. is awfully expensive to purchase or lease and every time we increase tax on a product that can be purchased across the river or across the street, we send our customers away.

These customers will not just go for their favorite soda, tea or juice but other items that would have been purchased in a local store.

We have been hearing for years that the city does not have enough access to large chain food retailers that bring fresh food to the city. Will this help that problem or become another reason not to locate in DC? I think the answer is clear.

B24-166 does not keep sugary drinks from being sold, it is about raising money as testimony at the hearing pointed out. The council has ample resources to fund programs this bill would support. Advertising and educational programs could be paid for without hurting business and sending the wrong message to potential full service Grocery stores.

This bill will not increase Equity in District of Columbia. It will do just the opposite by punishing those that have to pay more for their favorite drink and do not have the means to travel outside of the District.

Thank you for the opportunity to address the issues on my members behalf and we urge you to withdraw B24-166.

Kirk McCauley  
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# WMDA/CAR ANNUAL EXPO & AWARDS DINNER 2021

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# Cutting the Cost of Doing Business



By Brian England  
BA Auto Care, Inc.

WMDA and the CAR committee have worked hard to provide members with benefits which save them money and provide quality partnerships. Each one of the Endorsed suppliers offers products and services that cover the cost of membership plus so much more. Saving money is always a priority and discounts are not the only way.

One way we have cut the cost of doing business has been embracing new technology.

By installing:

1. Solar light tubes.
2. Smart LED lighting that monitors the shop's light level and switches from 6 to 4 to 2 tubes.
3. 185 solar panels
4. Painting the shop with white reflective paint.

Doing all this reduced our monthly electric bill, which went from \$1500 to \$0. If someone had told me in 2008 that we would not have an electricity bill and we would be selling electricity, I would not have believed them.

Then in 2016 we purchased the Chevy Bolt EV as a courtesy vehicle (powered by the solar panels) and it will pay for itself! It has now gone 45k miles, and also cost extraordinarily little to maintain.

Of course, the idea of electric cars becoming popular is a challenge for both repair shops and fueling stations. Neither group wants to lose business but with embracing new technology you can reduce costs dramatically.

The rapid expansion of green technology and its benefits have been amazing. The incentives pay a big part during the transition but now it is even cheaper to add solar panels, solar light tubes and smart LED lighting systems. Now the cost for doing this is affordable without incentives; with solar panels half the cost of five years ago and producing twice the power! This makes the decision much easier. Do not own your building? talk with your landlord, it is another revenue stream for them and saves you money too.

One update on owning a solar power array, part of the contract for the installation includes a onetime removal of the panels in case of roof repairs or replacement. ■

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# Work Comp Insights

## *Working with Medical Providers*

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**When a workers' compensation claim occurs** within your organization, it's crucial to do everything you can to support the ill or injured employee's recovery. After all, these efforts can help the employee return to work in a healthy and timely manner, thus minimizing the resulting claim expenses.

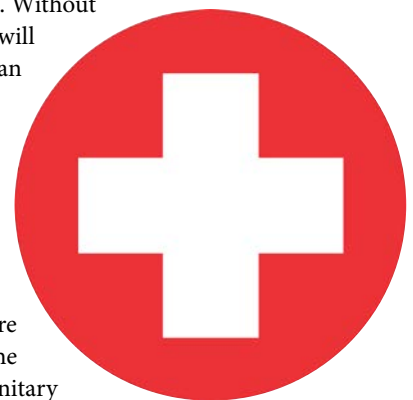
With this in mind, one of the best ways to bolster an ill or injured employee's recovery is to establish a solid relationship with their medical provider. This practice can allow you to better understand the nature of the employee's illness or injury, as well as permit the provider to gain additional insight into the unique characteristics of your workplace. In turn, these benefits can help ensure the employee receives an effective treatment regimen – promoting a safe and speedy healing process.

Review the following guidance to learn more about why it's important to foster strong relationships with the medical providers in your workers' compensation program and best practices for doing so.

### **The Importance of Working with Medical Providers**

When an employee experiences an occupational illness or injury, their medical provider is responsible for selecting the right treatment plan and determining when (and in what capacity) the employee will be able to return to work. However, if your organization lacks a relationship with the medical provider, they will likely possess a limited knowledge of your workplace and your ability to support the employee in their recovery. Consequently, the following issues could occur:

- **Job role misunderstandings** – To determine when the ill or injured employee can safely begin working again, the medical provider may ask the employee for a description of their job duties. Whether intentionally or not, the employee may offer an inaccurate depiction of their role, making their job seem more labor-intensive than it really is. Without your organization to refer to, the medical provider will likely trust the employee's description and – out of an abundance of caution – keep them from resuming their role for longer than actually necessary.
- **Work environment misconceptions** – Rather than relying on your organization for insight on workplace conditions, the medical provider could make false assumptions about various aspects of the work environment (e.g., cleanliness, on-site hazards and safety measures). These assumptions are often based on industry generalizations – such as the speculation that factory worksites are dirty or unsanitary – and could prompt the provider to delay the ill or injured employee's return to work out of fear of worsening their condition.
- **Return-to-work program concerns** – If the medical provider doesn't have any details or resources on your organization's return-to-work program,



*...one of the best ways to bolster an ill or injured employee's recovery is to establish a solid relationship with their medical provider.*



*...you and the medical provider will be able to work together as a team to make more informed decisions regarding the employee's treatment regimen and return-to-work capabilities...*



they may presume that your program is minimal or nonexistent. In response, the provider could keep the ill or injured employee from reentering the workforce until they are fully capable of performing their original job role – even though your return-to-work program offers transitional tasks (e.g., light-duty work) that could have permitted the employee to safely begin working sooner.

That being said, building a relationship with the medical provider will enable you to share valuable information regarding the employee's job responsibilities, workplace conditions and return-to-work program offerings.

As a result, you and the medical provider will be able to work together as a team to make more informed decisions regarding the employee's treatment regimen and return-to-work capabilities – allowing them to resume their role as safely and efficiently as possible.

Further, the medical provider's increased knowledge of your workplace will permit them to give you tailored guidance on how to best protect the employee from reaggravating their ailment, keeping workers' compensation claim expenses under control.

### **Best Practices for Working with Medical Providers**

The first step in fostering a solid relationship with the medical providers in your workers' compensation program is to understand the provider selection process. Specifically, it's important to note that state workers' compensation laws determine how medical providers can be chosen.

In some states, organizations are permitted to select the medical provider or provide a panel of potential providers for their ill or injured employees to seek treatment from. If your organization is allowed to do so, be sure to conduct diligent research on the medical providers in your area. Based on your research, select trusted providers with plenty of experience, a background in occupational medicine and, if possible, expertise in your particular industry.

In other states, ill or injured employees are permitted to make their own medical provider selections. Under these circumstances, your organization should consult employees on their chosen medical providers and reach out to these providers to start building relationships.

Regardless, your organization can take the following steps to secure a strong relationship with

any given medical provider within your workers' compensation program:

- **Plan a visit.** Be sure to contact the provider and invite them to your workplace for a visit. During this visit, give them an in-depth tour of the work environment and showcase the specific types of activities that employees engage in. In addition, take this time to highlight your organization's return-to-work program and outline transitional tasks that can be implemented to accommodate any recovering employees' occupational restrictions. If the provider is unable or unwilling to physically come to your workplace, consider scheduling a video call or asking if you can visit their clinic to share this information.
- **Understand provider protocols.** Apart from familiarizing the provider with your workplace, make sure you understand their protocols as well. In particular, take note of the hours of operation for the provider's clinic, as well as what to do if an ill or injured employee requires medical attention outside of those hours. Also, ask the provider how they intend to follow up with you after an ill or

injured employee's clinic visit – whether it's via phone call, email or fax – and how they approach situations where an employee requires specialized care for their ailment.

- Provide ample resources. At the initial onset of a claim, contact the provider as quickly as possible and provide them with background information regarding the employee's illness or injury. Be sure to give the provider any relevant

workplace documentation – including the incident investigation report, a description of the employee's main job duties (emphasizing physical requirements) and an outline of your organization's return-to-work program. As treatment begins, send the provider a return-to-work form to fill out, focusing on the employee's expected recovery timeline and need for transitional tasks upon

resuming their role. Ask the provider to be as detailed as possible when explaining the employee's occupational restrictions and task options.

- **Communicate regularly.** Lastly, maintain frequent communication with the provider to stay properly updated throughout the employee's recovery process. Ensure the provider has your contact information so they can reach out with any questions they may have as well. Further, clarify how the provider intends to communicate with the claims adjuster during the course of the associated workers' compensation claim. If necessary, make sure to bridge any communication gaps between the provider and the adjuster to keep the claim process running smoothly. ■

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](http://www.ameritrustconnect.com/association/wmda).

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# WMDA/CAR

3rd Annual

# GOLF OUTING



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Golfer #2:	<input type="text"/>	Phone:	<input type="text"/>
Golfer #3:	<input type="text"/>	Phone:	<input type="text"/>
Golfer #4:	<input type="text"/>	Phone:	<input type="text"/>
	<input type="text"/>	Phone:	<input type="text"/>
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**REGISTRATION CLOSED**

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# Potential Liability for Crimes on Your Premises

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

**Can an owner of a gas station be held liable** for injuries sustained by a customer during a robbery that occurs on the gas station property? A recent case out of Georgia sheds some light on this important issue.

In *ABH Corporation v. Montgomery*, 356 Ga.App. 703 (2020), a gas station patron filed a lawsuit against a corporation that owned a gas station and the owner/operator of the station after the customer was attacked outside of the gas station. The customer (Montgomery) lived near the station and worked at a barber shop in the shopping center where the station was located. In his deposition, Montgomery testified that he had lived in the area for 15 years and was familiar with the clientele, and he knew that the store was located in a dangerous area. In August of 2015, Montgomery was driven to the store by a friend to buy snacks. Before he entered the store, he saw a man out front who asked him for money. Montgomery responded that he had no money, and went into the store. The man then saw Montgomery making a purchase, and again approached him and commented that he must have money. Montgomery responded, “This is my money, I don’t have any money for you.” The men continued to exchange words as Montgomery paid and left the store. While he was walking back to his car, Montgomery was attacked by the man and other assailants. Montgomery’s friend tried to help him, but he was robbed in the process.

Montgomery was injured in the attack, and he filed suit against the store, claiming that the store breached its duty by failing to keep the premises safe. His complaint included claims for nuisance and punitive damages. The store filed a motion for summary judgment in its favor, which was denied by the trial court. The denial of the motion was appealed to the Court of Appeals of Georgia.

The appellate court began its analysis by referring to case law from Georgia holding that a store owner “is not the insurer of the [customer’s] safety, but is bound to exercise ordinary care to protect the [customer] from unreasonable risks of which [the store owner] has superior knowledge. If the [store owner] has reason to anticipate a criminal act, [the store owner] then has a duty to exercise ordinary care to guard against injury from dangerous characters.” Under those cases, the key question is whether the store owner has “superior knowledge” of the criminal activity (Maryland law has a similar standard).

Montgomery argued that the store should have foreseen his assault because a 911 incident report showed that police were routinely called to the shopping center to respond to suspicious activity, and because one of the assailants had been arrested approximately eight years prior to the incident and ordered to stay away from the area. In response to that argument, the court stated that there is no duty on the part of a store owner to investigate police files to determine whether criminal activities have occurred on its premises,



“This is my money, I don’t have any money for you.”

so such records could not be used to show that the store owner had knowledge of those activities.

The court then pointed to the “ample” evidence that Montgomery knew about the criminal activity that occurred around the store. He lived near the store for 15 years, and had shopped at the store numerous times. He also worked at the barber shop in the shopping center, and had seen people using the bathroom for criminal purposes. Some of his co-workers carried guns for personal security, and Montgomery knew other people, including his roommate, who had called the police from

the shopping center. Based upon this evidence, the court found that Montgomery had not shown that the store owner’s knowledge of criminal activity at and around the store was superior to his own. For this reason the court ruled that that trial court should have entered summary judgment in favor of the store as to all of Montgomery’s claims.

The *Montgomery* case ended up in favor of the store owner because the customer could not show that the store owner had superior knowledge of the criminal activity in the area. However, in a different situation, such as where a customer is

visiting the store for the first time, the outcome might be different if the customer can show that the store owner knew about previous criminal activity around the store. For this reason, it is important that store owners (and especially those in areas of high crime) take precautionary security measures to protect customers. In addition, store owners should consult with their insurance brokers/carriers to make sure that there is adequate commercial general liability insurance in place to protect the store owner in the event of a robbery or other criminal event that results in injury to a customer or other store invitee. ■



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# Digital Strategies to Stay Relevant in the Future of Auto Retail

**Since its invention, the internet has grown** to become an integral factor of the buying journey. Instead of window shopping, more and more consumers are choosing to browse several websites to identify the ideal product and retailer. The auto industry is no exception—shoppers rely on the internet to learn more about automotive retail services, and often they have made up their mind on a purchase before they even visit the store for the first time. As online search becomes the standard origin for auto customers, dealers need to adopt digital strategies in order to connect with the rising volume of online shoppers.

Below are some of the most effective insights and tactics on digital strategies to help gain and retain more online leads.

*...compounded external factors have caused the majority of consumers to start searching online instead of driving straight to the store.*

## Online Shopping Is Here to Stay

Over the last year and a half, online sales have spiked. Large numbers of shoppers forewent brick-and-mortar stores in favor of browsing the internet to purchase goods or learn everything they need to know before visiting the store at the very end of the buying journey. Not surprisingly, dealerships and service centers saw their levels of website visitors and leads quadruple for several months. Even as in-store shopping regains some of its former popularity, website visits remain high as consumers demonstrate a strong interest in carrying out the buying journey online.

In previous years, a significant number of the population remained committed to shopping solely in stores. However, compounded external factors have caused the majority of consumers to start searching online instead of driving straight to the store. Online shopping has become a permanent staple of the customer's buying journey, forever changing the way that leads engage with businesses and how businesses must market to their leads.

## Importance of a High-Quality Website

About 87% of shoppers start with online search, and they use multiple devices such as mobile phone, laptop, desktop, and tablet. They expect the internet and its contents to deliver near-instantaneous results. This means that websites need to be responsive to all devices in order to compete in today's market. Websites that fail to load quickly or do not adapt well to mobile devices won't see a high volume of engagement. When asked what compelled them to choose a particular dealership, survey participants identified having a "good, easy-to-navigate website" as a must-have for dealers.

Of course, it is not enough for a dealership to create a responsive website and leave it alone to attract leads. Dealers need to be actively engaged in their websites' optimization in order to remain part of the online customer's shopping experience.

More than ever, websites operate as virtual stores for shoppers to browse tire brands and services before making a purchase. Websites must rank highly in local organic search to be found by qualified leads and produce sales opportunities. Requirements







for high-performing websites include fresh and informative content, relevant keywords, and a user-friendly web design that minimizes the number of clicks required to access important information.

### Using a Multi-Channel Communication Strategy

Shoppers use multiple channels to communicate with brands, and they anticipate businesses to offer a variety of communication options. The most popular is texting, followed by phone and email. Shoppers also are showing a growing preference for online channels such as social media, direct messaging, and video chat. In addition to using multiple channels, shoppers typically connect with more than one business at a time so that they can cross-reference and compare services, offerings, and pricing. Therefore, businesses need to have a rapid response time in order to connect with shoppers before they move on to another candidate.

The rise in expectations for digital communication increased rather quickly, leaving many businesses struggling to meet the new demand. In fact, when Pied Piper® released its Internet Lead Effectiveness Industry (ILE) Study

in 2020, the results revealed that half of digital consumer inquiries go unanswered for more than 24 hours. In order for dealerships to reach online leads before their attention shifts elsewhere, dealers should prioritize digital communications as much as in-person customers and respond within a business day. As dealers become more comfortable in their digital communication strategy, they can scale down the response time to half a day, and then a few hours, and then an hour, so that online leads receive the information they need to move forward in near-perfect real time.

### Leveraging Social Media

As mentioned earlier, social media is one of the communication platforms that is seeing increased engagement from shoppers who are looking to connect virtually with brands. Shoppers expect businesses to be available through social media and to maintain an active presence. The importance of social media goes beyond directly messaging with prospective customers, offering crucial marketing opportunities for dealers as well.

Social media provides endless potential for affordable online marketing. Dealers who have an

active social media presence see more online engagement with leads because they have established their brand presence on the same platforms that shoppers use for both commercial and recreational purposes. Social media provides the option of organic and paid posting, depending on a dealer's goals. Organic (nonpaid and non-boosted) posting keeps customers – current and previous – connected to the dealership and builds up the dealer's credibility by demonstrating that they are highly engaged in their business. Paid posts appear in the feeds of promising prospects, making them aware of the dealership and piquing their curiosity in its offerings.

It's important for dealerships to adopt digital strategies into their marketing plans so that they can connect easily with the sales leads who are browsing online for tires and services. Dealers who choose not to expand their reach to the internet will miss innumerable opportunities to connect with motivated buyers. As time progresses, we all will continue to see a strong connection between the internet and consumerism, meaning we will need to adapt our sales strategies to the digital channels on which future customers are searching. ■

# Government Affairs Update



By Roy Littlefield IV

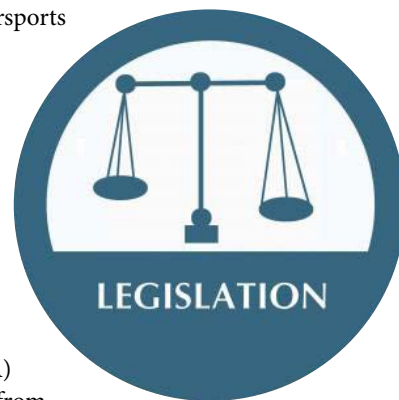
**With the new administration**, we continue to see a wrath of legislation aimed at our industry, especially on environmental initiatives. The political and economic landscape in 2021 has been challenging. WMDA/CAR being represented by SSDA-AT continues to monitor President Joe Biden's aggressive plans in his early days of his presidency. The administration has been full steam ahead to put the president's next ambitious sets of policy goals on the table. Recently the President has introduced the American Jobs Plan, an aggressive, expansive, and robust infrastructure package. SSDA-AT continues to be involved in infrastructure discussions.

Recently SSDA-AT took part in a Family Business Coalition meeting to discuss the estate tax and other pending taxes that could impact our members. The administration's recently released American Families Plan calls for the creation of what amounts to a second death tax through capital gains due at death and rolls back step up in basis. WMDA/CAR is very concerned with his proposal and we are opposed. At the meeting we spoke with Maty Reiser, Policy Director, House Minority Whip Scalise, and Kathryn Chakmak, Policy Director for Congressman Jason Smith (R-MO). We continue to educate members of Congress on the negative impact such a proposal would have on small business.

In May, SSDA-AT had a meeting with Congressman Steny Hoyer (D-MD-05). In the 117th Congress, Hoyer is serving his 20th term in the House of Representatives and has been the second-ranking House Democrat for almost two decades. Rep. Steny H. Hoyer (D-Md.) is playing a critical role in helping President Biden's progressive agenda make its way through Congress. During the meeting SSDA-AT shared our concerns about some of President Biden's proposed legislation. We continue to have a strong and close relationship with Hoyer and at our last lobby day, Hoyer was a keynote speaker at the reception.

Mid-month, the Recognizing the Protection of Motorsports Act (RPM Act) was reintroduced in the U.S. House of Representatives for the 2021-2022 session of Congress. The RPM Act's new bill number is H.R. 3281. There are 47 original cosponsors (32-R) (15-D). WMDA/CAR strongly supports the legislation. The RPM Act must be enacted into law to guarantee your right to modify street cars, trucks, and motorcycles into dedicated race vehicles, and ensure that industry can offer parts that enable racers to compete.

SSDA-AT continues to be an active participant in the monthly Small Business Labor Safety (OSHA/MSHA) Roundtables. The Office of Advocacy takes its direction from small businesses and hosts roundtables to receive input on what issues are of greatest importance. These roundtables help to form priorities in the labor safety area. At these meetings SSDA-AT reviews regulatory actions by OSHA and



# GOVERNMENT AFFAIRS

MSHA and we discuss which issues are of key importance to small business. This month, we heard some of the regulatory changes taking place under the Biden Administration.

Recently, SSDA-AT took part in a DRIVE Safe coalition meeting. As the recent gas shortage has shown, the shortage of truckers in the country is a real problem; and in our industry as well. WMDA/CAR continues to support the DRIVE Safe Act to help alleviate this problem. The DRIVE Safe Act would enable 18–20-year-old apprentices – who have obtained their Commercial Driver’s Licenses to drive trucks in intrastate commerce – to drive trucks safely in interstate commerce. The bill would amend the current minimum age requirement for interstate drivers, which was promulgated decades ago, to allow these qualified drivers to operate in interstate commerce once they have completed several apprenticeship program requirements. SSDA-AT urges co-sponsorship of the DRIVE Safe Act and support for the legislation’s consideration for inclusion in an infrastructure package or surface transportation reauthorization. WMDA/CAR supports H.R.1745 and S.659. ■



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# U.S. Refiners Pin Hopes on Summer Bonanza



By Roy Littlefield III

**According to the American Petroleum Institute (API),** U.S. refiners harried by hurricanes, arctic storms and the Covid-19 pandemic are hoping that consumers return to the roads for a fuel-guzzling summer.

Refiners have been raising throughput rates closer to pre-pandemic levels to supply gasoline and jet fuel to travelers escaping a cloistered 2020. “Because people have felt trapped in their home for a year now, they will spend more of their discretionary income on experiences like vacations, rather than things,” Valero

chief commercial officer Gary Simmons says. “Everything domestically on the gasoline front looks good.”

Hopes that gasoline demand would rise over the summer last year fizzled as crowded beaches at the start of the driving season gave way to rising case counts. But progress on vaccinations – 60pc of adults have received at least one shot, and 48pc are fully vaccinated – has fueled confidence for this season. Gasoline demand climbed to 9.2mn b/d in the week to 14 May, within 2.2pc of 2019 volumes. Consumption in the same week last year was 28pc down on 2019.

Winter storms helped drain midcontinent gasoline stocks ahead of the summer season. U.S. Gulf coast gasoline stockpiles refilled with this month’s Colonial Pipeline shutdown because of a ransomware attack that cut off a key outlet for the region’s refiners. But rising Covid-19 cases in Latin America have not reduced U.S. gasoline exports to that region.

Still, refiners cannot set their plans around a summer surge, Marathon Petroleum warns. A new normal for office commutes, air travel and global transport demand lies on the horizon. “We are excited that it continues to get better but we are also cautious as to what it is going to mean, once we get to the other side of this,” Marathon Petroleum chief executive Mike Hennigan says. “How much of it is robust, to stay long term, and how much of it is just short term for people trying to get out from under lockdown conditions?”

## Cap and Trade

U.S. crude refining capacity has fallen by 840,000 b/d compared with before the pandemic and reductions will approach 1mn b/d in 2024. The refineries that have halted operations over this period imported on average 290,000 b/d in 2019, before measures imposed to limit the spread of Covid-19 distorted demand. That included just over 90,000 b/d of Saudi imports.



*“We are excited that it continues to get better but we are also cautious as to what it is going to mean, once we get to the other side of this.”*



Complex refiners that are still operating are hoping that a demand rebound this summer will help revive sour crude imports, leading to an increase in supply that will widen sour crude discounts in the second half of the year. Discounts for Canadian WCS heavy crude in Houston have widened steadily against Nymex WTI this year, reaching about \$3.60/bl this month. Production shut-ins because of falling demand helped narrow the discount to about \$1.90/bl on average at the beginning of this year (see graph).

Federal fuel mandate decisions could lead to the closure of more domestic refining capacity. The cost to refiners and importers of complying with the Renewable Fuel Standard has soared above 22¢/USG — 10 times the prices recorded two years ago. Uncertainty over how President Joe Biden's administration will apply the requirements to blend minimum volumes of renewables into the gasoline and diesel pools has helped push prices for credits used to prove compliance with the law to record highs.

Biden's administration made clear earlier this year that it expects far fewer waivers of those requirements granted to small refineries than under former president Donald Trump. Marginal operators lacking the scale to blend fuels or pass costs on to customers will face new pressure. ■

### **Senate EPW Committee Passes Bipartisan Highway Bill**

**On March 26, the Senate Committee** on Environment and Public Works (EPW) unanimously passed, the bipartisan "Surface Transportation Reauthorization Act of 2021". This approximately \$304 billion 5-year bill (FYs 2022-2026) reflects a 34% increase over FAST Act funding levels. Additionally, 90% of the funds would be distributed via formula programs and are intended to help both urban and rural areas. The bill was approved 20 to 0.

The bill includes increases for highway funding via formula, a focus on investment in roadway safety, important streamlining provisions and preserves flexibility to invest in both new capacity and improvements to existing roadways that will make every road user's trip safer and more reliable.

An en bloc amendment with around 19 policy items was accepted during the markup but they haven't released the final text.

As Chairman Carper (D-DE) noted in the markup there is still a lot of work to do. The Senate Committee on Commerce, Science, and Transportation will likely markup their title after the Memorial Day recess. Senate Banking and the Finance Committee will need to move their titles shortly after that to proceed this summer with the transportation reauthorization and get the bill to the Senate Floor.

Additionally, the House Committee on Transportation and Infrastructure will likely markup their bill June 9 and 10. And negotiations continue between the Administration and the Senate Republicans on a larger infrastructure package. The Republicans are planning to give the White House a counteroffer tomorrow.

WMDA/CAR will continue to monitor the progress of this legislation.



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# 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.

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You may direct any questions about legislation to Kirk McCauley at [kmccauley@wmda.net](mailto:kmccauley@wmda.net).

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