

# THE WANADA BULLETIN

NEWS AND INFORMATION FOR AND ABOUT FRANCHISED NEW CAR DEALERS IN THE WASHINGTON AREA

WANADA Bulletin # 12-23

October 6, 2023

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## Great Play & Weather Highlight the 2023 WANADA Open



Trump National in Sterling, VA played host to the 2023 WANADA Open. Pictured right (from left) are WANADA Chairman Chip Doetsch of Apple Ford, WANADA Open Chairman Tom Parsons of B&R Associates, and WANADA President John O'Donnell.

Though a wet and stormy weekend preceding the rescheduled 2023 WANADA Open threatened to cancel the event for good, the rain moved out just in time for the event to go off without a hitch...and what an event it was! The day began with a noon shotgun start with a record 190 golfers spread across two courses at Trump National Golf Club in Sterling, VA and ended with cocktails and fabulous buffet at the clubhouse. In between, the day's MVP was **Gardner Britt III** of the Ted Britt Auto Group, who secured **his first ever hole-in-one** along with helping his foursome to the best score of the day. Enjoy the pictures below and write to us at [info@wanada.org](mailto:info@wanada.org) if you would like to obtain a high-resolution copy of photos of your group from the day. WANADA would also like to thank the many sponsors of the 2023 WANADA Open, without whom the event would not be possible. They have been reprinted in full below the photo section and WANADA encourages all of our members to consider these organizations' goods and services when making those purchasing decisions, as it is very important to support the companies that give back to our industry in this way.









WANADA would like to profusely thank the following sponsors of the 2023 WANADA Open:

ACV	Equal Systems & Corner Pocket Marketing
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CBM	VinTel
Dealer People Cloud	WANADA Insurance Brokerage & Trust
Doyle Construction	Washington, DC Auto Show
EasyCare	Zurich
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## Recent Law Changes in Maryland

Our friends at MADA recently put out a helpful overview of recent law changes in Maryland that we have reprinted below in full for your reference.

### **SB 742/HB 955: Vehicle Laws - Manufacturers and Dealers - Allocation of Vehicles**

*(Effective October 1, 2023)*

This bill requires that any system operated by a manufacturer, distributor, or factory branch or its affiliate for the allocation of new vehicles to dealers be reasonable and fair for all dealers. Upon written request by a dealer, a manufacturer, distributor, or factory branch or its affiliate must disclose the method by which new vehicles are allocated to dealers of the same line make. In any dispute over compliance with the bill's requirements, a manufacturer, distributor, or factory branch or its affiliate has the burden of proving its compliance.

### **HB 920: Consumer Protection - Motor Vehicle Glass Repair or Replacement - Advanced Driver Assistance System Recalibration**

*(Effective October 1, 2023)*

This bill establishes consumer protections related to the repair or replacement of motor vehicle glass on motor vehicles equipped with an "advanced driver assistance system" (ADAS).

Violation of the bill is an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act (MCPA), subject to MCPA's civil and criminal penalty provisions.

### **HB 830/SB 477: Residential Construction - Electric Vehicle Charging**

*(Effective October 1, 2023)*

This bill requires the construction of new housing units that include a separate garage, carport, or driveway for each residential unit to include (1) one dedicated parking space with electric vehicle supply equipment that is fully installed ("EVSE-installed parking space") or (2) one EV-ready parking space. The bill also requires MEA to conduct a related study that includes, among other things, the cost of requiring EV-ready and EVSE-installed parking spaces at multifamily residential buildings.

### **HB 834: Electric Vehicle Charging Infrastructure - Requirements (Electric Vehicle Charging Reliability Act)**

*(Effective October 1, 2023)*

PSC established a five-year Electric Vehicle Pilot Program for the State's four investor-owned utilities in January 2019. Generally, under the program, utilities offer charger rebates and other related incentives to residential and nonresidential customers. The utilities were also authorized to create programs to install, own, and operate public chargers within their territories. PSC authorized about 900 public chargers and required their installation on property leased, owned, or occupied by a unit of State, county, or municipal government. House Bill 834 (passed) requires PSC to expand the Electric Vehicle Pilot Program to allow participating electric companies to install electric vehicle charging stations in new and existing multifamily dwellings in underserved communities. The expansion of the pilot program must terminate on December 31, 2025. The bill also requires an electric company under the program to meet uptime requirements, as specified and defined, and authorizes PSC to impose a penalty if the company fails to meet the requirements.

**Status: PASSED, bill takes effect October 1, 2023**

### **Family and Medical Leave Insurance Program - Modifications**

*HB 988/SB 828 (Chapters 258/259) (effective June 1, 2023)*

This new law modifies the Time to Care Act (TCA), passed in 2022, which created a state-administered paid family and medical leave program. These modifications delayed the start dates for both employer and employee contributions, access to benefit payments, and the date by which the Secretary of Labor must adopt implementing regulations. The rate of contribution will now be capped at 1.2% of an employee's covered wages up to the Social Security base, with 50% of the contribution paid by the employer and 50% paid by the employee. The amendments also reverse the TCA requirement that an employee must exhaust employer-provided leave before receiving TCA benefits. Instead, these modifications allow an employer and an employee to agree to supplement TCA benefits with employer-provided benefits and allows an employer to require TCA benefits to be made concurrent with leave under an employer plan for certain types of leave.



## Commercial Law - Consumer Protection - Telephone Solicitation (Stop the Spam Calls Act of 2023)

*HB 37/SB 90 (Chapters 414/413) (effective January 1, 2024)*

This act is intended to curb excessive “spam” calls to Maryland residents. The act prohibits a telephone solicitor from using an automated dialing systems or prerecorded messages without prior express written consent. This new law also prohibits a solicitor from intentionally concealing its identity on the called party’s caller identification system. Violations of these restrictions will constitute an unfair, abusive, or deceptive trade practice under the Maryland Consumer Protection Act.

## NADA Releases 2023 Cybersecurity Best Practices

In light of the risk hackers pose to the automotive industry, it has never been more important to engage in practices that keep your company and customer information safe. To this end, NADA recently released its overview document of cybersecurity practices for its Empower 401(k) participants, which you can access [here](#). While specifically geared towards its investors, the piece provides global trends and statistics, in addition to helpful information that can be modified to help protect your company, employee and customer information.

## Virginia Elections Around the Corner

In just over one month, the entire General Assembly of Virginia will be up for grabs. The 2023 Virginia elections come on the heels of historic redistricting, resulting in nearly 50 seats across both chambers that will not be filled with incumbents. To assist with educating dealers on every aspect of the upcoming election, our friends at VADA have developed an [Election Center](#), replete with a large assortment of helpful resources.

## Form 8300 and Reporting Cash Payments of Over \$10,000

The IRS [recently published](#) a reminder for filing form 8300 on their website. Generally, if you're in a trade or business and receive more than \$10,000 in cash in a single transaction or in related transactions, you must file Form 8300.

The Form 8300, Report of Cash Payments Over \$10,000 in a Trade or Business, provides valuable information to the Internal Revenue Service and the Financial Crimes Enforcement Network (FinCEN) in their efforts to combat money laundering. Money is "laundered" to conceal illegal activity, including the crimes that generate the money itself, such as drug trafficking, tax evasion and terrorist financing.

### Who Must File

A "person" who must file Form 8300 includes an individual, company, corporation, partnership, association, trust or estate.

You must file Form 8300 electronically with FinCEN, or in paper-form with the IRS, if any part of the transaction occurs within any of the 50 states, the District of Columbia or a U.S.

possession or territory (American Samoa, The Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico and the U.S. Virgin Islands).

**Note:** See **How to File**. Electronic filing mandate starting January 1, 2024.

### **When to File**

You must file Form 8300 within 15 days after the date the cash transaction occurred.

Besides filing Form 8300, you also need to provide a written statement to each party whose name you included on the Form 8300 by January 31 of the year following the reportable transaction. This statement must include the name, address, contact person and telephone number of your business and the aggregate amount of reportable cash. The statement must also indicate that you provided this information to the IRS.

Persons who file the required Form 8300 and do not provide a written statement to each person named on Form 8300 are subject to penalties. Penalty amounts are adjusted annually for inflation.

Keep in mind, when Forms 8300 filed due to suspicious activity that are filed under the \$10,000 threshold and box 1b is checked off on the form, the statement is not to be provided to the individuals identified on the form. Forms filed under the dollar threshold are not required to be filed. Filing under the threshold is done on a voluntary basis. IRS highly encourages you to file suspicious activity when identified regardless of the dollar amount. Forms marked as suspicious are also treated confidentially.

### **How to File**

**Effective January 1, 2024**, you **must** electronically file (e-file) Forms 8300 if you're required to e-file other information returns, such as Forms 1099 series and Forms W-2. You must e-file your Forms 8300 if you're required to file at least 10 information returns of one or more type(s) other than Form 8300 during a calendar year.

For example, if you're required to file five Forms W-2 and five Forms 1099-INT, then you're required to file certain other information returns during that year electronically, including any Forms 8300. However, if you file less than 10 total information returns other than Forms 8300, you're not required to file the information returns electronically and not required to file any Forms 8300 electronically. The number of Forms 8300 you file does not affect the electronic filing requirement.

Keep in mind, if you're not required to e-file, you can still choose to do so.

Businesses that are not required to file their Forms 8300 electronically that choose to physically mail in their Forms 8300 to the IRS, will send their forms to:

Internal Revenue Service  
Detroit Federal Building  
P.O. Box 32621  
Detroit, MI 48232

### **Waivers**

You may file a request for a waiver from filing information returns electronically due to undue hardship. For more information, refer to [Form 8508, Request for Waiver from Filing of](#)

[Information Returns PDF](#). If the IRS grants you a waiver from electronically filing information returns, the waiver automatically applies to all Forms 8300 for the duration of the calendar year.

You must include the word 'WAIVER' on the center top of each Form 8300 (Page 1) when submitting the paper filed returns.

**Note:** Waivers for electronic filing are not required when business files less than 10 total information returns other than Forms 8300.

### Exemptions

If using the technology required to e-file conflicts with your religious beliefs, you are **automatically** exempt from filing Form 8300 electronically. You must include the words "RELIGIOUS EXEMPTION" on the center top of each Form 8300 (Page 1) when submitting the paper filed returns.

### Penalty for Paper Filing

If you are required to e-file but file by paper and you don't have a waiver or religious exemption, you will be subject to a failure to file penalty.

### Late Returns

You must identify late returns. You must file a late Form 8300 in the same way, either electronically or on paper, as a timely filed Form 8300. When filing a late Form 8300 electronically you must include the word "LATE" in the comments section of the return. When filing a late Form 8300 on paper you must write "LATE" on the center top of each Form 8300 (Page 1).

**Note:** Failure to file timely includes a failure to file in the required manner. If you are required to file electronically and failed to do so, Form 8300 would be considered late. Forms 8300 that are late are subject to penalty.

### Recordkeeping

Remember, you must keep a copy of Form 8300 for five years. When e-filing, be sure to save a copy of the form before you finish submitting the return. Confirmation receipts don't meet the recordkeeping requirement. You should associate the confirmation number with the saved copy.

### Form 8300 Resources

- [IRS Form 8300 Reference Guide](#)
- [Motor Vehicle Dealership Q&As](#)
- IR-2020-168, [IRS reminds businesses filing cash transaction reports about e-file option; batch filing now available](#)
- FS-2020-11, [Reporting cash transactions helps government combat criminal activities](#)
- [Publication 1544, Reporting Cash Payments of Over \\$10,000](#)
- [Publicación 1544 \(SP\), Informe de Pagos en Efectivo en Exceso de \\$10,000 \(in Spanish\)](#)

**Save the Date: WANADA Annual Meeting & Dinner**



The 2024 WANADA Annual Meeting will be held on Tuesday, November 7<sup>th</sup> at Columbia Country Club in Chevy Chase, MD. The event will repeat last year's successful format change to an evening affair, complete with dinner and entertainment. A networking reception will be held from 5:30 – 6:30 p.m., with dinner to follow. Mentalist Jason Suran will provide the night's entertainment, and NADA President Mike Stanton and NADA Chairman Geoff Pohanka will also provide remarks on the state of the automotive industry. Seating is limited and registration details are forthcoming, so stay tuned so as to not miss out on this premier event. Event sponsors include BG Crovato Products & Services, Capital Automotive Real Estate Services, Chesapeake Contracting Group, Councilor, Buchanan & Mitchell (CBM), Penney Design Group, and The Keats Group at RBC Wealth Management. If your company is interested in sponsorship, please contact Bob Storin at [rs@wanada.org](mailto:rs@wanada.org) to inquire.

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