



April 25, 2025

## Hanover Court Rules Skill Games That Don't Take Cash Are Ok

The latest chapter in the battle over skill games in Virginia came Wednesday when a Hanover County judge overturned illegal gaming charges against a local convenience store operator. The operator installed a new version of Pace O Matic's skill game which is activated by the cashier after receiving payment from the customer. Under present Virginia law an illegal gambling device is defined as one that includes a cash acceptor.

Since the decision came down Wednesday, we have had many inquiries on what this means for businesses that want to bring skill machines back to their stores. At this point it is too soon to tell. The Commonwealth could opt to appeal the judge's ruling, and the timing cannot be determined with any certainty. We are likely to see legislation in 2025 that will broaden the definition of an illegal gambling device to one that is authorized by a clerk or cashier. Operating skill machines without providing tax revenue to the Commonwealth will continue to be a point of contention for many legislators. Finally, we will have a new governor next year and skill games has not been at the top of the agenda for either former Congresswoman Abigail Spanberger or Lieutenant Governor Winsome Earl-Sears.

Click below to see an article from the Virginia Mercury on the skill issue.

[Virginia Mercury Article - Skill Games](#)

## Supreme Court Hears EMA's Legal Challenge Targeting the California Car Mandate

*From EMA*

On Wednesday, the U.S. Supreme Court heard oral arguments today on EMA, American Fuel & Petrochemical Manufacturers, and other fuel industry stakeholders' challenge to the Biden EPA's issuance of a Clean Air Act waiver, authorizing California to implement its Advanced Clean Cars I (ACC I) rule. Court observers feel it is likely that the high court will remand the case to the D.C. Circuit to consider the groups' challenge to the federal waiver on the merits. A ruling from the Court is expected by the end of June.

The U.S. Court of Appeals for D.C. Circuit had tossed out the energy petitioners challenge to the granting of the ACC I waiver, holding that the fuel producers and

energy marketers did not have standing to bring their case because the automakers make their compliance plans and decisions years in advance and overturning the waiver would not redress or provide them with meaningful relief. Under ACC I, California was accelerating the move to electric vehicles in the State through model year 2025. The Supreme Court agreed to hear only the standing issue and not the merits of EPA's waiver.

During today's oral argument, several Justices signaled interest in the energy groups' claims, particularly in light of both sides acknowledging that the D.C. Circuit misinterpreted the federal waiver as applying only through model year 2025, when in fact its effects may extend indefinitely. However, the Court expressed caution about establishing a broad new legal standard for industry standing. If the Supreme Court determines that the harms asserted by the energy groups can be redressed, it will send the case back to the D.C. Circuit for further proceedings. The Trump administration also can rescind the ACC I waiver through a rulemaking.

"EMA is optimistic that the Court will recognize that the aggressive constraints on the liquid fuels market imposed by EPA and California are redressable and that energy marketers have standing to challenge tailpipe emissions standards being used to mandate EVs," said EMA President Rob Underwood. "After all, EV enthusiasm is clearly dwindling, and California is relying on this unlawful regulatory action to force electrification." "We have simply asked the Court to step in to preserve consumer choice and ensure that all forms of energy are treated equally, which will guarantee that small business energy marketers can continue to sell American-made fuels in the future," Underwood added.

## Thank You EMA PAC Contributors

Earlier this month we initiated our solicitation for contributions to the Energy Marketers Association (EMA) of America's Political Action Committee. As a VPCMA member, you are automatically a member of EMA which lobbies Congress and interacts with many regulatory agencies that impact the nation's fuel marketers. An important component of that representation is supporting those elected officials who support us on Capitol Hill. Federal political contributions must be made by **personal check**. We hope that you will join us in sending a check for \$150 made out to "**EMA PAC**." Please mail to the office as follows:

VPCMA  
7275 Glen Forest Drive  
Suite 204  
Richmond, VA 23226

Thank you to all of our contributors to date:

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## 2025 VPCMA Scholarship Application Deadline May 15

We are pleased to announce that applications are now being accepted for the VPCMA 2025 Scholarship Program. This program is open to VPCMA members, their employees, and the children of VPCMA member company employees. Awards are made after review by the Association's scholarship committee, which considers need as well as academic achievement in their evaluations. Recipients **must be Virginia residents**, high school graduates by June of this year, and attend a post secondary institution of higher education in the fall of 2025. You can view the [application here](#). Complete applications must be received by May 15. You may also distribute or post [this flyer](#) for your employees.

### Save the Date!

VPCMA 77th Annual Meeting  
September 28-30, 2025  
The Williamsburg Lodge  
Colonial Williamsburg, VA

Registration and other details available in June!

Sincerely,

**Mike O'Connor**  
President, VPCMA



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