
SSRA

Service Station & Repair Shop Association of Central New York
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July 2018

EXECUTIVE DIRECTOR'S CORNER

The association is continuously trying to protect our members against unfair and harmful legislation and regulations. We are constantly concerned with the New York State Inspection Program. There are only fourteen states that currently offer inspections such as New York. The program is extremely successful and should be nationwide.

The problem is that the regulators do not understand that when a vehicle comes in for inspection, and the vehicle has a problem, that the repair shops normal practice is to repair the vehicle and make it safe with the motorist permission.

The concern we have with this is that the government does not have facts and figures indicating that the inspection program is successful because they have no numbers to show the vehicle was repaired.

Therefore, it is incumbent upon the state inspection stations to monitor and to record every repair performed that permits a vehicle pass inspection.

Please save this information and perhaps send it to the association so we can accumulate the information on a spreadsheet and provide government with the ammunition it needs to show that an inspection program is helpful and it keeps the New York citizens safer to drive and to walk the street of New York.

Thank you for your attention and if you want to discuss this matter further please contact the association office at 518-452-4367.

Your Executive Director
Ralph Bombardiere

INSIDE THIS ISSUE

- 1 *Executive Director's Corner*
- 2 *From NYS DMV To Auto Dealers*
- 2-3 *Legislative Update*
- 3-4 *BP Invests in Developer of Ultra-Fast Electric Vehicle Charging Battery*
- 4 *Lawmakers Seek Delay in EPA Underground Tank Regulations*
- 4-5 *STEO: Summer Gas Prices to Peak This Month*
- 5 *Atlantic Hurricane Season Likely to Be Rough*
- 5 *Motiva Begins to Court New Unbranded Fuel Customers in Northeast*
- 5-6 *FDA Extends Comment Period on Various Potential Regulatory Targets*
- 6 *Farm Bill Fails on House Floor*
- 7 *Senate Committee Unveils Bipartisan Farm Bill*
- 7 *Supreme Court Endorses Employer Use of Class Waivers*
- 7 *DMV Record Retrieval*
- 7 *Attorney's Corner*

From NYS DMV To Auto Dealers

Re: VERIFI Registration

We are writing to encourage your dealership to register for VERIFI by visiting VERIFINY.com today

In March of 2016 NYS DMV Commissioner's Rules & Regulations were amended to provide for the modernization of several paper-based processes performed by dealers. To facilitate these regulatory changes, NYS DMV has partnered with Vanguard Direct, Inc., to create an electronic platform we call "VERIFI" ("Vehicle Electronic Reassignment and Integrated Facility Inventory"). VERIFI will be ready for use this summer.

The new regulations require dealers to use the VERIFI system. Dealers will need to execute a Facility Participation Agreement with Vanguard Direct prior to the system activation date scheduled for mid-July 2018. In the event a dealer meets the requirements of 15NYCRR 78.9(c), they may apply to DMV to request an exemption from the VERIFI system.

The areas and processes to be affected and improve by VERIFI include:

- Book of Registry – this will now be digital and Web-based through VERIFI
- Retail certificate of Sale (MV-50) – facilities will submit electronic MV-50 through VERIFI
- Wholesale Certificate of Sale (MV-50W) – facilities will submit electronic MV-50W through VERIFI
- Temporary Certificate of Registration (MV-50TCR) – these will be generated by the VERIFI system
- Dealer Plate Logs for Plate Issuance dealers
- Ordering MV-50 and MV-93 documents – facilities can order books of these documents through VERIFI's online ordering feature (Paper MV-50's will still be needed for out of state sales,

VERIFI will be Web-based and accessible by employees you designate. VERIFI will also allow your DEALER Management System (DMS) company to integrate their products with it, if they so choose.

You must enroll in VERIFI for your staff to be able to use the system. You can, and should, register for VERIFI today. Registering now will allow you to:

- Review and sign the Facility Participation Agreement
- Provide early access to training and support
- Create user accounts for you employees
- Prepare for the system launch currently scheduled for mid-July 2018

We are hoping to have all dealerships registered for VERIFI by May 31st. Please make sure to complete your registration by this date.

To learn all you need to know about VERIFI, register, print the Facility Participation Agreement and find answers to frequently asked questions, please visit VERIFINY.com.

Thank you,
Theresa L. Egan
Executive Deputy Commissioner
NYS Department of Motor Vehicles

Memorandum in Opposition

Bill Number 2284

Sponsor Senator O'Mara

The subject bill amends the New York State Environmental Conservation Law concerning recycling of lead-acid batteries. It requires retailers to refund to a consumer the incentive payment collected if, within thirty days of the date of the purchase of a new lead-acid battery, the consumer returns to the retailer a used lead-acid battery.

Any return the retailer will retain incentive payment not refunded to the consumer.

We must ask WHY. The current has been in effect, where the retailer collect \$5.00 on each sale unless a used battery is turned in upon the sale or presentation to the retailer in a reasonable period of time.

If it is not broken what change it?

For the above reason the New York State Association of Service Stations and Repair Shops, Inc., its affiliates and members oppose this bill and urge it be defeated

Respectfully submitted
New York State Association of
Service Station and Repair Shops, Inc.
6 Walker Way
Albany, NY 12205
518 452 4367

MEMORANDUM IN OPPOSITION

BILL NUMBER: A7914

SPONSOR: ASSEMBLYWOMAN NIOU

The subject bill amends the New York State General Business Law concerning oil change requirements. The bill's intent is to increase public awareness about the frequency of having a vehicle's motor oil changed. This bill is our choice for the dumbest bill of the year.

The bill would define "lubricating oil", "service establishment", and "on-premises oil changing operation", as similarly defined in the Environmental Conservation Law. It would also require establishments that perform oil changes to indicate the vehicle's mileage at the time of such oil change rather than a future mileage amount as well as require such establishments to inform consumers those 3,000 mile intervals for oil changes may be superfluous. The section would also provide for a civil penalty for first time and subsequent offenses.

According to the misinformed sponsor many people assume that their vehicle's motor oil needs to be changed once every 3,000 miles. It also makes the assumption that motorists are stupid and need the legislature to tell them with to have an oil change. The sponsor quotes and articles from 2010 the said newer vehicles and technologies, particularly synthetic oils, allow for longer intervals between oil changes. Again the sponsor may not have heard of manufactures recommendations or "on star," The sponsor does say the motorist should check their manufacturer's service recommendation guidelines to see what interval works for their vehicles. Good advice but do we need legislation to replace common sense.

The sponsor also cites a 2005 study done by the U.S. Department of Energy on used oil re-refining including the following, "Many major automobile manufacturers believe this extended oil drain interval/high quality trend is good for the consumer and...are featuring this change in newer models with appropriate warranty safeguards." This bill would help consumers save money time, and oil by promoting the concept of extended oil change intervals. Used oil is so regulated that no one want to touch it due to the government calling it a hazardous substance.

All one need to do is watch vehicles at a service station getting gas. You never see a hood going up to check the oil. Repair shops report more engine replacements are due to the vehicle running out of oil than any other reason.

This bill needs to go away.

For the above reasons the New York State Association of Service Stations and Repair Shops, Inc., its affiliates and members oppose this bill and urge it be defeated.

Respectfully submitted

New York State Association of
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6 Walker Way
Albany, NY 12205
518 452 4367

Memorandum in Opposition

BILL NUMBER: A8983 – S5000

SPONSOR: Assemblyman D'Urso – Senator Hamilton

The subject bills amend the New York State Vehicle and Traffic law concerning tire safety. The misinformed sponsors' belief is that it will improve public and highway safety.

The bill would prohibit motor vehicle repair shops from repairing any tire which would fail to meet Department of Motor Vehicle tire standards after the completion of the repair.

This legislation was introduced to prohibit a tire repair from being made to a tire that would not meet Department of Motor Vehicles (DMV) standards for the use of tires by vehicles operated in New York State. Improper tire repairs pose a safety risk to motorists. Repairing a tire that would not meet DMV standards for passing a New York State motor vehicle inspection would greatly increase the risk of tire failure. Improperly repaired tires can fail while in service, which may result in a vehicle crash and cause serious personal injury or death.

The sponsors go on to claim a tire will fail a New York State motor vehicle inspection if the tread is worn to less than 2/32 of an inch, the tire has a fabric break or a cut in excess of one inch in any direction and is deep enough to reach the body cords, the tire has visible bumps, bulges or knobs, the tire has any portion of the ply or cord structure exposed or the tire is marked for specific non-highway uses. In any case, a tire will only fail an inspection if it is a badly damaged tire that should not be driven on for safety reasons. If a person attempts to repair a tire that would not pass

inspection, it is in the best interest of public safety to not allow a tire repair to be performed. Admirable.

However, the sponsors are incorrect in their assumptions. First, of the 20,000 registered repair shops only 10,000 are inspection stations. Half of the repair shops are not familiar with the inspection laws. Also, thousands of repair shops that do tire repair are not registered with DMV because they do not fall under the definition of repair shop as listed in the V & T Law. Since there are no real standard for tire repair there can be thousands of opinions of what a unsafe tire repair is.

For the above reasons the New York State Association of Service Stations and Repair Shops, Inc., its affiliates and its members oppose the legislation and urge it be defeated.

Respectfully submitted

New York State Association of
Service Station and Repair Shops, Inc.
6 Walker Way
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518 452 4367

BP Invests in Developer of Ultra-Fast Electric Vehicle Charging Battery

BP is working across the supply chain to meet the future of mobility. It's BP Ventures division is investing \$20 million in StoreDot, an ultra-fast charging battery developer for electronic vehicles (EVs).

Based in Israel, StoreDot's battery technology targets a five-minute charging time for EVs.

"Ultra-fast charging is at the heart of BP's electrification strategy. StoreDot's technology shows real potential for car batteries that can charge in the same time it takes to fill a gas tank," said Tufan Erginbilgic, chief executive, Downstream at BP.

"With our growing portfolio of charging infrastructure and technologies, we're excited by our opportunities to develop truly innovative EV customer offers. We are committed to be the fuel provider of choice — no matter what car our customers drive," he added.

According to BP, StoreDot developed a lithium ion-based battery technology which enables ultra-fast charging for the mobile and industrial markets. Using this technology, StoreDot is also developing a new type of electric-car battery that will aim to achieve a charging experience that is comparable to the time spent to refuel a traditional car.

StoreDot expects first sales of its flash batteries for mobile devices as early as 2019.

"Working closely together with a global energy leader is a significant milestone in StoreDot's direction of strengthening the EV ultra-fast charging eco-system," said Doron Myerdorf, co-founder and CEO of StoreDot. "The combination of BP's impressive presence and StoreDot's eco-system of EV partnerships enables faster implementation of ultra-fast charging stations and could allow a better charging experience for drivers."

This is not BP's first investment in EV charging. In January, BP Ventures invested \$5 million in FreeWire

Technologies Inc., a manufacturer of mobile rapid charging systems for electric vehicles. BP will roll out FreeWire's Mobi Charger units at selected BP retail sites in the United Kingdom and Europe during 2018.

In addition, BP currently has more than 70 charge points on its retail sites globally.

"The technology to support EVs is advancing rapidly and BP Ventures is committed to identifying and investing in companies that we believe are at the cutting edge of this industry," explained David Gilmour, vice president, business development, BP Ventures.

"StoreDot has shown significant progress in the development of ultra-fast charging, both in mobile phone and vehicle applications. BP looks forward to working alongside them, as an investor and strategic partner, to bring their technology from the lab to the vehicle," he added.

BP Ventures identifies and invests in private, high-growth, potentially game-changing technology companies, accelerating cutting-edge innovations across the entire energy spectrum. Since 2006, BP Ventures has invested more than \$400 million in corporate venturing and has 42 active investments in its current portfolio.

BP Ventures' portfolio is primarily focused on emerging technologies in oil and gas exploration and production and downstream conversion processes. In addition, it has a renewed strategic focus on five key areas: advanced mobility, bio and low carbon products, carbon management, digital transformation and power and storage.

Lawmakers Seek Delay in EPA Underground Tank Regulations

A bipartisan group of federal lawmakers is asking the Environmental Protection Agency (EPA) for a six-year delay in implementing new regulations for the operation and maintenance of underground storage tanks.

Members of the House Energy and Commerce Committee, as well as 25 senators, called on EPA Administrator Scott Pruitt to move the Oct. 13, 2018 deadline to the same date in 2024.

In their June 8 letter to Pruitt, the senators said extending the integrity testing deadline for spill buckets, tank sumps and under dispenser containment equipment, along with operability testing for overfill prevention equipment, is warranted since the equipment wasn't designed for such testing and would have to undergo costly modification or replacement. Much of the equipment in the ground hasn't reached the end of its useful operational life, the senators wrote.

"Requiring the replacement or modification of existing equipment would significantly and unnecessarily drive up consumer and business costs," the letter said. Extending the deadline would allow business owners to spread out compliance costs, the lawmakers said.

House members warned that, as the October deadline approaches, business owners may have difficulty finding qualified contractors to prepare the equipment and inspectors to perform the testing.

House members also questioned new EPA regulations requiring periodic inspection for overfill prevention equipment.

For the majority of devices "there [are] no recommended manufacturer inspection methods that currently exist," the House members wrote. The one available code of practice requires the overfill device be removed for inspection, a task that could damage the equipment, the House letter, sent June 7, said.

Extending the deadline will allow business owners time to install new devices with the capability of being tested in place, the letter said.

The EPA says there are approximately 553,000 underground storage tanks nationwide that store petroleum or hazardous substances.

"The greatest potential threat from a leaking UST is contamination of groundwater, the source of drinking water for nearly half of all Americans," EPA literature says.

--Steve Cronin, scronin@Opisnet.com
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STEO: Summer Gas Prices to Peak This Month

Retail gasoline prices during the U.S. summer driving season will peak in June before beginning a decline through September, according to the U.S. Energy Information Administration's (EIA) Short-Term Energy Outlook (STEO) released Tuesday.

The monthly average gasoline price is expected to reach a peak of \$2.92/gal this month before declining to \$2.91/gal in July. Prices are expected to go as low as \$2.84 in September.

EIA predicts a drop in prices even as demand is close to, or above, monthly five-year highs for the March-to-May period. That's because higher-than-average U.S. gasoline inventories continue to exert downward pressure on the gasoline crack spread, according to the report, offsetting the robust gasoline demand.

U.S. gasoline inventories were 239.0 million barrels at the end of May, according to STEO estimates, 9.5 million barrels higher than the five-year average for May.

Even with downward pressure, U.S. drivers will be paying significantly more for gasoline this summer than they did in 2017, according to the report. For April to September, EIA forecasts U.S. regular gasoline retail prices to average \$2.87/gal, up 46cts from last summer's average of \$2.41.

Higher forecast crude oil prices are the primary reason for the higher forecast gas prices, according to the report.

"By now, consumers are seeing the effects of recent increases in crude oil prices at the pump," said EIA Administrator Dr. Linda Capuano. "However, EIA believes prices will generally decline after June."

Brent crude oil spot prices averaged \$77/bbl in May, up \$5/bbl from the month before and the highest monthly average price since November 2014, according to the report. EIA estimates Brent spot prices will average \$71/bbl in 2018 and drop to \$68/bbl in 2019. The 2019 forecast price is \$2/bbl higher than the agency predicted last month.

The EIA forecast assumes some supply increases from major oil producers in 2019, with global oil inventories increasing by 210,000 b/d, which would result in the lower prices that are forecast.

However, EIA warns that the outcome of a June 22 meeting between OPEC, Russia and other non-OPEC countries could result in production agreements that throw the forecast into doubt.

OPEC production is forecast to average 32 million b/d in 2018, down 0.4 b/d from last year. For 2019, group production is expected to rise only to 32.1 million b/d, with decreased production in Venezuela and Iran being offset by increased production by Saudi Arabia and other Persian Gulf producers.

U.S. crude oil production is on an upward trajectory, with the forecast predicting U.S. production will average 10.8 million b/d this year, an increase of 1.4 b/d from 2017. EIA projects U.S. output will average 11.8 million b/d in 2019.

EIA estimates U.S. crude oil production averaged 10.7 million b/d in May, up 80,000 b/d from April.

The U.S. production increases come as the U.S. continues to become less reliant on foreign producers.

EIA forecasts that net U.S. imports of crude oil and petroleum products will average 2.5 million b/d in 2018, as compared to 3.7 million the year before. For 2019, the forecast predicts U.S. imports will drop to 1.6 million b/d – the lowest level of net oil imports since 1959, the STEO notes.

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Atlantic Hurricane Season Likely to Be Rough

Forecasters are predicting a 75% chance the Atlantic hurricane season will be near or above-normal this year, according to NOAA's Climate Prediction Center. Hurricane season starts today and runs through November 30.

"With the advances made in hardware and computing over the course of the last year, the ability of NOAA scientists to both predict the path of storms and warn Americans who may find themselves in harm's way is unprecedented," said Secretary of Commerce Wilbur Ross in a press release. "The devastating hurricane season of 2017 demonstrated the necessity for prompt and accurate hurricane forecasts."

NOAA's forecasters predict a 70% likelihood of 10 to 16 named storms (winds of 39 mph or higher), of which five to nine could become hurricanes (winds of 74 mph or higher), including one to four major hurricanes (Category 3, 4 or 5; with winds of 111 mph or higher). An average hurricane season produces 12 named storms, of which six become hurricanes, including three major hurricanes.

The possibility of a weak El Niño developing, along with near-average sea surface temperatures across the tropical Atlantic Ocean and Caribbean Sea, are two of the factors driving this outlook. These factors are set upon a backdrop of atmospheric and oceanic conditions that are

conducive to hurricane development and have been producing stronger Atlantic hurricane seasons since 1995.

"Preparing ahead of a disaster is the responsibility of all levels of government, the private sector and the public," said acting FEMA Deputy Administrator Daniel Kaniewski. "It only takes one storm to devastate a community, so now is the time to prepare."

Motiva Begins to Court New Unbranded Fuel Customers in Northeast

More than a week after announcing a fuel supply agreement with Global Partners, Motiva wasted no time in offering retailers in the Northeast an expanded terminal supply network for Motiva unbranded products on Wednesday, industry sources told OPIS.

On Wednesday, Motiva sent out credit applications to retailers and dealers in the Northeast for new terminal locations, according to Motiva's notice to its potential customers obtained by OPIS. In the credit applications, Motiva requires customers' account set-up information including products, destination states, carriers and tax licenses.

Motiva is offering products at a total of eight oil terminals in the Northeast, including three in New York, one in Vermont, one in Massachusetts, one in Connecticut, one in Rhode Island and one in New Jersey.

Of the eight terminals, five belong to Global, one to ExxonMobil, one to Gulf and one to Buckeye.

Global terminals offering Motiva unbranded products are in Burlington, Vt., Newburgh, N.Y., Albany, N.Y., Inwood, N.Y. and Revere, Mass.

Besides Global, Motiva will also offer products at the ExxonMobil terminal in Providence, R.I., the Gulf terminal in New Haven, Conn., and Perth Amboy, N.J.

OPIS reported last week that Motiva would provide customers with reliable and flexible sources of supply to fuel more growth for the 76 brand as well as unbranded fuel at Northeastern points. The company hosted brand meetings with more than 20 New England wholesalers earlier this year, and pitched the 76 brand at both new retail sites as well as rebranded facilities. Motiva now touts a robust distribution network and cites significant opportunities to further grow the 76 brand.

The deal will also see Global get reciprocal supply agreements at a number of Motiva terminals in the southeastern U.S. Global has also entered into a branding agreement with Motiva to rebrand an unspecified number of retail sites to the 76 brand in 2018, with plans to forge additional expansion as part of Global's growth strategy.

--Edgar Ang, eang@opisnet.com

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FDA Extends Comment Period on Various Potential Regulatory Targets

The Food and Drug Administration (FDA) is giving the public more time to provide comments on a slew of advance

notices of proposed rulemaking (ANPRM) it issued in March.

With an additional 30 days to comment, the new deadlines are:

- Tobacco Product Standard for Nicotine Level of Combusted Cigarettes – July 16
- Regulation of Flavors in Tobacco Products – July 19
- Regulation of Premium Cigars – July 25
- Draft Concept Paper: Illicit Trade in Tobacco Products after Implementation of an FDA Product Standard – July 16

The agency published the first ANPRM targeting nicotine levels in combustible cigarettes in the Federal Register on March 16. The move came eight months after the FDA unveiled a new approach to tobacco regulation — placing nicotine in the center of the plan, as Convenience Store News previously reported.

The Draft Concept Paper: Illicit Trade in Tobacco Products after Implementation of an FDA Product Standard was issued the same day.

It followed with an ANPRM seeking comments, data, research results, or other information related to the role that flavors, including menthol, play in tobacco product use. The ANPRM also covers potential regulatory options the agency could take, such as tobacco product standards and measures related to the sale and distribution of flavored tobacco products.

Less than a week later, the FDA took aim at premium cigars, issuing an ANPRM looking for comments, data, research results, or other information that may inform its regulatory action for premium cigars. Topics included the definition of premium cigars, the use patterns of premium cigars, and the public health considerations associated with premium cigars.

Farm Bill Fails on House Floor

On Friday, the House of Representatives failed to pass its version of the Farm Bill, a behemoth legislative vehicle that Congress considers every four years to reauthorize agriculture programs including the Supplemental Nutrition Assistance Program (SNAP). Despite House leaders delaying the final vote on the bill in a last ditch effort to pull conservative votes on the floor, the bill failed on a predominately party line vote of 198 to 213. Of the 213 votes against the bill, 183 were from Democrats and 30 from Freedom Caucus Republicans.

The 115th Congress' iteration of the Farm Bill, formally titled "H.R.2, the Agriculture & Nutrition Act of 2018," was authored and introduced by Chairman of the House Agriculture Committee Mike Conaway (R-TX). Throughout the Farm Bill process and negotiations, NACS has advocated on behalf of the convenience store industry for policies that will preserve the critical role convenience stores play in SNAP.

During the amendment process, NACS along with other retail groups advocated against an amendment filed by Rep.

Kristi Noem (R-SD) that would have permitted the public release individual store level data as it relates to SNAP. In response to substantial grassroots pushback from retailers, including many convenience store operators, the amendment was voted out of order by the House Rules Committee and not permitted to come to the House floor.

There are several provisions in the Conaway Farm Bill that would have impacted convenience stores:

- Processing Fees - This provision prohibits interchange fees, processing fees, or routine fees on all Electronic Benefit Transfer (EBT) transactions. Currently, interchange fees are prohibited on all SNAP transactions. On commercial transactions, these fees are the second highest operating cost for convenience stores. NACS strongly supports this language in the bill.
- Modernizing EBT technologies – This provision calls for the Food and Nutrition Service (FNS) to periodically review EBT regulations and consider evolving payment technologies that are available as well as alternatives for securing and authenticating a transaction.
- Mobile Technologies – This provision will allow for the use of mobile technologies to redeem SNAP benefits following the completion of a pilot program consisting of no more than five state agencies. If the Secretary of Agriculture determines that implementation requires further study of the pilot program, he will need to submit a report to Congress justifying the determination.
- Retail Food Stores Data Collection – This provision requires FNS to conduct a retailer survey every two years that is designed to uncover what is being purchased by SNAP recipients at retail food stores.
- National Gateway – This provision requires that all SNAP transactions be routed through a national gateway that will be sustained through the payment of fees by benefit issuers and third-party processors.
- The Nutrition title of the Farm Bill—the section of the legislation that addresses nutrition related matters—is often the most contentious because of differing partisan views on SNAP. The Conaway bill includes provisions that would tighten current eligibility and work requirements for SNAP recipients. These provisions are strongly opposed by the House Agriculture Committee Ranking Member Collin Peterson (D-MN), Democratic leadership, and the Democratic conference. As a result, all Democratic members voted against final passage.

Next in the Farm Bill process, the Senate Agriculture Committee is expected to consider their version of the bill in the next few weeks and then move it to the Senate floor for a vote this summer. Generally, once each chamber passes its version of the Farm Bill, lawmakers have to reconcile the differences in the two bills. In light of Friday's failed House vote, however, it is unclear when the House will reconsider the legislation and what the timing will be to get a final version to the President's desk.

Senate Committee Unveils Bipartisan Farm Bill

On Friday, the U.S. Senate Agriculture Committee officially unveiled the Agriculture Improvement Act of 2018, also known as the Farm Bill. Senate Agriculture Committee Chairman Pat Roberts (R-KS) and Ranking Member Debbie Stabenow (D-MI) have spent months crafting the legislation in a way that will ensure bipartisan support in committee and on the Senate floor.

The bill reauthorizes programs administered by the U.S. Department of Agriculture (USDA) including the Supplemental Nutrition Assistance Program (SNAP). The Senate Farm Bill makes only slight changes to SNAP and stays away from controversial issues such as work requirements and purchase restrictions.

More than 119,000 convenience store retailers participate in SNAP, which is why NACS closely follows the Farm Bill process and advocates for policies that support the vital access to food that small-format retailers provide in the communities they serve. Within the Senate's version of the Farm Bill, there are several provisions NACS is following that would have an impact on retailers. Specifically, the bill calls for:

The prohibition of processing fees, interchange fees and routing fees from all EBT transactions. This provision is similar to language in the House version of the bill.

A study by the Government Accountability Office (GAO) of the current EBT payments system, participants and providers to examine network outages and other system issues. The legislation gives the Secretary of Agriculture the authority to write a regulation based on the study results.

A retailer incentives program. USDA is instructed to create an approval process for retailers seeking to offer incentives for SNAP purchases of foods that are within the dietary guidelines.

The bill currently is scheduled to be considered by members of the Senate Agriculture Committee in an official markup on Wednesday and is expected to pass with bipartisan support. Senate Majority Leader Mitch McConnell (R-KY) stated his plans on Friday to bring the Farm Bill to the Senate floor for a vote around July 4.

The House of Representatives has until June 22 to vote again on its version of the Farm Bill, which failed to pass last month because of a related dispute on immigration legislation. Stay tuned to NACS Daily for more updates on the Farm Bill process.

Supreme Court Endorses Employer Use of Class Waivers

Yesterday, the Supreme Court dealt a blow to the National Labor Relations Board (NLRB) and those opposed to mandatory arbitration clauses in employment contracts. Back in 2012, the NLRB decided that clauses in employment contracts that prohibit class action lawsuits and force employees into mandatory arbitration cases instead were illegal. In subsequent years, various cases challenging this decision made their way up through the federal courts

with no consistent decision reached across various circuits. In different cases the Sixth, Seventh and Ninth Circuit court of appeals all upheld the NLRB decision while the Fifth, Second, and Eighth Circuits had ruled in favor of the employers in their cases.

With these varying Circuit Court decisions and NLRB continuing to enforce its original decision, the United States Supreme Court agreed to hear arguments on a case combining three different challenges to the NLRB decision: Epic Systems Corp. v. Lewis; Ernst & Young LLP v. Morris; and NLRB v. Murphy Oil USA, Inc. (a NACS member). In a 5-4 decision the Supreme Court ruled that these mandatory arbitration clauses are constitutional. The Court's newest member, Justice Gorsuch, wrote the majority opinion on behalf of himself and Justices Roberts, Alito, Thomas, and Kennedy in which they argued that the National Arbitration Act—passed in 1925—expressly allows for these kinds of clauses.

Justice Ruth Bader Ginsburg made her opposition to the decision clear in a statement of dissent read from the bench. She declared that the decision could lead to an under-enforcement of labor statutes at all levels of government due to the lack of a threat of a class action lawsuit. Speaking again for the majority, Justice Gorsuch argued that such dire predictions are often incorrect.

Mandatory arbitration clauses have become much more common over the past few years in employment contracts as employers have sought to insulate themselves from potential lawsuits. Some estimates have as many as half of all employees now covered by some version of a mandatory arbitration clause with as many as one-third of those prohibiting class action lawsuits specifically. In those cases, employees would have to file independent lawsuits should they so choose to sue.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 607-398-7260.

Attention Inspection Stations

The Association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning," that is when a vehicle other than the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation.

ATTORNEY'S CORNER

By Larry Culley

Here's an update in the fight against mandating the providing of free air that the Town of Hempstead on Long Island attempted to impose on all gas stations in the Town, the largest Town in the country. GASDA worked with air machine businesses and with other associations to fund and maintain a lawsuit against the Town in Supreme Court. We have made excellent progress in this lawsuit. But we have also been very busy negotiating with the Town Board under its new Supervisor, Laura Gillen, to amend the Town's law to allow the Dealer to charge for compressed air in almost every circumstance. Legislation on the state level addressing this issue has also been introduced. This matter is so important because states and localities all over the country were watching and licking their chops at the thought of being able to force business to supply free services to their constituents and pick up extra revenues from fines to boot! We appreciate that the Town of Hempstead is seriously negotiating to amend this unfair and unconstitutional law, and expect to have more good news on this front in future.

A Reminder: It is critical for used car dealers to properly and timely maintain their MV-50 books, keep track of all their plates (especially those who participate in the plate program), and also take good care to maintain their display area. Keep it clean and uncluttered so that it is clear that it *IS* a working display area and not just storage space for parts and tools. It is also imperative that all used car dealers register for the **VerifiNY** program. Very soon, all MV-50 records **MUST** be kept electronically on-line with the DMV. You should have received your packet to register. If you didn't you had better get it or you could have a *serious* problem! You need to understand how this program works so you don't get overwhelmed with it at the last minute. In my practice the most troublesome recent cases have been those generated by failures in record keeping and handling plates carelessly by used car dealers. Even if there is no finding of intent to commit fraud by the Dealer the fines can be substantial, and there is always a risk of suspension or even revocation of your license. Don't put yourself and your business in this precarious position. If you have any questions just call your Association office for help in answering them.

Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

Together we have returned
\$48,127,294 to policy holders since 1991

NYS Worker's Compensation Program Highlights

- Up to a 25% upfront discount offered
- Over 30% Average Annual Dividend (25 Years)
- Save up to 55% off your current premium*
- Last year's dividend was 30% (\$2,701,765)
- Dividend checks as high as \$65,433 have been issued to our policy holders
- Easy quoting process
- Program available to all members



**Based on 25%
up-front discount +
declared dividends*

Bill Adams

716.849.8641 | badams@lawleyinsurance.com

lawleyinsurance.com | 361 Delaware Ave, Buffalo, New York

Lawley

*You owe it to yourself to make
sure you are getting the best deal.*



Heartland

NYSASSRS now offering “PAY AS YOU GO” billing

We are pleased to announce our newest Member Benefit Partner, Heartland Payroll Solutions. Through this partnership, any safety group participant can take advantage of their integrated billing solution with the NYSASSRS Safety Group.

Benefits of Pay As You Go:

- You pay premiums each pay period based on current payroll information.
- Improved cash flow management by sending accurate workers' comp premium to the carrier based on actual payroll
- Premium payments are automatically deducted by the NYS Insurance Fund
- Reduces the risk of year-end audit payments
- Better option than “direct bill policies” or “self-reported policies” that require periodic, larger premium payments

About Heartland:

- NYSASSRS members get an exclusive discount on payroll processing with Heartland
- Pay As You Go billing is FREE
- Processes payroll for more than 36,000 customers
- Cloud-based, feature-rich solution
- Three-year price lock on processing fees
- Dedicated Single Point Of Contact

For more information contact:

Chandler James

518-452-4367

chandler@nysassrs.com

Mobil Service Station, Auto Repair and Towing Business For Sale

*6 FUELING POSITIONS
2 DOUBLE GAS PUMPS WITH CREDIT CARD READERS
1 DIESEL & 1 KEROSENE PUMP*

*2 CONNECTED BUILDINGS WITH 4 BAYS
BUILDING 1: 28X48
BUILDING 2: 30X48*

*BUILT IN TIRE RACKS FOR 300 TIRES
3 HOISTS
12,000 LB JOHN BEAM ALIGNMENT RACK
HUNTER ALIGNMENT MACHINE
HUNTER TIRE BALANCE
HUNTER MACHINE
TOO MUCH TO LIST*

*SUCCESSFUL TOWING BUSINESS
POLICE AND AAA CONTRACTS
2 MEDIUM DUTY ROLLBACKS
10 TON WRECKER*

*GREAT LOCATION:
THINK POSSIBLE CONVENIENCE STORE*

BUSINESS HAS GROSSED \$3,000,000

**CALL (607) 382-0948
FOR DETAILS ABOUT THIS
EXCITING OPPORTUNITY**

FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

FILL OUT THIS FORM AND FAX BACK TO US

BUY \$7500 IN PARTS IN ONE QUARTER FROM YOUR **NAPA DEALER**

RECEIVE A REBATE CHECK FOR 2% OF YOUR PURCHASES (MINIMUM OF \$150 REBATE)

PUT THE MONEY IN YOUR POCKET

NOTE: YOU CAN NOT BE A MEMBER OF THIS AND ANOTHER NATIONAL NAPA PROGRAM

FREE MONEY

Name of Your Business:		
Business Address Street:		
City:	State:	Zip:
Phone:	Fax:	E-Mail:
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Additional NAPA Dealer(s) you do business with:		
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	

FAX this form back to:

518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

DO YOU WANT TO PROTECT YOUR BUSINESS FROM
EXCESSIVE FINES

OR

THE POSSIBLE LOSS OF YOUR:

TOBACCO LICENSE

LOTTO LICENSE

ALCOHOL LICENSE?

DO YOU WANT TO BE CERTIFIED IN SECTION 609 MOTOR
VEHICLE AIR CONDITIONING (MVAC)?

THE NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS

OFFERS ON-LINE COURSES THAT NOT ONLY PROVIDE
TRAINING AT YOUR CONVENIENCE, BUT AT VERY
COMPETITIVE PRICES FOR BOTH MEMBERS AND NON-
MEMBERS OF OUR AFFILIATES

ALL INFORMATION AND MATERIALS ARE PROVIDED
THROUGH OUR WEBSITE AT:

NYSASSRS.COM

QUESTIONS CAN BE DIRECTED TO (518) 452-4367. WE
ARE AVAILABLE TO PROVIDE PERSONAL ASSISTANCE.



Garage Insurance Survey

Name of Business:		
Street Address:		
City:	State:	Zip:
Phone #	Fax #	E-Mail:
Contact Person:		Phone # (if different from above)
Are you happy with the cost and service provided by your carrier/agent?		Yes No
If yes STOP here...		
If NO or NOT SURE you may want to look at the following		
Is your coverage insufficient?	Yes	No
Is the service poor to non-existent?	Yes	No
Is the cost too high?	Yes	No
Are you satisfied with your current coverage?	Yes	No
Are you interested in a quote from another insurer?	Yes	No
Is so please check each that apply:		
<input type="checkbox"/>	<input type="checkbox"/>	Property & Casualty
<input type="checkbox"/>	<input type="checkbox"/>	Workers Comp
<input type="checkbox"/>	<input type="checkbox"/>	Disability
<input type="checkbox"/>	<input type="checkbox"/>	Health
If you checked one or more of the above please provide the following information:		
Name of Current Insurer:		
Type of Insurance:		
Renewal Date:		
When/How is the best time to contact you?		

If you are interested in learning how you may save on insurance costs
Please fill out and fax to your local association at 518-452-1955