
SSRA

Service Station & Repair Shop Association of Central New York
1235 Upper Front Street, PMB 105, Suite 5, Binghamton, NY 13901
(607) 398-7260 – ssra@nysassrs.com – www.nysassrs.com

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EXECUTIVE DIRECTOR'S CORNER

By Ralph Bombardiere

Own a Business in New York, You Must be CRAZY.

You don't need to look very far to see that small business in New York to not feel that government supports them. The city and the state lawmakers seem to be adding new roadblocks to do business in the state and the city at an alarming rate. This practice has placed New York 47th in the United States in small business entrepreneur council rankings.

You only need to look at the cumulative impact of an alarming increase in laws and regulations that affect business. There is the increase in the minimum wage up to \$12 in some areas, on its way to \$15. There is paid sick leave and family leave mandates, there is a proposal to end tip wage credits, a ban on salary history questions during hiring, new employee scheduling laws which limits owners and managers the ability to assign workers to shifts, and on the horizon is coming a new paid Bereavement Leave Law.

Put all of these proposed regulations and laws that are already on the books and you create staffing problems. Compliance to these regulations is time consuming and expensive and difficult to navigate, as new rules add to the list add to the list of potential violations, the amount of notice required for both employers and employees, and an exhaustive list of definitions and calculations to understand and implement is impossible. Even most skilled legislator who try to leave an opening in the regulation or legislation for business to be able to navigate falls far short of what is needed.

Small business likely cannot afford a Human Resource Department. It's definitely they cannot expect a small repair shop or service station to be equipped to understand and implement an ever expanding list of rules and regulations that leave them subject to fines and penalties simply because they are small. Add to this the ever increasing rents for many properties which are already too high, margins that are already too thin, and competition from other sources such as the internet, which are fierce, and you have a formula for failure.

For some businesses the new regulations are the difference between staying open and shutting their doors for good.

Of the more than 200 thousand businesses in New York City, 89 percent are small businesses with fewer than 20 employees. They do however strengthen the local economy. They do create jobs. They anchor the community and they are an asset to the neighborhood. Take them away and the city and state loses character and the ability to deal with a small business and the family you may have grown up with. Some of these rules and regulations government has fallen short in providing assistance for the small business to comply. Both the city and state have done too little to reduce the challenges small business encounters when trying to comply with the mandates that have piled on these businesses. Most legislators have little

knowledge of the impact created by the bills and regulations which they are promulgating.

The new paid Bereavement Leave requirement, which awaits Governor Cuomo's signature, is being considered just months after the state's Paid Leave Act took effect. Both mandates will allow employees to take ten weeks of paid leave at a rate of 60 percent of their current wage.

When talking to legislators and regulators they always say they want to help small business survive and grow but it is clear that these same officials do not understand financial and operational burdens associated with the new laws that they are passing.

Despite adding layer after layer of new legal requirements on business owners New York City still has no formal process to analyze the cumulative effect that a bill may have. Last year the Manhattan Chamber of Commerce asked for the implementation an economic impact statement to evaluate those potential effects before a new law is enacted. This would that ensure elected officials fully understand the cost of doing business in New York and see how small business is being destroyed under the weight of what they think are good ideas.

Many have pleaded with Mayor DeBlazio, the City Council, Governor Cuomo, the state legislators, and all of their pleas have fallen on deaf ears. It seems being elected is more important.

Some say it is time to listen to the voice of small business and strike a better balance between helping employees and supporting the very business that create their jobs. This is probably far too little, far too late. But it did work, remember "Change New York?"

The die is cast, the only thing one has to do now is wait for the last business to close in New York City and New York State and for someone to close the lights.

We would have a governor with no one to govern, a mayor with nothing to do, and a legislature thinking, "where did everybody go?"

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Hempstead Board Votes To Repeal Free-Air Law

The board voted 6-1 to repeal its controversial free-air law after a symbolic, unenforceable vote last month in the face of a lawsuit from a group of service station owners. Councilman Anthony D'Esposito said he wasn't comfortable with the wording of the repeal and voted against it.

The law had required service stations to provide free air to drivers inflating tires. A lawsuit challenging the law will now be settled, officials said. Gillen called Hempstead's legal fees "obscene" and said she hoped to save both parties money by settling the lawsuit.

This is a victory for the State Association's affiliate GASDA which helped fund the law suit. Much of the credit has to go to Service Station Vending Equipment Inc who funded most of the lawsuit and put in a great deal of work on the political activities.

Nassau County Tobacco Legal Age Now 21

Nassau County has informed us that the legal age to purchase tobacco products in their county is now 21. The law was to go into effect 60 days after the county executive signed the bill, however, they insist we need to start now and notices will be sent out shortly.

Massachusetts Becomes Sixth State to Raise Legal Smoking Age to 21

Tobacco 21 has officially become the law of the land in Massachusetts.

Beginning next year, those wishing to purchase tobacco products including cigarettes and e-cigarettes in

Massachusetts will have to be at least 21 in order to legally acquire them.

The state Senate and House of Representatives approved a compromise measure to bring Tobacco 21 across Massachusetts — while preventing any city or town from moving to raise the tobacco purchasing age any higher than 21 — earlier this month.

On Friday, Gov. Charlie Baker signed the bill raising the age limit to purchase tobacco products in the state from 18 to 21.

"There's more than enough evidence to support ensuring that we have a statewide standard with respect to when the purchase and use of these products would be considered age appropriate," Baker said.

Prior to Baker's signing of the statewide measure, more than 170 Massachusetts municipalities had already raised the age limit to purchase tobacco products. The governor, who is an admitted supporter of local control, found this widespread popularity of the policy as a reason to sign the statewide Tobacco 21 bill, which will go into effect Dec. 31.

"At this time, it's our view that a statewide approach is perfectly appropriate," Baker explained.

When Massachusetts' statewide bill becomes law, it will not make it illegal for minors to use tobacco or make it a crime for a parent or adult to give a tobacco product to a minor, as Convenience Store News previously reported. It will, however, ban vaping on school grounds and other public places. It will also make Massachusetts the first U.S. state to outlaw the sale of tobacco in all pharmacies.

Massachusetts will be the sixth state to raise the tobacco buying age to 21, following in the footsteps of Hawaii, California, New Jersey, Oregon and Maine.

E-Cig Sales Grew 132% From 2012 to 2016

Sales of e-cigarettes jumped 132% from 2012 to 2016, while prices fell, according to a study by the Centers for Disease Control and Prevention, and reported in U.S. News.

While disposables were the first e-cigarettes on the market, rechargeables featuring prefilled cartridges are now preferred by most Americans who vape. The average monthly sales for rechargeables increased 154% between 2012 and 2016, but the average price of vaping devices fell by nearly half.

The number of adults who have tried e-cigarettes rose significantly between 2014 and 2016, while the prevalence of those considered current users fell. This indicates that consumers may be experimenting with e-cigarettes but not sticking with the habit, the report noted. "little cost," the proposal said.

7-11 Franchise Agreement

The National Coalition of Associations of 7-Eleven Franchisees (NCASEF) is urging 7-Eleven Inc. to revise its [2019 franchise agreement](#). Tensions have been mounting between the convenience-store retailer and its store owners over the agreement and [other issues](#).

The proposed agreement, which approximately 19% must sign by next March and the majority within the following five years, would not only reduce franchisee net income, the group said in a press release. It would also increase store-level operating costs and force owners to stay open on Christmas Day, NCASEF said.

The new agreement "further enhances the [pervasive control](#) 7-Eleven already exercises over its operators," the group said in a previous statement. For years, the company has been eroding franchisee profitability by increasing operating costs. Now, 7-Eleven is aggressively [advising franchisees](#) to sign the new deal immediately before its terms get worse

Connecticut C-Store Company Sold to PMG: Sources

Hendels, a family-owned convenience store owner and fuel wholesaler in Connecticut, has been sold, industry sources told OPIS on Wednesday.

Employees and truck drivers at Hendels were informed of the company's sale plan late on Tuesday, and the deal is expected to close in 60 to 75 days, they said. Employees were told that Hendels was sold to Petroleum Marketing Group (PMG), which is a large Virginia-based c-store owner on the East Coast with more than 1,000 sites, sources said.

Hendels, which has been in business since 1949, owns and operates about 25 Henny Penny convenience stores in Connecticut, according to the company's website. The Hendels c-stores, which go by the retail brand Henny Penny, fly the Shell, Sunoco, CITGO and Gulf retail fuel flags.

John Kuschman, who is in charge of new business development at Hendel's Oil Company, declined to comment on Hendels' company sale when contacted by OPIS on Wednesday. Jon Hendel, the company's president, was not immediately available for comment.

"In our wholesale class of trade, we provide gasoline & diesel through supply contracts to about 20 contract dealers and we lease to tenants approximately 15 gas/primarily c-stores sites. We are aggressively expanding our wholesale business as we continue to expand into new communities," according to the company's website.

A third generation of Hendel family members is now working in the company's wholesale business, it said.

Sources said that Hendels also owns five to six transport trucks (tractor trailers) for fuel hauling in Connecticut. The drivers at Hendels are unionized. It is unclear if the company sale would affect the drivers' employment and union contracts at Hendels.

Sources said that Hendels is one of the few remaining regional oil companies that employ unionized drivers for their trucks.

PMG officials were not immediately available for comment.

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ExxonMobil Experiencing Card Payment Issues With Some Fuel Retailers

ExxonMobil is experiencing some technical issues with its credit card settlements for fuel sales at some ExxonMobil branded retail sites in the U.S., some branded retailers told OPIS on Tuesday.

Some branded retailers have submitted credit card settlements for the weekend sales, which they expected to be paid on Monday.

However, ExxonMobil had notified some of these settlements for Monday morning were not processed as intended, according to an ExxonMobil email to customers seen by OPIS.

"We are working to resolve the issue quickly with our banking partner. We expect that all missing funds from this morning will be included in the draft processes tonight (Monday night). We apologize for the inconvenience and will update you if there are any changes," ExxonMobil said in the email.

Some retailers said that this banking issue has yet to be resolved as of Tuesday noon time, and this problem is affecting their cash flow or cash liquidity.

An ExxonMobil spokeswoman was not immediately available for comment.

Some retailers said that they pay for their fuel purchases from ExxonMobil periodically such as every 10 days, and they would then submit credit card settlements to ExxonMobil for payments, which typically take about 24-36 hours to complete.

Depending on the sales volumes, each retail site could have thousands of dollars in daily payments.

To ensure adequate cash liquidity, some retailers are forced to tap their credit lines with their banks.

It is unclear how widespread this credit card settlement issue is in the U.S.

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More Details Emerge on Tax Reform 2.0

The House Ways and Means Committee released a two page [outline](https://waysandmeansforms.house.gov/uploadedfiles/tax_reform_2.0_house_gop_listening_session_framework.pdf) ([https://waysandmeansforms.house.gov/uploadedfiles/tax_reform_2.0_house_gop_listening_session_framework .pdf](https://waysandmeansforms.house.gov/uploadedfiles/tax_reform_2.0_house_gop_listening_session_framework.pdf)) of a new package of tax bills (which are being referred to as "Tax Reform 2.0") that Committee Chairman Kevin Brady has stated will be circulated around the House in the coming month and introduced as legislation in the House in September. A two page outline makes it clear that Tax Reform 2.0 will be comprised of three core elements. The aim is to get votes on all three in the House before it adjourns for the midterm elections.

While it is yet unclear exactly what will be included in the final package, one major focus will be an attempt to make the individual tax cut provisions of the 2017 Tax Cuts and Jobs Act (which are set to sunset at the end of 2025) permanent. The cost of making these cuts permanent is anticipated to be in the \$600 billion range. Because of this

price tag it is likely that these provisions will move in a separate bill from the other two sections of Tax Reform 2.0. It is not clear whether there would be any revenue offsets to this revenue loss. It is likely that the House will pass this legislation knowing full well that it will not pass the Senate (because it would be improbable that there would be 60 Senators willing to pass this legislation). There have been also some suggestions about further lowering the corporate tax rate (down to 20% for C corps), though this is not mentioned in the outline. Given the high cost that would be associated with either or both of these proposals, one would think that Congressman Brady and his committee will be looking for revenue raisers to include in the package. On the other hand, the process so far has totally excluded Democrats as was the case with the Tax Cuts and Jobs Act last year so it may be that they will not include any revenue raisers.

A second part of the Tax Reform 2.0 package will be aimed towards retirement plans, which at this juncture, are the only portions of the anticipated package which have bipartisan support. The 2 page outline specifically mentions a universal savings plan proposal. The outline gives no further details but it is likely that this will be similar to the Lifetime Savings Account proposed years ago. Basically this is a tax free savings account with unlimited withdrawals at any time - we would anticipate some annual limit on the amount that can be put into the account. It is expected that many of the provisions included in the Retirement Enhancement and Savings Act of 2018 ("RESA") - S. 2526 and H.R. 5282 - will be part of the Tax Reform 2.0 bill. The centerpiece of RESA are provisions designed to make MEPS (multiple employer plans) more accessible to small businesses. Under the bill, MEPS would become "open" meaning that the requirement that there be some nexus amongst the companies that adopt the MEP would be eliminated. Also, each separate plan would rise or fall on its own merits - no longer would one "bad" plan taint the whole group with the possibility that all the plans in the MEP could be disqualified because of the one bad apple (plan). Today, most plan advisors counsel their clients to stay away from MEPS because of these problems.

Many members of Congress believe that opening up MEPS will solve the problem of lagging coverage in the small plan area. The theory is that MEPS will reduce admin costs, costs of investments and remove almost all (or in at least one version - virtually all) fiduciary responsibility for the company joining the MEP. Even though all of this sounds good in theory, given the fact that the introduction of SIMPLE IRASs didn't crack the nut, it is not clear why MEPS would. Of course, problems like start-ups simply not having the money or the bandwidth to provide a plan, or small businesses just hoping to make payroll, or the fact that a significant percentage of start-ups don't make it through the fourth year of their existence are ignored as the real reasons why many small businesses do not sponsor retirement plans.

The second major change RESA would make would be to partially eliminate the stretch IRA. The stretch IRA is an

IRA which pays out assets during the owner's and his/her spouse's lifetimes and then has the remainder, if any, taken out over the lifetime of the second beneficiary (generally the second beneficiaries are the children). Thus, an IRA can exist over the lifetime of a second beneficiary after the spouse's passing.

Under the RESA stretch IRA proposal, in the vast majority of cases, assets over an aggregate account balance of \$450,000 with respect to defined contribution plans and IRAs, would have to be paid out by the end of the fifth calendar year following the year of the IRA owner or employee's death. Exceptions to this rule are made for a surviving spouse, disabled or chronically ill individuals, individuals who are not 10 years younger than the employee or IRA owner, or children under the age of majority until they attain that age. There are several practical problems with this proposal, including what entity is going to be charge of determining the excess amount over \$450,000 at the time of the owner's death and how is the \$450,000 to be spread amongst beneficiaries. These problems could, however, be solved by having a threshold amount (say \$1,000,000) per beneficiary.

Unfortunately, the long term consequences of such a proposal could be devastating to the security of many small business employees. Once word got out that beneficiaries would be forced to take retirement savings into income within 5 years of an owner's passing, it is likely that advisors would start cautioning owners to not save "too much" in the retirement plan. This could lead to the premature freezing or terminating of small business retirement plans which in turn will hurt all of the employees of the frozen or terminated small business plans. . If this provision surfaces in Tax Reform 2.0 let's hope that at a minimum it will provide for a ratable 20 year period over which the IRA proceeds have to be brought back into income (of course, beneficiaries could bring in the assets into income faster if they wanted). SBLC's member, the Small Business Council of America, may have had some success at this point in explaining to members of Congress how negative this provision could actually operate in the real world of small business plans in that rumors continue to abound that this provision will NOT be included in the House version of Tax Reform 2.0 but it's too early to know for sure.

All the other provisions in RESA are relatively minor but together will help with plan coverage and formation. These include items such as eliminating the requirement for safe harbor notices for certain 401(k) plans, allowing a 401(k) plan to elect a non-elective safe harbor up to 30 days before the close of the plan year or even past the year if the company is willing to make a 4% non-elective safe harbor contribution. The credit for plan start-up costs is increased. It would repeal the maximum age for contributions to a traditional IRA. It would extend the time for when a plan has to be adopted - rather than the end of the plan year, the time limit would be until the due date including extensions for the tax return to be filed for the taxable year. Unfortunately, it would increase penalties for failure to file Form 5500s

Trends we are likely to see in the years ahead with respect to retirement plans based on current legislation that will not go anywhere at this time include - virtually all businesses but the smallest or the newest will have to provide a 401(k) or some sort of savings plan for their employees, a certain portion of retirement benefits will have to be invested in a lifetime income component and coverage will be expanded to part-time employees.

In a clear effort to appeal to families, the Tax Reform 2.0 outline also indicates that the package will include an expansion of 529 educational savings accounts as well as provisions to allow individuals to access their retirement savings without penalty upon the birth or adoption of a child. Finally, the Tax Reform 2.0 outline states that the package will also include new provisions to allow start-up businesses to write off start-up costs in order to encourage new business innovation and creation.

House Passes Medical Device Tax Repeal

On Tuesday, July 24, the House of Representatives (by a 283-132 vote) passed the Protect Medical Innovation Act of 2018 (H.R. 184) to repeal the medical device tax.

The bill will now move to the Senate for consideration.

Non-OEM Parts Industry's Fight Over Ford Patents Reaches Federal Appeals Court

Both sides of the Automotive Body Parts Association (ABPA) lawsuit challenging Ford Motor Company's design patents on replacement crash parts laid out their arguments this summer to a federal appeals court.

The outcome of the case could have a big impact on how many automaker crash parts will have competition from non-OEM versions of the parts.

U.S. District Court Judge Laurie Michelson earlier this year first rejected Ford's argument that the case was moot because the automaker had agreed not to sue several ABPA member distributors of non-parts for infringement of the two patents (for Ford F-150 replacement parts), on which the suit was based. Judge Michelson noted the lawsuit was between Ford and the ABPA, not those distributors, and Ford had not extended an agreement not to sue to all ABPA members. Therefore, she said, the lawsuit sought to resolve an actual controversy and was thus not moot.

But Judge Michelson also rejected the ABPA's plea for summary judgment in its favor before trial. To win summary judgment, Judge Michelson wrote, ABPA had the "considerable ... burden of showing that every reasonable jury would find in its favor." But, she said, "the ABPA has not persuaded this Court to find in its favor, and so it would follow that it has not persuaded the Court that every reasonable jury would find in its favor."

She also gave Ford the upper hand in the legal dispute, which began in 2013, by instead granting summary judgment to the automaker, seeing no reason, based on her assessments of the ABPA's arguments, for the suit to continue. It's that ruling that the ABPA is now appealing.

The Underlying Issues

Like other automakers, Ford has successfully blocked the production and sale of some non-OEM crash parts by claiming that those parts infringe on the automakers' design patents. In its lawsuit, the ABPA alleged that Ford "uses design patents on automotive body repair parts to limit their distribution and increase cost of the repair parts."

Auto Body Corner -- Estimating tips

All Three Systems: Seat Belt Inspections – OEMs may require a seat belt inspection to be performed after a collision regardless of speed and impact severity. This operation is NOT INCLUDED in the CCC, Mitchell and Audatex systems, and will require on-the-spot evaluation for labor, as well as following OEM repair procedures.

Documentation from the OEM can be found by visiting www.oem1stop.com, then selecting the appropriate manufacturer web link for proper information.

All Three Systems: TPMS (Tire Pressure Monitoring System) Sensors – When wheels need to be replaced, it is important to follow the OEM repair procedure and protocol when dealing with valve stems and TPMS sensors. Many OEMs may require that the TPMS sensor be rebuilt using a "parts kit" anytime the sensor nut is loosened or the tire is replaced. Rebuilding TPMS sensors is NOT INCLUDED, nor is the cost of the repair kit.

- CCC/Motors GTE Guide: TPMS sensor labor is INCLUDED when replacing a wheel. Rebuilding a TPMS sensor is NOT INCLUDED. Refer to inquiry 12423.
- Mitchell CEG Guide, under wheels: TPMS sensor R/I or R/R is NOT INCLUDED in the wheel replacement labor time.
- Audatex: Labor report may include the TPMS sensor labor as INCLUDED when replacing a wheel. Rebuilding a TPMS sensor is NOT INCLUDED unless specifically stated in the labor report.

Additionally, electronic reset or programming of the TPMS System is NOT INCLUDED and will require an on-the-spot evaluation.

SCRS also offers a TPMS Relearn Chart to serve as a quick reference for technicians working on TPMS-equipped vehicles. The chart can be found at <https://scrs.com/product/tpms-relearn-chart/>.

All Three Systems: Pre-painted and Assembled Replacement Parts – Some OEM replacement parts may come pre-painted and/or assembled, complete with exterior trim already attached to the part. The replacement part may not match the vehicle color you are working on. This will require additional labor if required to disassemble the replacement part and apply the correct color. This labor is NOT INCLUDED in any of the three information providers' database and requires an on-the-spot evaluation. This would also apply to LKQ assembly parts (i.e. doors, trunks, fenders etc...)

A recent example of this is a 2014-2019 Nissan Rogue lift gate, which comes from the OEM in its most popular

color, K23 Silver, and includes glass, wiring and hardware already attached.

CCC shows a footnote in the lift gate group, but currently there is no mention of this in the Audatex and Mitchell databases.

All Three Systems: One-time Use Fasteners and Hardware – OEMs may require specific hardware and fasteners to be replaced every time they are removed from the vehicle for repairs. This may include clips, rivets, nuts, bolts and washers. The cost of these is NOT INCLUDED and would need to be considered for the estimate/repair plan being made.

The information providers do not list out every bit of hardware and clips in their databases. It is important to reference the OEM Workshop manual, as well as the OEM EPC (electronic parts catalog), for correct part number and notes. Any person that runs across missing information in the estimating system should submit a DEG inquiry with the correct part number and information calling out for one-time use so the appropriate IP can add it to the database with the appropriate note.

Toyota has published great references: “Non-Reusable Parts” (<https://news.crrtraining.com/understanding-non-reusable-parts/>) and Toyota CRIB Bulletin 188 (<http://degweb.org/crib-188>).

Always search OEM service information for bulletins and documents for vehicle repairs. Access to OEM service information can be found at: <http://www.oem1stop.com>

Michigan ATM Users Scammed by Hackers

More than 60 Michigan residents are out \$500 each after using an ATM located in front of a Credit Union One Bank in St. Clair Shores, according to FOX News.

Investigators believe that someone placed a device on the ATM that gave them access to the users’ personal information and allowed them to remove \$500 from each user’s account when using the ATM. Security camera footage recorded at the ATM one night in June shows a man covering up the camera, and officials believe he is the guilty party.

The \$500 thefts occurred on July 13. While victims have been reimbursed, they remain concerned about the personal information that the thief probably took along with the money.

FTC Alerts Consumers to Skimming at Pump

The Federal Trade Commission has alerted consumers to be wary of skimming fraud as they gas up during the summer travel season.

That means some motorists may be inspecting the pump and card reader before filling up and looking to see if dispensers are protected with security seals.

On Aug. 7, the FTC offered the following tips:

- Make sure the dispenser panel is closed and look for signs of tampering. "Many stations now put security seals over the cabinet panel. If the panel is opened the

label will say 'void.' Compare the card reader to see if it looks different from other readers at the station.

- Try to wiggle the card reader before inserting your card. "If it moves, report it to the attendant. Then use a different pump."
- Run a debit card as a credit card instead of entering a PIN. "That way, the PIN is safe and the money isn't deducted immediately from your account."
- Pay inside the store instead of at the pump.
- Monitor credit card and bank accounts regularly for potential unauthorized
- charges.
- Report compromised credit cards to the bank or card issuer. "Federal law limits your liability if your credit, ATM or debit card is lost or stolen, but your liability may depend on how quickly you report the loss or theft."

--Donna Harris, dharris@opisnet.com

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EPA, NHTSA Propose New Fuel Economy Standards

Today, the U.S. Environmental Protection Agency and the National Highway Traffic Safety Administration released a proposed rule that would change the Obama-era Corporate Average Fuel Economy and Greenhouse Gas (GHG) Emissions Standards for model years 2021 through 2026. The new proposal, titled the “Safer Affordable Fuel-Efficient Vehicles Rule,” would cap the standards at those previously proposed for model year 2020, as opposed to mandating future increases.

Specifically, the proposal would freeze fuel economy standards for passenger cars at 43.7 miles per gallon (mpg) and 204 grams per mile (g/mi) of CO₂. Standards for light trucks would be 31.3 mpg and 284 g/mi of CO₂. The combined level for cars and trucks would be up to 37 mpg and 241 g/mi of CO₂.

In the proposal, the agencies state that the changes would “save over 500 billion dollars in societal costs and reduce highway fatalities by 12,700 lives (over the lifetimes of vehicles through model year 2029).” The agencies also note that “U.S. fuel consumption would increase by about half a million barrels per day,” but the agencies say that this would have a minimal impact on the global climate—increasing it by 3/1000th of a degree by 2100.

In addition to changing the GHG and fuel economy standards, the document also proposes to rescind California’s ability to set its own standards, which have been adopted by several other states. The intent is to create one national standard and “[eliminate] duplicative regulatory requirements.” This means that all states that have followed California in adhering to its fuel economy standards now will be preempted by the federal standard. The agencies also propose to eliminate California’s Zero Emission Vehicle (ZEV) program, stating that the program is “paid for through cross-subsidization by increasing prices of other vehicles, not just in California and other states that have adopted California’s ZEV mandate, but throughout the country.”

The proposal will be subject to public comment once published in the Federal Register.

Pennsylvania Supreme Court Upholds Philadelphia Soda Tax

Philadelphia's tax on sweetened beverages is here to stay.

The state Supreme Court ruled the 1.5-cent-per-ounce levy is aimed at distributors and dealers, and does not illegally duplicate another tax, "The payer of the beverage tax is the distributor, or in certain circumstances, dealers, but never the purchasing consumer," Chief Justice Thomas Saylor wrote for the 4-2 majority.

"A rose by any other name smells just as sweet, and, whether styled a retail tax or a distribution tax, the levy here at bar, like the state sales tax, raises revenue specifically by burdening the proceeds from the retail sale of sugar-sweetened beverages," wrote Justice David Wecht, who dissented. "This the Sterling Act does not allow."

The 1.5-cent-per-ounce tax equals 18 cents on a 12-ounce can of soda or \$1.44 on a six-pack of 16-ounce bottles. This includes "diet" beverages as well as syrups and concentrates that make sweetened beverages.

The sweetened beverage tax faced opposition from the beverage industry from the beginning. The industry argued the tax duplicates the state sales tax already imposed on soda and that it unfairly taxes drinks based on their size, not price.

However, in December 2016, Judge Gary S. Glazer dismissed the complaint "in its entirety." He said that the city's sugary beverage tax does not duplicate Pennsylvania's sales and use tax, violate the state Constitution's Uniformity Clause or force Supplemental Nutrition Assistance Program beneficiaries to spend the program's funds on the sales tax.

An appellate panel upheld the ruling by a 5-2 decision in June 2017.

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 518-398-7260.

Selling Your Inspection License

If you are thinking of retiring or selling your business and have a New York State DMV Inspection license, your license may be valuable depending on the county where your shop is located.

If you have questions on the sale and/or transfer of an inspection license call the association office at 518-452-4367.

Vehicle Inspector Application

Anyone requesting to be a inspector must send a VS-120 form to DMV along with a \$25.00 check to begin the process.

The VS-120 form is on the final pages of the bulletin.

For more information call the association office

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.

All Petroleum Bulk Storage Facilities

YOU WERE REQUIRED TO DESIGNATE A CLASS A AND/OR B AUTHORIZED OPERATOR TO NYS DEC NO LATER THAN OCTOBER 11, 2016

THIS WAS MORE THAN A YEAR AGO

If you have not done this you are now subject to a \$500 penalty from NYS DEC. This may now be unavoidable

If you have not reported this information to NYS DEC as of yet do so immediately. Communicate this information to DEC at operatortraining@dec.ny.gov

Or call the association office

SERVICE STATIONS REPAIR SHOPS USED CAR DEALER ATTENTION

Do you have problems

1. Getting into business - going out of business?
2. With government, Federal, State and Local?
3. Are you trying to settle a violation?
4. Need an attorney?
5. Have a small claims case?
6. Need a license, renew a license?
7. Learn and understand the laws that regulate your business?

We can help with almost any problem, legal environmental or regulatory.

Just call us 518-452-4367

**NEW YORK STATE
ASSOCIATION OF SERVICE STATIONS AND REPAIR SHOPS**

**Web Training for:
DMV INSPECTOR TRAINING
(Instructions on how to sign in and take the training)**

1. Enter our nysassrs.com website either by cell phone or computer.
2. Find the training tab on the top of the screen (if in full screen view). If smaller there is a menu tab on the left of the screen. Click that and you will find the training tab there. It will bring you to an intro page to our training.
3. Inside the blue column SITE MAP you will see Inspector Training Material.

(Make sure you have an updated form of adobe flash player, if not you can access the abobe website from this page.)

4. Click on whichever inspector training you would like to download. We have:
 - a) Light/medium duty, and
 - b) Heavy duty inspection training available.
 - c) Motorcycle,

Note it may take a few minutes to download depending on your internet speed.

5. When download is complete you may access our full audio presentation.
6. You may also choose to access the DMV's version of the training which we provide the link for if you like. There is no audio or PowerPoint but DMV's presentation may differ a little to give you variety in training.
7. Besides training, our presentation takes you step by step to register for the testing for inspector certification.
8. If you have any questions contact the association office at 518 452-4367.

REGULATIONS ON USED CAR BONDS

Surety Bond

To get a surety bond, you must contact a surety insurance company. Make sure that the business name and mailing address on the bond exactly match the business name and mailing address on your DMV facility license, Make sure that you write your Facility Number on the bond.

Bond amount required from a dealer

The bond amount depends on the number of vehicles that the dealer sold in the previous calendar year, or if the dealer is licensed as a franchised new dealer. Refer to the chart below.

Number of vehicles sold in Previous calendar year	Bond amount
50 or fewer	\$20,000
More than 50	\$100,000
Franchise dealers selling cars, SUVs, light trucks, etc. Dealers selling only trailers motorcycles. Vehicles over 10,000 pounds, ATV's,boats and snowmobiles are exempt from the bond requirements.	\$50,000

**Need help getting a bond?
Call the association office.**

Taxpayers with children, other dependents should check withholding ASAP

IRS Tax Reform Tax Tip 2018-127

August 16, 2018

Taxpayers who have children and other dependents should use the [Withholding Calculator](#) on IRS.gov to perform a “paycheck checkup.” The [Tax Cuts and Jobs Act](#), which was passed late last year, includes changes that will affect 2018 tax returns that people will file in 2019.

Doing a checkup ASAP will help taxpayers determine if they need to adjust their withholding on their paychecks. The earlier they do this, the better. The sooner someone checks it, the more time there is for withholding to take place evenly during the rest of the year. Waiting until later in the year means there are fewer pay periods to make the tax changes.

The new law made changes to the child tax credit and personal exemptions. Taxpayers should do a “paycheck checkup” to determine if the tax law changes could affect their tax situation this year. Here is an overview of the changes to the law that could affect the withholding of parents and caretakers:

Child tax credit

- The maximum child tax credit increased from \$1,000 to \$2,000 per qualifying child.
- Taxpayers whose income was too high to benefit from the Child Tax Credit in prior years may now find they qualify.
- The credit now phases out at \$400,000 for couples and \$200,000 for singles, compared with 2017 amounts of \$110,000 for couples and \$75,000 for singles.

Additional child tax credit

- The maximum additional child tax credit increased from \$1,000 to \$1,400.
- The ACTC is a refundable credit for taxpayers who owe little or no federal income tax.

Credit for other dependents

- There’s a new \$500 credit that can benefit taxpayers who support other dependents.
- The taxpayer will claim the credit when filing a tax return.
- For purposes of this new credit, other dependents include qualifying children or qualifying relatives, such as a college student or an elderly parent.

Personal exemption

- The new law removes the personal exemption that taxpayers formerly claimed for themselves, their spouse and dependents.

The Withholding Calculator allows taxpayers to enter their expected 2018 income, deductions, adjustments and credits – including the child tax credit. Users can click on definitions in the calculator for help in figuring out who qualifies for these expanded credits.

For information about how to use the calculator and how to change withholding, taxpayers can check out the [IRS Tax Reform Tax Tips](#) on IRS.gov.

Taxpayers may also need to determine if they should make adjustments to their state or local withholding. They can contact their [state's department of revenue](#) to learn more.

More information:

[Withholding Calculator Frequently Asked Questions](#)

[Tax Withholding](#)

[Tax Reform page on IRS.gov](#)

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



FOR OFFICE USE ONLY						
CIA	CIO	CIC	CIS	CIG	CID	
Certificate Number			County			
CIRCLE ONE: OE ADD						
Note: Check or money order must be attached to enter OE or ADD						
Group(s)	1	2	3			
	A	A	A	A		
		Y	N			
<input type="checkbox"/> Address Change						
TEST RESULTS						
Group(s)	1	2	3			
	P	P	P	P		
	F	F	F	F		
	N	N	N	N		
	W	W	W	W		
	Y	N	N	Y		

♦ **FOR ORIGINAL APPLICATIONS:** Answer **ALL** questions on **Page 1 and Page 2** that apply to you, and **SIGN** the application on **PAGE 2** or it will be returned to you for completion. You **MUST** be at least 17 years old and have **AT LEAST ONE YEAR OF MOTOR VEHICLE REPAIR EXPERIENCE** in the last 5 years immediately preceding this application, in the area in which you apply to be certified, or you must provide a copy of an acceptable school diploma in vocational motor vehicle trades. When your application is approved, DMV will notify you by mail of the date, time and location of the inspector training class. You **MUST** present photo ID at the class as proof of identity. If you have difficulty reading or understanding written material, please contact the office identified at the bottom of page 2 of this form.

♦ **FOR AMENDMENT AND DUPLICATE APPLICATIONS:** Answer questions 1-21 and **SIGN** in #25.

♦ **REQUIRED FEES**

Non-refundable application fee (\$10) and three-year certification fee (\$15).
Make check or money order for \$25 payable to the Commissioner of Motor Vehicles. You MUST send your check with this application. Starter checks are not accepted.

1 Check type of application: ORIGINAL AMENDMENT (No Fee) DUPLICATE (No Fee)

2 Have you ever applied for or taken a test to become a Certified Motor Vehicle Inspector? Yes No

3 Have you ever been a Certified Motor Vehicle Inspector and/or Body Damage Estimator?
 Yes No If "Yes," please write your Certification No. _____

- 4 Check all certification groups for which you are applying.
- Group 1** (Allows an individual to conduct safety, diesel emissions, OBDII emissions, and low enhanced emissions inspections of motor vehicles that have a seating capacity under fifteen passengers, and motor vehicles and trailers that have a MGW under 18,001 pounds, except motorcycles and semi-trailers)
 - Group 2** (Allows an individual to conduct safety and diesel emissions inspections of motor vehicles that have a seating capacity over fourteen passengers, motor vehicles and trailers that have a MGW over 18,000 pounds, and semi-trailers, except motorcycles)
 - Group 3** (Allows an individual to conduct safety inspections of motorcycles)

Please **print** or **type** in the open spaces next to the arrows.

5 LAST NAME	FIRST	M.I.	6 DATE OF BIRTH Month / Day / Year	7 SEX Male <input type="checkbox"/> Female <input type="checkbox"/>
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8 MAILING ADDRESS (Include Street No., Rural Delivery and/or Box No.)	9 HEIGHT Feet Inches	10 EYE COLOR
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11 STREET NAME	APT. NO.	12 HOME TELEPHONE (Include Area Code) ()
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13 CITY OR TOWN	STATE	ZIP CODE	14 COUNTY
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15 HOME ADDRESS (If Different From Mailing Address) NUMBER AND STREET (Include Street No., Rural Delivery and/or Box No.)	APARTMENT NO.	CITY	STATE	ZIP CODE
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16 Has your address changed since your last certification was issued? Yes No

CLIENT IDENTIFICATION NUMBER (From New York State driver license or non-driver ID) NOTE: Failure to provide a valid Client ID number will prevent issuance of a Certified Inspector card.	<input type="checkbox"/> Check this box if you do not currently have a New York State driver license or non-driver ID. A form (ID-5 VSC1) will be mailed to you with instructions on how to obtain a Client ID number.										
17 <table border="1" style="display: inline-table; vertical-align: middle;"> <tr> <td style="width: 20px; height: 20px;"></td> </tr> </table>											

PLEASE CONTINUE, AND SIGN ON PAGE 2.



NOTE: Failure to provide a valid Client ID number will prevent issuance of a Certified Inspector card.

18 PRESENT EMPLOYER	19 FACILITY NUMBER	20 BUSINESS TELEPHONE NUMBER ()
21 BUSINESS ADDRESS (NUMBER AND STREET)	CITY	STATE ZIP CODE

22 **FOR ORIGINAL APPLICATIONS ONLY**
 Have you ever been convicted of any felony, misdemeanor or improper motor vehicle inspection?
 Yes No If "YES," give details below: *(Applicants will not necessarily be rejected because of a conviction record. Such applications will be reviewed on an individual basis.)*

Date of Violation	Nature of Violation	Date of Conviction	Disposition & Fine	Court Location

23 **FOR ORIGINAL APPLICATIONS ONLY**
 By month and year, list the dates of all your motor vehicle repair experience. You must have at least one year of motor vehicle repair experience in the last five years **immediately preceding** the date of this application. Attach additional sheets if necessary.

Dates (From - To)	Employer's Name and Address	Describe Type of Repairs Performed <i>(be specific)</i>

24 **FOR ORIGINAL APPLICATIONS ONLY**
 List any trade school, vocational school, or other motor vehicle repair courses taken. Only approved schools are acceptable. You must provide a **COPY** of your diploma if you have less than one year of work experience.

Dates Attended	School Name and Address	Type of Course	Degree, Diploma or Certificate

Section 304(a) of the Vehicle & Traffic Law provides for the certification of motor vehicle inspection personnel. A Certified Inspector agrees to comply with the rules and regulations promulgated by the Commissioner of Motor Vehicles. Failure to comply with these rules and regulations may result in the revocation of this certification.

FALSE STATEMENTS MADE ON THIS APPLICATION ARE PUNISHABLE UNDER THE PENAL LAW.

25 **NAME** (PLEASE PRINT) _____

SIGNATURE _____ Date _____

(Sign Name in Full - DO NOT PRINT - No Nicknames)

◆ **SEND APPLICATION AND CHECK TO:**
 BUREAU OF CONSUMER AND FACILITY SERVICES
 Attn: Certification Unit
 PO Box 2700
 Albany NY 12220-0700
 Telephone (518) 474-7998

NOTE: Notify this office of any change in your address.

