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August 2018

ATTORNEY'S CORNER

By Larry Culley

We are seeing the effects of the increasing level of enforcement of the N.Y.C.'s Earned Sick Time Act (Paid Sick Leave Law), and it is not pretty. The enforcement by the Department of Consumer Affairs ("DCA") is draconian, expensive and almost impossible to comply with. As you know if you've been reading your Association bulletins, covered employees have the right to use sick leave for the care and treatment of themselves or a family member. You are required to give your covered employees a written notice of their right to sick leave. If you have 5 or more covered employees the sick leave must be paid for. If you have 4 or fewer employees the sick leave can be unpaid but you still must provide it.

Recently, one of our members was issued a violation for failing to observe the provisions of this law. It was inadvertent but he did commit the violations so it would have been very unlikely to prevail at a trial. He was offered a \$14,000 penalty which consisted of a fine payable to the DCA and restitution paid to all employees of the past three years, even if they no longer worked at his shop. However, if he agreed to make restitution to the employees the fines owed to the DCA would be reduced and the total payout by the member would be approximately \$7,000. This is for a first time violation. However, the Consent Order ("CO") from the DCA which the member was obligated to sign as part of the settlement is extremely complicated and will be very burdensome to comply with by a small business person. The record keeping requirements alone will make your hair stand on end!

Please, educate yourself as to your obligations under this sick leave law, and the penalties you could face if you receive a violation. Click on the following link www.gasdanyc.com/ConsentOrder.pdf to take you online to a redacted copy of the Consent Order. If you received our newsletter in the mail just go to your browser and type in the link.

Sick leave laws, family leave laws, safe time leave laws, bereavement leave laws, etc., are fast becoming passed not just in N.Y.C., but in other counties, too. There is even an effort to pass more of these laws in Albany for the entire state. Politicians on every level are going for the business person's throat! These laws are big money-makers for them. Your Association held back passage of a sick leave style law last year in Albany but we must remain diligent. We can accomplish a lot only if the members support us.

The contents of this column are not intended as legal advice. I give no legal advice without an appointment and interview with a client.

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Supreme Court Rules States Can Require Online Merchants to Collect Sales Taxes

On Thursday, June 21, 2018, the Supreme Court issued its widely anticipated decision in the case of *South Dakota v. Wayfair, Inc.* In doing so, the Supreme Court overturned its prior 1992 ruling and opened the door to allow states to require out of state vendors to collect and remit sales taxes on sales to individuals located in the state.

The *Wayfair* case centered on a South Dakota law that was enacted with the knowledge that it would be directly opposite to the prior Supreme Court ruling and would result in a challenge, thus teeing up this case. The South Dakota statute requires that any out of state seller that annually a) delivers more than \$100,000 of goods or services into South Dakota or b) engages in 200 or more separate transactions in South Dakota, to collect and remit sales taxes on the transactions.

The prior rule that was stated by the Supreme Court in the case of *Quill Corp. v. North Dakota* was that states could only hold businesses with a physical presence liable for collecting and remitting sales taxes. Under this rule (known as the physical presence rule), out of state sellers, like the big online retailers, who did not have a physical presence in a state but who sold and delivered goods to recipients in the state, were not (and could not be) required to collect and remit states sales taxes, and instead, the state had to rely on the individual who purchased the item to report and pay taxes (which was largely not happening).

In overturning the physical presence rule, the Supreme Court reasoned that the rule, which had last been considered in 1992, had been established to prevent state tax laws from burdening interstate commerce, but had actually resulted in giving out of state sellers an advantage over local businesses. The Court noted that the rule no longer reflected the reality of the global online economy. Even the dissenters in the case acknowledged this, though believed that it was for Congress, not the Court, to address the issue.

Under the new ruling, states will be able to re-quire businesses that have a "substantial nexus" with the state to collect and remit sales tax. This now opens up the question of what it means for a business to have a substantial nexus with a state such that the state can impose the tax collection and remission burden. The Supreme Court found that, the South Dakota law properly only applied to businesses with substantial connections to the state. This is because the law limited its application to sellers delivering \$100,000 in goods and services or 200 transactions annually and therefore didn't apply to businesses that didn't have a physical presence in the state and did very limited business with anyone in the state. In light of the Court's conclusion that the South Dakota statute properly addresses the substantial nexus issue, we expect to see other states modelling their laws similarly (Louisiana has in fact already enacted a law like South Dakota's in anticipation of South Dakota prevailing in the case).

As the Supreme Court itself observed in its decision, we would also expect to see technological solutions coming onto the market to help businesses with interstate sales that

don't have large compliance departments comply with the tax laws of the states where they are delivering goods and services in. The potential impact of the *Wayfair* ruling on small businesses will likely depend on the nature of the small business and how states respond to the case. The decision was lauded by brick and mortar businesses who were finding it increasingly difficult to compete with out of state sellers whose sales prices did not include sales taxes. On the other hand, de-pending on how each state crafts its laws and defines which sellers will be subject to the new collection and remission laws we expect to see enacted, small businesses that rely on online sales may face challenges that the technological solutions may not move quickly enough to satisfy. eBay has already reached out to the sellers on its platform to encourage them to sign on to a petition urging Congress to pass legislation to prevent the application of laws like South Dakota's to small out of state businesses. Such legislation would likely take the form of setting a limit as to which businesses states could apply any new sales tax collection laws.

While the implications remain to be seen, this is a big commercial shift that is relevant for small businesses of all types. SSDA-AT is very encouraged by the Supreme Court decision. This has been an issue that our members have worked on tirelessly for many years. SSDA-AT hopes that this decision will allow for our local family owned businesses to compete fairly with large online corporations. Taxation of online sales was one of the issues SSDA-AT members dis-cussed with Capitol Hill staffers during Federal Lobby Day, which was held the day before the *Wayfair* ruling came down.

Supreme Court Rules in Favor of American Express

The U.S. Supreme Court ruled in the case of *Ohio v. American Express* that the Justice Department and state attorneys general had not shown that American Express violated the Sherman Antitrust Act.

"The Supreme Court has given us a clarification of antitrust law as applied to American Express. Whether this approach will be applied to Visa and MasterCard remains to be seen, but whatever that decision is, merchants will be able to demonstrate that the major credit card networks have violated the antitrust laws. The actions of the card networks are so far-reaching and abusive of both merchants and consumers that merchants will not have difficulty showing that the card networks have violated the antitrust laws in multiple ways. We look forward to demonstrating those violations of law in court," said NACS Senior Vice President of Government Relations Lyle Beckwith.

The case, which was brought by a collection of 17 state attorneys general and the Department of Justice in 2010, examined whether American Express rules that bar retailers from encouraging customers to use lower-fee payment methods violate antitrust law. The Supreme Court agreed to hear the case after the U.S. Court of Appeals for the Second Circuit overturned a February 2015 district court decision finding that the American Express rules constitute an illegal

restraint on trade. NACS filed an amicus curiae brief with the Court as part of a coalition of retailer associations urging the Court to reverse the Second Circuit decision.

Ohio and several other state attorneys general asked the Supreme Court to decide the case. The Supreme Court's 5-4 decision upheld the Circuit Court. Judgment will be issued in favor of American Express in the case.

Justice Stephen Breyer read part of his dissenting opinion from the bench and asserted that the Court's decision was inconsistent with basic principles of antitrust law. And, Justice Breyer wrote that the Department of Justice and states proved that American Express used its market power in anticompetitive ways so the case was proven regardless of whether the Court were to apply the test it espoused in the case.

The decision, however, means that American Express can continue to enforce provisions of its contracts with merchants preventing merchants from discounting other payment cards and not American Express. It remains to be seen whether the reasoning in the case will be applied to other credit card networks such as Visa and MasterCard.

Lawsuit Against Insurance Companies

Barry's Auto Body is part of an ongoing lawsuit filed on behalf of five of its customers for "violating general business law §349 by engaging in unfair claims practices."

The Staten Island, NY-based body shop originally filed the lawsuit in July of 2017 in the Supreme Court of the State of New York against Tri-State Consumer Insurance Company, Inc., IANet Corporation and insurance adjusters Gabe Deri, Louis Simo and Basit Irfan.

Barry's Auto Body, co-owned by Barry Crupi, Jr. and his sister Michele, alleges that Tri-State provided only partial payment for the damage claims of customers' vehicles to repair them back to their pre-accident condition as obligated under an insurance policy and New York State law.

The body shop is suing for a total of approximately \$500,000, which includes legal fees and treble (triple) damages.

Prior to the repairs, Tri-State provided Barry's Body Shop estimates for each of the vehicles.

According to court documents, "... Tri-State used improper methods for calculating the number of hours required to repair the vehicles, including without limitation, refusing to pay for certain necessary repairs, refusing to allow for items which were recommended by the manufacturer guidelines and/or best practices and refusing to account for the published guidelines that are generally accepted within the automotive insurance repair industry."

The documents also state that "... Tri-State arbitrarily set price caps on the amount it would pay per unit for labor costs to repair the vehicles," and they were far below the market rate.

Barry's Auto Body alleges in court documents that when preparing the estimates, "Tri-State insisted on using parts that are not Original Equipment Manufacturer parts (non-OEM), even when those parts are known to be of

inferior quality to OEM parts and where the use of such non-OEM parts did not meet Tri-State's contractual and legal obligations under the applicable policies and under New York State Insurance Law."

Six causes of action are mentioned in the lawsuit.

The first is Breach of Contract Against Defendant Tri-State. Barry's Auto Body alleges that Tri-State did not provide enough funds (a sum of \$53,905.67) to adequately restore the vehicles back to their condition prior to the accidents/occurrences.

The second cause of action is the Violation of General Business Law §349 Against Tri-State. "...Tri-State has continually engaged in unfair claims practices... including using inappropriate methods of determining the number of hours of labor, the arbitrary capping of labor rates, arbitrary capping of paint and materials, refusing to pay for body shop materials, and misleading consumers regarding the availability of other repair shops that would put the vehicle to its pre-loss condition for the amount of Tri-State's estimate," the lawsuit states.

The third cause of action is Deceptive Business Practices in Violation of General Business Law §349 against IANet Corp for allegedly acting in "bad faith" and "... changing adjusters' estimates without inspection, setting arbitrary caps on price of certain tasks and otherwise interfering with the claims process..." according to court documents.

The last three causes of action are Tortious Interference With Business Relationship Against each of the adjusters. The lawsuit states that each of the adjusters interfered with the body shop's contracts with its customers to repair the vehicles for "no legitimate purpose" and "acted maliciously" and with the sole purpose of harming the Plaintiff and its repair contracts. The lawsuit is currently in the discovery phase and the next court date is scheduled for Jan. 9, 2019.

Auto Body Corner -- Estimating Tips

Audatex: Color Tint – Audatex's two-stage setup refinish labor includes time for standard tint. Standard tint is defined as the initial mix, check, one tint cycle, and check. Audatex's studies revealed instances where additional time was required for the tinting process. The range of this additional time was commonly between 0.1 and 1.0 hours with an average of 0.5 hours per estimate per color. The appearance of color match can be difficult enough to require both color tint (tinting to adjust the color) and blending.

I-CAR Finish Matching (Module 2, Topic 3) recommends planning and preparing for blending before the work begins. Per I-CAR, tinting should be done only to achieve a blendable match.

CCC/ MOTORS: Front End Alignment – Inquiry 12163 states that the estimated work time applied to front end alignment is to perform set-up and align procedures on the front of the vehicle only. If any procedures or adjustments are required to be made to the rear of the vehicle they would be considered not included.

An example would be a vehicle with a non-adjustable rear axle. The front alignment is always dependent on the rear end to be in correct specifications prior to adjusting the front end. The correct way to address this on the estimate is to select "Wheel alignment align front wheels" and then select "Wheel alignment check rear alignment" from the rear suspension group, additional operations, to set up the heads and read the specifications prior to making any adjustments on the front.

All 3 Systems: Wire Harness and Computer Modules –

Repairs requiring wiring, cables, computers or modules to be removed or set back are NOT INCLUDED in repairs or panel replacement time unless specifically noted in footnotes of the specific component you are working on. This will require an on-the-spot evaluation, as each vehicle and model is specific due to vehicle options and various complexities running wiring in the vehicle.

Mitchell states the following:

"Computer Modules

When working with vehicles equipped with on-board computers, manufacturers recommend removal if temperatures are likely to exceed 176°F (80°C). Do not apply heat from a torch or weld in the immediate vicinity of computers without protecting them. Remove if necessary.

Many vehicles have multiple computers such as: Electronic Control Modules (ECM), Body Control Modules (BCM), individual computers for Anti-Lock Brake Systems and Electronic Suspension systems. All of these computers should be protected or removed before exposing them to high heat. Never connect or disconnect these units with ignition switch on, or charge a battery with battery cables connected. Before servicing, ground yourself and ground the work area to discharge stored static electricity.

Computer control information is listed in the Electrical Section of all Mitchell Collision Estimating Guides. There is a footnote below the listing or an illustration describing the location of each unit."

All Three Systems: Masking unpainted areas of bumper covers

CCC/Motors: Masking the grained, textured, or non-body color portions in preparation for body color application is an included operation. This process is only included one time in the refinish labor operation. Should the process require multiple masking operations for preparation and again for refinish, this would require an additional on-the-spot evaluation.

Mitchell: Masking of non-painted areas within the perimeter of a bumper cover is not included in the refinish allowance, unless identified with a labor footnote.

Audatex: Masking the grained, textured, or non-body color portions in preparation for body color application is an included operation. This process is only included one time in the refinish labor operation. Should the process require multiple masking operations for preparation and again for refinish, this would require an additional on-the-spot evaluation.

Note: Masking material cost is NOT INCLUDED with labor times.

All Three Systems: Pre-wash and Completed Vehicle Detail/ Clean-up – Vehicles may require a pre-wash prior to starting repairs to remove contaminants, dirt, grime, debris. This process is NOT INCLUDED in the information providers' labor times. After repairs are complete, final wash, detail and clean-up of the repair process is NOT INCLUDED in labor times.

Both processes would require an on-the-spot evaluation of appropriate material cost and labor.

You can view these tips and others on the DEG website by visiting: www.degweb.org

"Why Isn't My Automotive Site on Google's Front Page?"

By: Stephanie Santore, Net Driven

Search engine ranking and visibility is the end game to search engine optimization. You want your site to be a top contender for rank organically on Google's search engine.

You've created a website for your business. You've sent it out into the world wide web. You're sure you've done everything right. But, um, wait... it isn't on the first page. What's that about?!

First, we should get an idea of what ranking means. Here's the definition for ranking straight from Moz.com's Learning Center:

"Ranking refers to the process search engines use to determine where a particular piece of content should appear on a SERP. Search visibility refers to how prominently a piece of content is displayed in search engine results."

It's difficult to not want to get to the number one organic spot, and fast. But don't forget, your website will be competing with similar automotive and tire businesses who are located in your immediate area that may have just as much relevant content as you do with their own set of SEO strategies in place.

They may also have had a web presence for a year, maybe several. Everyone is vying for a coveted organic spot on page one. Google knows this. That's why there are guidelines when it comes to ranking in search engines.

If you're at the top of the ranks, Google will take a closer look at your site. It's important to keep this in mind when you're developing your SEO tactics. You must avoid low-quality techniques that might get you on the fast track to page one, but once you're there, send you zip-ping straight back to the depths of organic results due to penalties.

Google considers over 200 factors when ranking search queries. This can make it difficult to determine why a competitor might be outranking you. But, where high rank is concerned, it normally comes down to two things: a piece of content that is doing a better job of answering user intent and satisfying Rank-Brain's priority ranking factors.

Aren't familiar with RankBrain? It's Google's machine learning program that evaluates and re-evaluates individual ranking factors for different industries and queries.

The gist:

You want to create value with your content. Ranking for the keywords of your choice can be tough, especially

fighting for high-volume keywords on Google's first page. Create your content with the user in mind, focusing on depth and uniqueness. Answer their questions in an easy-to-read format, addressing the audience you intend to reach.

Check out this Master SEO Blueprint for ideas on how to lay the foundation for solid SEO.

Also, pay attention to your page titles and meta descriptions. They may no longer affect rank as much as they used to, but they are what appears in the SERP's and they can vastly improve your website's click-through-rate.

Design matters. Put thought into the way your site will look. A creative and well-made design with a site structure that is easy to navigate makes for a good user experience. That's the goal.

Stay away from outdated SEO tactics and other factors/techniques that could get your website penalized or at the very least, have Google take up an issue with it. Things like duplicate content, keyword stuffing, anchor text overuse, broken links, over-optimization, and "quick fixes" that claim to guarantee to get your site to number one.

Check out the full list of factors that can grant you a penalty from Google and ultimately affect the performance and rank of your site.

And last but not least, be patient. The number one question any SEO specialist in the gets asked is: "How long until my website (page) ranks on top of Google?" Well, there is no definitive answer to that question because it is and will always re-main variable. No website is ever guaranteed a number one spot on Google SERPS.

Having up-to-date knowledge of SEO and its best practices, staying up to speed on any algorithmic updates, and being aware of changes to the local search land-scape are all integral in your quest to rank on Google's front page. More importantly, don't get frustrated if you do not see immediate results. Avoid partaking in blackhat SEO tactics that could get your site penalized.

Trust that quality SEO work will pay off when you're sending out all the right signals!

Are you an automotive or tire business and want to know more about what Net Driven can do for your website? Check out how our team of internet marketing professionals provides search engine optimization for the automotive industry!

Additional Sources:

<https://smartblogger.com/seo-mistakes/>

<https://propecta.com/competitor-outranking-you-google>

NTSB Issues Preliminary Report on Tesla X Model Crash in CA

Written by Simon Alvarez, Teslarati

The National Transportation Safety Board has issued a preliminary report on the tragic Tesla Model X crash near Mountain View, CA, in March.

The NTSB's preliminary report provided details about the circumstances leading up to the accident, as well as observations about the all-electric SUV's battery pack five days after the crash.

According to the NTSB, preliminary recorded data revealed that the Tesla Model X had its autopilot engaged with traffic-aware cruise control set to 75 mph at the time of the accident. The vehicle collided into the crash attenuator, rotating it counterclockwise, removing the front part of the vehicle and causing subsequent collisions with a 2010 Mazda 3 and a 2017 Audi A4. The NTSB noted that the vehicle's performance data revealed the following:

- Autopilot was engaged on four separate occasions during the 32-minute trip. The driver-assist feature was engaged for the last 18 minutes and 55 seconds before the collision.
- During the 18 minute, 55-second period, the Model X provided two visual and one auditory alert advising the driver to place his hands on the car's steering wheel. The alerts were triggered more than 15 minutes prior to the accident.
- For the last six seconds before the collision, the Model X's driver did not have his hands on the steering wheel.
- At eight seconds before the crash, the Model X was following a lead vehicle at about 65 mph. At seven seconds, the Model X began moving left while still following a lead vehicle. At four seconds, the Tesla was no longer following a car. At three seconds before the accident, the Model X's speed increased from 62 mph to 70.8 mph. The vehicle's emergency braking and evasive steering did not engage.
- During the collision sequence, the Model X's lithium-ion battery was breached, causing a fire. The flames were extinguished after the Mountain View Fire Department applied about 200 gallons of water and foam during a period of fewer than 10 minutes. In the afternoon, the battery emanated smoke and audible venting was heard, though no flames were observed.
- On March 28, five days after the accident, the Model X's battery pack reignited. The San Mateo Fire Department extinguished the fire.

The NTSB noted in its preliminary report that it is continuing work with the California Highway Patrol and the California Department of Transportation in investigating the accident. The NTSB stated that all aspects of the crash remain under investigation and that it intends to issue safety recommendations to prevent similar incidents from taking place.

Tesla and the NTSB initially worked together in investigating the fatal Model X accident. The electric car company and the safety board eventually parted ways, however, due to Tesla's decision to release crash data before the NTSB's investigation was complete. Among the information Tesla released was that the driver did not have his hands on the wheel during the final six seconds leading up to the accident-- information that has been reiterated in the NTSB's preliminary report.

According to Tesla, it opted to withdraw from its party agreement with the NTSB because collaboration with the safety board prevented the public release of safety information until the investigation was finished. People familiar with the matter, however, noted that the NTSB was

the one that opted to terminate its collaboration with Tesla, according to a Bloomberg report.

In an update after the accident, Tesla highlighted that the absence of a crash attenuator---a highway safety device designed to absorb the impact of a collision---was already damaged when the Model X collided with the concrete barrier. In a statement to ABC7 News, Wil Huang, the brother of the ill-fated Model X driver, noted that a working crash attenuator would have saved his brother's life. Later statements from CalTrans revealed that safety device had been left unrepaired for 11 days before the tragic Model X accident.

U.S. States Pressure Automakers on EVs

California and eight states have outlined an 80-step plan to increase the number of zero-emissions vehicles on the roads, The Wall Street Journal reports. The plan addresses ways that government officials, utilities, dealers, automobile makers and charging/fueling companies can accelerate adoption of electric vehicles and other environmentally friendly cars.

The plan includes more advertisements to promote these vehicles, ride-and-drive events and putting together a network of charging stations throughout the United States. The recommendations also seek to push hydrogen fuel cell cars.

The recommendations come as the Trump administration takes steps to loosen federal rules related to tailpipe emissions. Currently, car makers must sell vehicles that slash emissions enough to average more than 50 miles per gallon by 2025, according to U.S. regulations.

While electric vehicles make up about 1% of auto sales, the coalition's plan would translate into about 12 million zero-emissions vehicles by 2030 in those nine states—a 26-fold jump. The coalition of states includes California, Connecticut, Maryland, Massachusetts, New Jersey, New York, Oregon, Rhode Island and Vermont.

PMAA, NATSO, NACS and FMI Seek Testing Delay

Some of the biggest groups in petroleum marketing are asking the Environmental Protection Agency (EPA) to delay new rules for testing of underground storage tanks and associated equipment.

In the letter sent Wednesday to EPA Administrator Scott Pruitt, The Petroleum Marketers Association of America (PMAA), along with the Food Marketing Institute (FMI), the National Association of Convenience Stores (NACS) and the National Association of Truck Stop Operators (NATSO) request a six-year delay in the compliance deadline for new rules on testing sumps, spill buckets and overfill prevention devices.

The groups are asking the Oct. 13, 2018 compliance deadline be moved to the same date in 2024.

In the letter, the groups say members are concerned there are not enough qualified contractors to install upgraded equipment required by the new rules in time to meet EPA

deadlines. There are more than 553,000 active underground storage tank (UST) systems operating nationwide, and many of them will need to be retrofitted.

"We believe this extension of the deadline will provide enough time for small business petroleum marketers and truck stop operators to find qualified contractors to carry out the installation of new equipment," the letter said. "In light of the 10-year compliance period provided by [EPA's Office of Underground Storage Tanks] for the initial 1988 UST upgrade requirements, we believe a six-year deadline extension for the specific UST equipment mentioned above is both reasonable and necessary for small business UST operators to adequately comply in an orderly manner," the letter said.

Earlier this month, a bipartisan group of U.S. senators, as well as members of the House Energy and Commerce Committee, also requested Pruitt delay the deadline.

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US Retail Gasoline Prices for Rest of Summer to Stay Below Recent High: EIA

U.S. regular-grade retail gasoline average prices in 2018 had peaked on May 28, and the average prices are to remain below that recent high for the rest of summer, according to the Energy Information Administration (EIA) on Wednesday. Gasoline prices averaged \$2.89/gal in June, down from a high of \$2.96/gal on May 28, EIA said.

EIA estimates that gasoline prices will remain lower than the May 28 price for the rest of the summer, reaching \$2.84/gal in September.

Gasoline prices are often higher in summer months when gasoline demand is higher and when federal and state environmental regulations require the use of summer-grade gasoline, which is more expensive to manufacture. Following the summer, EIA expects gasoline prices to decline to \$2.68/gal by December.

Since 2000, gasoline prices have reached their yearly peak during or before June on ten occasions, EIA said. In some instances where gasoline prices have peaked after the summer, storms or other outages have driven the increase in prices. For example, supply disruptions and refinery outages in the wake of Hurricane Harvey resulted in gasoline prices peaking in September 2017.

EIA's latest Short-Term Energy Outlook noted that the probability of the regular-grade retail price of gasoline reaching or exceeding \$3.00/gal declined from 36% on May 22 to 7% on June 7.

These probabilities are calculated using price data from the July gasoline futures contract along with the implied volatility of the corresponding gasoline options contract, according to the agency.

In the five trading days ending June 7, the July 2018 futures contract for reformulated blendstock for oxygenate blending (RBOB), the petroleum component of gasoline used in many parts of the country, averaged \$2.11/gal, EIA said.

Options prices and implied volatility during that time imply that this contract had a 7% probability of exceeding \$2.30/gal, EIA said. Futures prices at that level typically lead to a retail price of \$3.00/gal at the contract's expiration, based on the average retail gasoline markup that occurs at that time of year between futures contract prices and regular-grade retail gasoline prices.

The probability of reaching \$3.00/gal was 36% on May 22, when the RBOB price reached the highest level since late 2014, EIA said.

The U.S. average regular-grade gasoline price as of June 25 was \$2.83/gal, but U.S. gasoline prices in certain locations have already surpassed \$3.00/gal, it said.

In states surveyed for EIA's Gasoline and Diesel Fuel Update, prices range from an average of \$2.55/gal in Ohio to \$3.56/gal in California.

--Edgar Ang, eang@opisnet.com

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Marathon Petroleum & Andeavor Merger Moves Closer to Reality

The pending merger between Marathon Petroleum Corp. (MPC) and Andeavor is checking off all the required boxes one by one.

The two companies said on July 2 that the waiting period under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 has expired in connection with the proposed transaction.

The merger made news two months ago when MPC announced its intent to acquire all of Andeavor's outstanding shares, representing a total equity value of \$23.3 billion and a total enterprise value of \$35.6 billion, as Convenience Store News previously reported.

The parties have also received the necessary regulatory clearance by the Canadian Commissioner of Competition pursuant to the Competition Act in Canada.

Together, these matters satisfy certain conditions for the closing of the proposed merger, according to MPC.

The transaction is still on track to close in the second half of 2018, and remains subject to customary closing conditions, including:

- Approval by Andeavor shareholders of the proposed merger,
- Approval by MPC shareholders of the new MPC shares to be issued in connection with the transaction, and
- Other required regulatory approvals.

Findlay-based MPC is currently the nation's second-largest refiner, with a crude oil refining capacity of approximately 1.9 million barrels per calendar day in its six-refinery system. Marathon brand gasoline is currently sold through approximately 5,600 independently owned retail outlets across 20 states and Washington, D.C.

In addition, Enon-based Speedway LLC, a MPC subsidiary, owns and operates the nation's second-largest convenience store chain, with approximately 2,740 convenience stores in 21 states. MPC owns, leases or has ownership interests in approximately 10,800 miles of crude

oil and light product pipelines. Through subsidiaries, MPC also owns the general partner of MPLX LP, a midstream master limited partnership.

San Antonio-based Andeavor is an integrated marketing, logistics and refining company. Andeavor's retail-marketing system currently includes more than 3,200 stores marketed under multiple well-known fuel brands, including ARCO, SuperAmerica, Shell, Exxon, Mobil, Tesoro, USA Gasoline and Giant. It also has ownership in Andeavor Logistics LP and its non-economic general partner. Andeavor operates 10 refineries with a combined capacity of approximately 1.2 million barrels per day in the mid-continent and western United States.

Gas Pump Skimming on the Rise

The U.S. Secret Service announced an uptick in skimmers found in gas pumps, ABC News reports. Last weekend, the agency checked gas stations in 21 states for the devices and recovered 59 skimmers from 85 locations.

"What happens is you go to your local gas station, you put in your payment card, you pump your gas and you drive home," said Matthew O'Neill, assistant to the special agent in charge of the agency's Criminal Investigative Division. "But in what's in reality happening is during that transmission process, a skimmer is acting in between where you put your card in and the point of sale terminal that's transmitting the data to a financial institution, and they're stealing your payment card numbers."

The Secret Service estimated that millions of dollars annually are being stolen via such skimmers, which can be installed quickly. "It will take just a matter of minutes depending on the level of tradecraft that the fraudster has," O'Neill said.

Criminals have also devised ways to download credit card information through Bluetooth devices. "With a Bluetooth skimmer, you don't ever have to retrieve the skimmer if you don't want to because the data is being sent through the Bluetooth device to another Internet-connected device," he said.

Who Hacked the Gas Pumps?

Detroit police are trying to determine who managed to hack into a local convenience store's fueling system and make away with 600 gallons of gas during the middle of the day, reports Detroit's Fox News station.

The well-planned crime took about 90 minutes from start to finish, and at least 10 vehicles were filled during the \$1,800 heist.

According to the clerk on duty at the time of the theft, 10 customers drove into the station and fueled up during the crime. But the in-store fuel monitor was blank the entire time, and the system wouldn't respond to input. All efforts to shut off the pumps from the point of sale failed.

Finally, the clerk used an "emergency kit" to disable the pumps and then notified police, who are still investigating the incident. Authorities suspect the hackers used a remote

device to disable the pumps about 1:00 pm, but they aren't sure if all 10 vehicles were actually part of the gas-napping gang.

"Gas theft tends to increase when prices increase, and while prices are down from their 2018 peak from May, they have slightly increased over the past week," said Jeff Lenard, vice president of strategic initiatives at NACS. "While theft previously was more likely associated with someone driving off without paying, more sophisticated operations like this one do occur, most in densely populated metropolitan areas and near interstates where there's a greater anonymity."

Lenard added that to minimize the likelihood of being targeted, retailers might want to remind their employees to monitor pump activity, especially if it is unusually busy at a specific pump and not others.

U.S. Motorists Surpass 5 Billion Miles Driven on E15

American drivers have clocked 5 billion miles on E15, the alternative fuel gaining in popularity that features gasoline blended with 15 percent ethanol.

E15 hit the 5 billion-mile mark in the midst of Reid Vapor Pressure (RVP) restrictions on the sale of E15 fuel across most of the country, reported Growth Energy, a trade association working to advance pro-biofuel policies and expand consumer access to higher blends of ethanol.

Per the RVP restrictions, over the summer months, consumers only have access to E15 in Reformulated Gasoline (RFG) markets, or if they're fueling up a flex-fuel vehicle.

"When we give consumers a better option at the pump, they choose E15 again and again," said Growth Energy CEO Emily Skor. "That's why Americans have surpassed more than 5 billion miles on E15, which provides unrivaled value for their engines, the environment, and their wallets."

Growth Energy is working closely with nonprofit organization Prime the Pump to increase the number of U.S. fueling stations offering E15. The number of E15 stations has doubled four years in a row, currently standing at 1,400 across 30 states. Furthermore, Growth Energy and Prime the Pump have secured commitments for more than 2,800 retail sites that will offer E15 by 2021.

Increasing the number of stations in turn bumps up the number of consumers fueling up with the fuel and, ultimately, the number of miles driven on it.

"To keep this incredible momentum, a year-round RVP fix is crucial," said Skor. "E15 retailers face prohibitive costs each year just to relabel every pump around RVP season, while consumers lose options at the pump when gas prices are highest, and our rural economy suffers."

BP to Acquire U.K.'s Largest EV Charging Company

This week, BP announced that it has entered into an agreement to purchase Chargemaster, the U.K.'s largest electric vehicle (EV) charging company. Chargemaster operates the country's largest public network of EV charging

points, with more than 6,500 across the country. It also designs, builds, sells and maintains EV charging units for a wide range of locations, including for home charging.

"Bringing together the U.K.'s leading fuel retailer and its largest charging company, BP Chargemaster will deliver a truly differentiated offer for the country's growing number of electric vehicle owners," said Tufan Erginbilgic, CEO of BP Downstream, in a press release.

The number of EVs on the road is anticipated to increase rapidly in coming decades. By 2040, BP estimates that there will be 12 million EVs on U.K. roads, up from around 135,000 in 2017.

"At BP we believe that fast and convenient charging is critical to support the successful adoption of electric vehicles. Combining BP's and Chargemaster's complementary expertise, experience and assets is an important step toward offering fast and ultra-fast charging at BP sites across the U.K. and to BP becoming the leading provider of energy to low-carbon vehicles, on the road or at home," Erginbilgic said.

BP believes that accelerating the adoption of EVs will require convenient customer access to fast and ultra-fast charging. A key priority for BP Chargemaster will be the rollout of ultra-fast charging infrastructure, including 150kW rapid chargers capable of delivering 100 miles of range in just 10 minutes. BP customers in the U.K. can expect to access BP Chargemaster chargers on forecourts in the next 12 months.

Senate Passes Legislation to Reauthorize SNAP

The U.S. Senate passed its version of the Farm Bill (S. 3042) by vote of 86 to 11. The Farm Bill reauthorizes the Supplemental Nutrition Assistance Program (SNAP) and other programs under the purview of the U.S. Department of Agriculture (USDA) that are set to expire on September 30.

Throughout the Farm Bill process, NACS has advocated on behalf of the convenience store industry to preserve the fundamental role stores play as SNAP retailers. Unlike the House version of the bill, the Senate Farm Bill only makes slight changes to SNAP.

- Some of the changes that would affect SNAP retailers include:
- *Processing fees.* The legislation would prohibit processing fees, interchange fees and routing fees from all EBT transactions. This prohibition would expire in 2022.
- *GAO study of EBT payments system.* The legislation asks the Government Accountability Office (GAO) to conduct a study of the current EBT payments system, participants and providers. The GAO must report its findings to the Secretary of Agriculture, who then has the authority to promulgate regulations based on the results.
- **Retailer incentives program.** The legislation creates a retailer incentives program instructing the USDA to create an approval process for retailers seeking to offer

incentives for SNAP purchases of foods that are within the dietary guidelines.

The House has also passed its version of the Farm Bill by a narrow, party-line vote. Following yesterday's passage of the Senate version, the two chambers will go to conference to reconcile the differences in their bills.

Hartford, Conn., Says No to Most 24-Hour C-Stores

Hartford officials have decided that most of the city's convenience stores should be closed overnight to deter crime, the Hartford Courant reports. The city recently rejected a dozen requests from retailers, including gas stations and food markets, to operate 24 hours a day. All convenience stores and food retailers have to apply each year for an overnight license.

"I'm sensitive to the needs of any business operating in Hartford," said Mayor Luke Bronin. "But we also have to be sensitive to the recommendations police, and in some cases community members, have made for the sake of public safety."

Starting July 1, convenience stores—including those previously open 24 hours—could no longer operate between 11:30 pm and 5:00 am. Michael Frisbee, owner of several gas stations denied overnight permits, said the move would harm professionals such as doctors and nurses who work swing shifts. (To learn how convenience stores are positive contributors to their communities, check out the NACS resource, Convenience Stores and Their Communities.)

"We've had shootings, we've had guns pointed at people," said Lt. Ian Powell, who has been on the Hartford police force for 16 years. "Over the years, we've seen the extended hours tend to become magnets for quality of life issues and, at times, they've led to violent acts."

Powell said the city considered several factors when reviewing applications, including whether stores had a high rate of police calls and were located in residential areas. "Each location has their own nuances, but they're all embedded in neighborhoods where people are in their homes, trying to get some sleep," he said.

Frisbee said the move will harm his businesses, including a yet-to-be-opened store in a new mixed-use building downtown. "It's frustrating to me because we're a locally owned and operated business trying to grow in a state that everyone is leaving," he said. "It's just a little discouraging."

Court Delays FDA-Required Cigar Warnings Labels

Cigar warning labels, which were mandated by the Food and Drug Administration (FDA), are on hold for now.

On July 5, U.S. District Court Judge Amit Mehta issued a stay on cigar warning label regulations pending appeal, according to the Cigar Rights of America (CRA) — which said "what a piece of holiday weekend news" in announcing the ruling.

The regulation was set to kick in on Aug. 10.

According to halfwheel.com, Mehta ruled the FDA-required warning labels for cigar boxes and advertisements will be delayed until 60 days after an appeal has been decided by the U.S. Court of Appeals of for the Washington, D.C. circuit.

He specifically pointed to a recent ruling by the U.S. Supreme Court.

"The issues appealed by plaintiffs present 'serious legal questions' as to the constitutionality of FDA's warnings regime, a conclusion only reinforced by the Supreme Court's recent decision in *National Institute of Family and Life Advocates v. Becerra*," Mehta wrote.

Currently, no date has been set for a court to hear the appeal, according to the International Premium Cigar & Pipe Retailers (IPCPR).

The July 5 ruling came in connection with a lawsuit filed by the IPCPR, CRA and the Cigar Association of America. As Convenience Store News previously reported, the cigar industry groups asked the U.S. District Court in the District of Columbia for a declaratory injunction to "vacate, set aside and enjoin the enforcement of the final rule" in July 2016.

This spring, Mehta ruled against the IPCPR, CAA and CRA challenge. His decision upheld the deeming rule's requirements for warning labels and the payment of user fees. The judge did, however, strike down a requirement that would have required retailers who blend pipe tobacco to register as manufacturers and instructed FDA to re-evaluate the rule.

In turn, the groups appealed and asked the judge to prohibit the FDA's warning label requirements until a decision on the appeal is finalized, according to IPCPR.

In his most recent order, Mehta agreed. "In the end, this court believes that plaintiffs are entitled to a full hearing before an appellate court with the specter of a warnings regime going into effect," the judge wrote.

Scott Pearce, IPCPR executive director recognized this is a positive, albeit potentially temporary, development for retailers and the broader industry.

"This deadline has been bearing down on our members for some time now. And while this is a temporary reprieve, it is a welcome development and hopefully a sign that our message is resonating," Pearce said. "IPCPR is proud to be a party to this lawsuit, and we'll continue to work with our great legal team and staff in DC to bring about the optimum regulatory framework for the premium cigar industry."

Exxon Mobil Introduces New Loyalty Program to Replace Plenti

ExxonMobil launched Exxon Mobil Rewards+ on July 11, a new loyalty program that enables customers to earn and redeem points on fuel, car washes and convenience store purchases at participating Exxon and Mobil stations across the United States. It replaces the previous Plenti program.

Exxon Mobil Rewards+ is unique due to its inclusion of c-store purchases, which further enhances customers'

benefits and experiences beyond the offerings of competing programs, the company said.

"Exxon Mobil Rewards+ is designed to be flexible to meet the evolving needs and expectations of our customers," said Eric Carmichael, fuels marketing manager, ExxonMobil Fuels & Lubricants Co. "By managing our own proprietary loyalty program, we have the ability to make enhancements and add partners as we continue to grow the program."

Customers who participated in the Plenti program and meet eligibility criteria will receive a new Exxon Mobil Rewards+ card in the mail. Unused Plenti points will be matched by the new program following registration.

To be eligible, Exxon and Mobil customers must be fully enrolled Plenti members who have not opted out of data sharing with partners and enrolled in Plenti through Exxon or Mobil or shopped at an Exxon or Mobil branded station between June 2017 and July 2018.

Along with earning 100 bonus points for registering their new Exxon Mobil Rewards+ cards, program members will receive additional savings for the first 30 days through earning 15 points per gallon. This special promotion ends Dec. 31.

After the first 30 days, members will earn three points per gallon on fuel and two points for every \$1 they spend on c-store items and car washes. Members will continue to receive special bonus points throughout the year.

Every 100 points earned translates to \$1 in savings that they can redeem at participating Exxon and Mobil stations.

ExxonMobil has also integrated the Speedpass+ app with Exxon Mobil Rewards+. Speedpass+ customers can continue to pay for fuel and manage their rewards from their mobile device.

Because You Asked

Question: For a facility with USTs that has pressurized lines with a Veeder Root PLLD, is the piping subject to tightness testing?

Regulatory background: 613-2.3(b)(2)(i)(a) of the PBS regulations requires that pressurized piping installed on or before October 11, 2015 (1) be equipped with an automatic line leak detector and (2) have an annual line tightness test (detecting a leak at the rate of 0.1 gph at one and one-half times the operating pressure) or have monitoring conducted at weekly intervals using an allowable method (vapor monitoring, groundwater monitoring, interstitial monitoring or SIR).

Answer: If there is no other leak detection equipment/method present for the weekly interval monitoring then the annual line tightness test is required. It is possible for the Veeder Root PLLD to be set up to detect a leak at the rate 0.1 gph at one and one-half times the operating pressure. Facility should work with a Veeder Root technician to ensure that the PLLD is set up correctly to meet the regulatory requirement. DEC will be sending out a line test reminder and the facility will need to print out the

line test report from Veeder Root console to submit to DEC as proof that the line tightness test has been completed.

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.

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

Vehicle Inspector Application

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

A copy of the VS-120 form is on the next page

For more information call the association office



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

17 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.										
<table border="1"> <tr> <td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td><td> </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.



Gender Equality Law Center

DONATE!

Family and Medical Leave Act

[The Family and Medical Leave Act \("FMLA"\)](#), was signed into law in 1993. The FMLA is the first – and to date the only – nationwide law that provides a safety net for eligible employees to take time off from work without fear of losing their jobs.

What Does the FMLA Provide?

Eligible employees who work for "covered" employers may take up to 12 weeks off of work per year to care for themselves, a sick relative and/or to bond with a new child (through birth, adoption or foster care).

Who is Eligible to Take FMLA?

Any employ who:

1. Works for an employer who is covered by the law (private-sector employer with 50 or more employees; a public agency; or an elementary or secondary school.
2. Has worked for a period of twelve months before requesting leave; and
3. Has completed 1,250 hours of work during the 12 month period preceding taking the leave.

Is FMLA Paid Leave?

No. The FMLA does not require an employer to pay the employee's salary while they are out on a leave. However, an employer must maintain the employee's benefits, including health insurance, in the same manner as if the employee was still employed. Family leave is paid under [New York State's Paid Leave program](#).

What Protections Does the FMLA Offer an Employee Requesting Leave?

1. An employer cannot interfere with the ability of an employee to take FMLA leave.

Examples of interference include:

Improperly denying an employee FMLA leave or putting pressure on an employee to return to work prior to the end of the 12 week period, before they are ready to do so.

Making unreasonable demands for medical certification (although a reasonable request to verify the illness of the employee or the person for whom the employee is caring is permissible).

2. An employer cannot retaliate in the terms and conditions of an employee's job because they have taken FMLA leave.

At the conclusion of the employees leave, the law requires that they be restored to the same or a substantially equivalent job. The employer cannot demote the employee while out on FMLA, lower their salary or in any other way diminish their job responsibilities or opportunities for advancement.

On the other hand, taking a leave does not protect an employee from adverse action unrelated to taking time off pursuant to the FMLA. For example, it is not illegal for an employer to lay off an employee who is out on an FMLA leave,

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NYS Worker's Compensation Program Highlights

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- 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*

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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

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*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
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10 TON WRECKER*

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BUSINESS HAS GROSSED \$3,000,000

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FOR DETAILS ABOUT THIS
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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)?

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TRAINING AT YOUR CONVENIENCE, BUT AT VERY
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MEMBERS OF OUR AFFILIATES

ALL INFORMATION AND MATERIALS ARE PROVIDED
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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