
NYS ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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NYS Right To Repair Act We Need Your Help

The “Right to Repair Act” bill has been introduced in both houses of the State Legislature. We are working with other groups to get as many co-sponsors as possible. We NEED examples of situations when you had to send a repair to a new car dealer because you did not have the tools or information to repair the car. This is crucial to passing the bill.

The subject bill amends the New York State Vehicle and Traffic Law in relation to mandating automobile manufacturers to release vehicle repair information to vehicle owners. The bill identifies the ability to diagnose, service, and repair a motor vehicle in a timely, reliable, and affordable manner, as essential to the safety and well being of automotive consumers in the State of New York. This legislation requires manufacturers of motor vehicles and trailers sold in New York, to provide to the vehicle owner and the motor vehicle repair shop information that will permit the after market to supply parts and to repair late model vehicles. The information necessary to diagnose, service, or repair, must include information necessary to integrate replacement equipment, and any kind used to diagnose, service, repair, activate, certify, or install any motor vehicle equipment into a motor.

It allows for vehicle owners in New York to receive the information necessary to permit the diagnosis, service, and repair of their vehicles. It gives the vehicle owner the option to choose between original parts and after market parts when repairing their motor vehicles, and to make repairs necessary to keep their vehicles in reasonably good and serviceable condition during expected vehicle life.

IRS Questions And Answers

The association has received numerous questions involving record keeping for tax purposes. We have forwarded them to the IRS and here are their answers.

How long should I keep records?

The length of time you should keep a document depends on the action, expense, or event the document records. Generally, you must keep your records that support an item of income or deductions on a tax return until the period of limitations for that return runs out.

The period of limitations is the period of time in which you can amend your tax return to claim a credit or refund, or that the IRS can assess additional tax. The below information contains the periods of limitations that apply to income tax returns. Unless otherwise stated, the years refer to the period after the return was filed. Returns filed before the due date are treated as filed on the due date. Note: Keep copies of your filed tax returns. They help in preparing future tax returns and making computations if you file an amended return.

1. You owe additional tax and situations (2), (3), and (4), below, do not apply to you; keep records for 3 years.
2. You do not report income that you should report, and it is more than 25% of the gross income shown on your return; keep records for 6 years.
3. You file a fraudulent return; keep records indefinitely.
4. You do not file a return; keep records indefinitely.
5. You file a claim for credit or refund* after you file your return; keep records for 3 years from the date you filed your original return or 2 years from the date you paid the tax, whichever is later.
6. You file a claim for a loss from worthless securities or bad debt deduction; keep records for 7 years.
7. Keep all employment tax records for at least 4 years after the date that the tax becomes due or is paid, whichever is later.

The following questions should be applied to each record as you decide whether to keep a document or throw it away.

Are the records connected to assets?

Keep records relating to property until the period of limitations expires for the year in which you dispose of the property in a taxable disposition. You must keep these records to figure any depreciation, amortization, or depletion deduction and to figure the gain or loss when you sell or otherwise dispose of the property.

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Generally, if you received property in a nontaxable exchange, your basis in that property is the same as the bases of the property you gave up, increased by any money you paid. You must keep the records on the old property, as well as on the new property, until the period of limitations expires for the year in which you dispose of the new property in a taxable disposition.

What should I do with my records for nontax purposes?

When your records are no longer needed for tax purposes, do not discard them until you check to see if you have to keep them longer for other purposes. For example, your insurance company or creditors may require you to keep them longer than the IRS does.

How Long Should I Keep DMV Records?

The Association has received this question from repair shop owners. The following is the answer found in Section 82.9 of the DMV repair shop manual.

- (a) Each motor vehicle repair shop shall maintain copies of estimates, work orders, invoices, parts purchase orders and appraisals prepared by that repair shop. Such copies shall be kept for two years and shall be available for inspection by the commissioner or his designee during all business hours.
- (b) A repair shop which removes or installs inflatable restraint systems shall maintain a bound log book to account for inflatable restraint repairs containing:
 1. Repaired vehicle information:
 - (a) date of installation;
 - (b) vehicle identification number (VIN);
 - (c) registration plate number;
 - (d) make;
 - (e) model; and
 - (f) replacement inflatable restraint's part number.
 2. If a salvage inflatable restraint system is used:
 - (a) VIN of the vehicle from which the replacement inflatable restraint system was salvaged; and
 - (b) The name, tax identification number and registration number of the dismantler from whom the salvaged restraint system was purchased.
 3. If a new inflatable restraint system is used, supplier information:
 - (a) name;
 - (b) tax identification number; and
 - (c) The records required in paragraph (b) of this subdivision must be maintained in a bound book with consecutively numbered pages. Such records must be available for examination by an agent of the commissioner or any police officer during regular and usual business hours.

Oil Filter Recycling Bill

Bill A5757 – Assemblyman Pretlow

The subject bill amends the environmental conservation

law, in relation to used oil filters. It attempts to prohibit the disposal of used oil filters into the environment and claims it will encourage the recycling of the filters and the waste oil contained therein.

The bill:

- Defines used oil filter, used oil filter transporter, used oil filter processor, and source-separated.
- Provides for the Commissioner DEC to establish rules and regulations to govern used oil filter generators, transporters, and processors.
- Calls for service establishments or other on-premises oil-changing operations to maintain facilities for source-separated, used oil filters.
- Establishes requirements regarding fees and signs.
- Prohibits the knowing disposal of used oil filters in landfill.
- Requires used oil filter transporters to maintain complete records.
- Requires the registration of used oil filter processors.
- Defines regulated waste and used oil filters.
- Requires transporters and processors to submit an annual report to the Department.
- Includes used oil filters within the existing recycling of used oil penalty section of the current law.
- Requires service facilities to accept used oil from the motoring public and to post a sign that says, "We accept used Oil Filters from the Motoring Public at no Charge."

Current laws and regulations prohibit disposal of used oil and require the industry to accept used oil from the motoring public. This legislation adds an additional burden to repair shop businesses and will not provide the protection it claims.

Many oil changes are done by the "do-it yourself motorist." These filters will undoubtedly end up in the trash. Placing additional requirements on oil changing facilities will increase the cost of the product and service that will need to be passed on to the consumer. This increases in cost and places these businesses at a disadvantage. The higher the prices the more likely motorist will do-it themselves putting more un-drained oil filter into the environment. This bill will be counter-productive. The recycling of used oil filters is NOT a growing and profitable enterprise for the oil change retailer. While there may be profits for business that manage used oil filters in New York State it is an expense for retailers.

For the above reasons the Association opposes this bill and asks that if it be defeated. The bill, that will require the recycling of used oil filter and accept them from the motoring public has been introduced in the Assembly and may be a real threat. The bill currently remains in the Assembly Committee on Environmental Conservation. There is no Senate counter part at this time. But once the legislative break is over we need to be vigilant.

Zone Pricing Legislation
A234 – Assemblyman Bradley
S3766 – Senator Monserrate

The subject bill amends the New York State General Business Law, in relation to zone pricing of gasoline. It amends chapter 579 of the laws of 2008 correcting an oversight in the original legislation. Specifically the bill prohibits the use of zone pricing as a marketing device for gasoline.

The legislation known as “the consumer protection and fair and equitable motor fuel pricing act of 2008,” prohibits zone pricing of motor fuel, and provides remedies for the violation of the law by the Attorney General. Violations of the law can generate a civil penalty of not more than \$10,000.

Zone Pricing is a marketing technique currently used by petroleum companies. The company determines geographical price zones based on the demographics of a certain area. For example, if one area typically is more affluent than another, the tank wagon price, in other words, the price per gallon determined by the wholesaler, at which gasoline is offered for sale to the retailers may be slightly higher in that area, than in an area where the clientele is primarily a working class neighborhood. Because the petroleum companies increase the amount charged to the service station dealers for the gasoline in those designated zones, this cost is then passed on to the consumers. Thus, the result of zone pricing is higher prices at the pump for individuals who are assumed to be able to pay more. This legislation would prohibit this discriminatory pricing policy.

Also, some suppliers control dealer’s margins and actions by using zone pricing. If a dealer refuses to accommodate pricing or other requests by suppliers, the dealer’s station is moved into a higher price zone and the price of motor fuel to the dealer increases causing the station to sell at higher prices.

The bill takes effect on the 60th day after it become a law; provided however, that the attorney general promulgates, on an emergency basis, all rules and regulations necessary for the timely implementation of this act on its effective date. For the above reasons the supports this bill and urges it become law. The bill has been referred to ways and means in the assembly, and resides in economic development in the senate.

Credit Card Cos., Obama to Discuss Practices

In an attempt to halt “deceptive practices” by some credit card companies and make it easier for consumers to understand terms and rates, President Barak Obama brought executives of credit-card companies to the White House for a meeting to discuss those issues, according to Obama administration spokesman Robert Gibbs.

The administration is concerned about “deceptive practices that are involved, some of the outrageous fees that are charged,” Gibbs told Bloomberg News. “The president believes we can increase the transparency involved and cut down on these deceptive practices and ensure that any system involving fees is done in a way that is fair.”

“The administration and, I think, the public in general would be happy” if the credit-card companies voluntarily changed their practices, Gibbs added.

On NBC’s “Meet the Press” program Sunday, Lawrence Summers, director of Obama’s National Economic Council, said the president is “very focused” on “the way people have been deceived into paying extraordinarily high interest rates that they wouldn’t have paid if they knew what that they were getting themselves into.”

Better financial regulation and efforts to block the marketing of “addictive” credit to people will help reduce the amount of debt owed by consumers, he said.

Visa, MasterCard Plan Processing Fee Hikes

New transaction fee rate increases announced by credit card companies Visa and MasterCard are slightly under 2 cents per affected transaction, yet are expected to raise more than \$600 million in revenues, according to a report by DigitalTransactions.com

MasterCard will increase its “Network Access and Brand Usage Fee” April 17, from 0.5 cents per transaction to 1.85 cents—a 270 percent increase—while Visa will increase its “Acquiring Processing Fee” from 0.5 cents to 1.95 cents—a 290 percent increase, with additional fees possible, according to NACS—the Association for Convenience and Petroleum Retailing, which opposed the proposed hikes.

This begs the question: How can two ‘competitors’ announce price increase of nearly 300 percent at the same time in a recession? Obviously, two competitors with excessive and abusive market power can do what they want.

Merchant-acquiring experts expect merchants to bear the cost of these fees because acquirers will simply pass them through to clients. “The ones we’ve talked to aren’t too excited about it,” according to an acquiring executive.

In a statement Visa told DigitalTransactions.com: “Visa Inc. regularly reviews its pricing, as any business would, and makes adjustments where appropriate depending on such factors as the value delivered to clients and the need to be competitive. Over the years, Visa has become a symbol of international acceptance, reliability and convenience, based on its commitment to provide superior value to clients. These clients, in turn, are able to offer competitive products and services to their customers. Financial institutions set their pricing to cardholders and merchants.”

In 2007, credit card fees cost convenience stores \$7.6 billion, with the largest component being credit card interchange fees, which are a fixed fee and a percentage of each transaction, according to NACS. These fees average 1.8 percent in the U.S., which has the highest interchange rate of any industrialized country.

“The credit card fees that U.S. retailers pay are outrageous,” Beckwith said. “These newly announced fee increases are beyond outrageous. At a time when small businesses are feeling the economic pain of the recession, it is unconscionable that Visa and MasterCard can give themselves their own ‘bailout’ by slapping 300 percent increases on their fees.”

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Bill To Authorize Nassau County To Impose Tobacco Taxes

A7597 – Assemblywoman Hooper -- S4036 – Senator C. Johnson

The subject bill amends the New York State Tax Law, to authorize Nassau County to impose a tax on tobacco products. The County will be permitted to impose a tax on tobacco products up to certain levels.

The bill authorizes the imposition of a tobacco product tax in Nassau County and gives the specific tax levels for individual tobacco products. The taxes may be collected and administered by the fiscal officer of the county in a manner provided by local laws.

According to the sponsors this legislation would give the Nassau County Legislature the ability to raise the county tax on tobacco products. The Nassau County Executive and Legislature requested that this authority be granted to help deal with the fiscal difficulties Nassau County is currently facing. The bill also gives the County Legislature the authority to lower the tax at a future point should they deem such action appropriate. The justification says that the ties between tobacco products and lung cancer and heart disease are undeniable and by increasing the tax placed upon tobacco products could play a role in both prohibiting people from picking up smoking as well as giving smokers an incentive to quit.

This bill will do nothing more than lose sales for Nassau County retailers. Tobacco sales will go to Suffolk County, the internet or bootleggers. More than likely the county will lose tax revenue and no one will stop smoking. The statement that the tax could be reduced in the future proves how unrealistic this bill really is.