RSGDA

REPAIR SHOP & GASOLINE DEALERS ASSOCIATION
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January 2017

ATTORNEY'S CORNER

THE HOLIDAYS ARE OVER AND IT'S TIME TO BUCKLE DOWN AND FLY RIGHT IN 2017!

ARE YOU READY FOR 2017? HERE'S HOW!

ARE ALL YOUR PERMITS AND LICENSES (INCLUDING YOUR OWN AND YOUR EMPLOYEE'S DRIVER'S LICENSES VALID?

ARE YOU PAYING YOUR EMPLOYEES UNDER THE NEW MINIMUM WAGE LAW AS FOLLOWS: Workers in New York City, employed by large business (at least 11 employees) - $11.00 Workers in New York City employed by small business (10 employees or fewer) - $10.50 Workers in Long Island and Westchester Counties - $10.00 Workers in all other areas of the state - $9.70?

ARE YOU PERFORMING INSPECTIONS WITH A TWO-PIECE WINDOW TINT METER IN ACCORDANCE WITH THE NEW INSPECTION REGULATIONS REGARDING TINTED GLASS?

ARE YOU DISPLAYING SIGNS MANDATED BY D.M.V. AND OTHER GOVERNMENT AGENCIES INCLUDING THE POSTING OF LICENSED INSPECTORS AT INSPECTION STATIONS?

ARE YOU COMPLETING AND FILING THE IMMIGRATION FORMS FOR ALL NEW EMPLOYEES, "I-9"? ARE YOU COMPLETING AND FILING THE N.Y.S. "NEWLY HIRED EMPLOYEES" FORM?

ARE YOU CHECKING YOUR VAPOR RECOVERY EQUIPMENT & COMPLYING WITH THE NEEDED 5 YEAR TEST (THIS IS BEING PHASED OUT BUT IS STILL ENFORCEABLE AT THIS TIME)?

ARE YOU FILING YOUR YEAR END TAXES?

ARE YOU PREPARED TO MAINTAIN DAILY, ACCURATE, GASOLINE INVENTORY RECORDS AS REQUIRED BY LAW (DIP BOOKS ARE AVAILABLE FROM YOUR ASSOCIATION)?

ARE YOU MAINTAINING THE PROPER COLOR CODE ON YOUR GASOLINE FILL LINES?

ARE YOU DISPLAYING THE OIL SIGN: "WE ACCEPT WASTE OIL FOR RECYCLING"? ARE YOU HANDLING USED OIL FILTERS PROPERLY?

ARE YOU DISPLAYING THE SIGN: "WE MUST ACCEPT VEHICLE BATTERIES FOR RECYCLING"?

ARE YOU MAINTAINING THE FILE OF MATERIAL SAFETY DATA SHEETS (MSDS)?

ARE YOU AND YOUR EMPLOYEES AWARE OF THE POSSIBLE HEALTH HAZARDS ASSOCIATED WITH THE VARIOUS CHEMICALS AND THE PRECAUTIONS THAT SHOULD BE TAKEN?

HAVE YOU FILED YOUR "COMMUNITY RIGHT TO KNOW" FORM ON STORED SUBSTANCES IN N.Y.C.? THE DEADLINE IS MARCH 1ST.

ARE YOU MAINTAINING A SAFE WORKING ENVIRONMENT? ARE ALL YOUR FIRE EXTINGUISHERS AND SUPPRESSION SYSTEMS PROPERLY CHARGED AND WORKING? SAFETY IS FREE! USE IT GENEROUSLY.

ARE YOU USING APPROVED REPAIR ORDER FORMS? ARE YOU PROVIDING ALL INFORMATION REQUIRED ON THE ORDER FORM BY D.M.V.?

ARE YOU A MEMBER OF YOUR ASSOCIATION SPONSORED WORKER'S COMPENSATION GROUP? THOSE WHO ARE RECEIVED DIVIDENDS FOR OVER 25 YEARS. ARE YOU ALSO PROVIDING DISABILITY INSURANCE FOR YOUR EMPLOYEES AS REQUIRED BY N.Y.S.?

ARE YOU PROVIDING QUALITY REPAIRS? ARE YOU USING QUALITY PARTS? DON'T CREATE FUTURE PROBLEMS WITH A FALSE ECONOMY?

ARE YOU AND YOUR TECHNICIANS MAKING TIME FOR EDUCATION (WORK SMARTER NOT HARDER)?

ARE YOU MAINTAINING A CLEAN, ATTRACTIVE LOCATION? LOOK AROUND, YOU MAY BE SURPRISED. ARE YOU MAINTAINING A SENSIBLE PROFIT MARGIN? YOU CANNOT SURVIVE WITHOUT IT. ARE YOU PREPARED TO SIT DOWN WITH ACCOUNTANT AND REVIEW YOUR OPERATIONS?

ARE YOU PERFORMING INSPECTIONS PROPERLY? DO IT RIGHT OR DON'T DO IT AT ALL! ARE YOU GIVING WRITTEN INSPECTION APPOINTMENTS? WRITTEN APPOINTMENTS MUST BE ON YOUR LETTERHEAD.

IN N.Y.C., HAVE YOU APPLIED FOR A RETAIL CIGARETTE LICENSE WITH CONSUMER AFFAIRS? AND EVERYWHERE, DO YOU CARD FOR CIGARETTES AND ALCHOHOLIC BEVERAGES?

IF YOU HAVE DUAL ISLANDS WITH SELF SERVE/FULL SERVE, IS THE "HANDICAP" SIGN POSTED?

ARE YOUR CLERKS TRAINED AND CERTIFIED UNDER THE TOBACCO LAW AND ALCOHOL LAW?

DOES THE OWNER, MANAGER AND CLERKS HAVE AN "A", "B" OR "C" CERTIFICATION UNDER THE UNDERGROUND STORAGE TANK REGULATIONS?

ARE YOU READY? ONLY YOU KNOW THE ANSWER. IF YOU'RE UNSURE, CALL YOUR AREA REPRESENTATIVE.

ARE YOU READY FOR FREDDIE IN 2017? BE THERE OR BE SQUARE!

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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Minimum Wage Increase Effective 12/31/16

Effective December 31, 2016, the following minimum wage will be in effect: •

- Workers in New York City, employed by large business (at least 11 employees) - $11.00
- Workers in New York City employed by small business (10 employees or fewer) - $10.50
- Workers in Long Island and Westchester Counties - $10.00
- Workers in all other areas of the state - $9.70

For more information on these minimum wage changes go to:
http://www.labor.state.ny.us/workerprotection/laborstandards/workprot/minwage.shtm

Judge Blocks Upcoming Overtime Rule

Texas federal District Judge Amos Mazzant has preliminarily blocked the U.S. Labor Department's new overtime rule, which was set to go into effect on December 1. In a ruling yesterday, Mazzant blocked the implementation or enforcement of the salary-related changes in the federal Fair Labor Standards Act's "white collar" exemptions. He issued his Tuesday afternoon decision in response to an emergency motion by 21 states that had filed suit seeking to invalidate the Labor Department's actions.

Judge Mazzant said that the Labor Department's new regulations are inconsistent with what Congress intended for these exemptions. He also concluded that, while Congress gave the Labor Department the power to define these exemptions, the agency had exceeded that authority.

A similar Texas lawsuit brought by a number of business groups and employer advocates has been consolidated with the states' case. Judge Mazzant ruled in the states' lawsuit only, but he extended his order nationwide and did not say that the injunction was limited to the states alone.

While for the moment the Labor Department's new regulations are not scheduled to go into effect as previously ruled, it is important to understand that this is a temporary injunction and that the Labor Department is likely to appeal in every way it can.

Oral arguments for summary judgment in the overtime case are scheduled for Monday, November 28. It is unclear which side of the issue will prevail, so convenience retailers should still be prepared for a December 1 enforcement date.

New I-9 Form Required - What You Need To Know

All employers must complete and retain a Form I-9 for each employee at the time of hire. The form is used to verify a new hire's identity and work authorization. In November 2016, the U.S. Citizenship and Immigration Services (USCIS) released a revised version of the I-9. The new version includes several changes designed to reduce errors and make it easier for employers to complete it. Below we

provide answers to some frequently asked questions about the new I-9.

Q: When must employers begin using the new version of the I-9?

A: Employers must begin using the new version by January 22, 2017. In the meantime, employers have the option of using the outgoing version.

Q: How can I tell which version is the new one?

A: One way is to look at the dates of the forms. The new version is dated 11/14/2016 N. The outgoing version is dated 03/08/2013 N.

Q: I understand that I need to use the new version for all employees hired on or after January 22, 2017. Are there any other situations in which the new version will need to be used?

A: Yes. There are some additional situations in which the new version must be used, including but not limited to:

- When re-verifying an employee on or after January 22, 2017 because his or her work authorization is expiring and an outdated version of the I-9 was used at the time of hire (in such cases, you must complete Section 3 of the new I-9 and attach it to the employee's original I-9).
- If you discover on or after January 22, 2017 that an I-9 was never completed or it is missing for an employee.

See the USCIS's Employer's Handbook for more information.

Q: Do I need to have all my existing employees complete the new version of the I-9?

A: No. Employers shouldn't complete a new I-9 for existing employees unless they have sufficient justification (such as when they must re-verify an employee because his or her work authorization is expiring and the form they used at the time is no longer valid). Without sufficient justification, requiring an existing employee to complete a new I-9 may raise discrimination concerns.

Q: What if an employer mistakenly uses the old version for a new hire on or after January 22, 2017, are there any guidelines to correct it?

A: The USCIS has previously issued guidelines for correcting I-9 mistakes. Those guidelines say that if an employer discovers that the wrong version of the I-9 was completed at the time of hire, but the documentation presented was acceptable under the rules in place at the time, the employer may:

- Staple the outdated completed form to a blank copy of the current version; and
- Sign the current blank version and note why the current blank version is attached (such as, wrong edition used at time of hire).

Q: How long after hiring a new employee do we have to complete the I-9? Has this timeframe changed?

A: The timeframe remains the same:

- Section 1, which requires the employee to attest that he or she is authorized to work in the United States, must be completed by the end of the employee's first day of work for pay.
- Section 2 must be completed by the employer within three business days. For example, if an employee begins work on a Monday, Section 2 must be completed by Thursday. It requires the employee to present certain documents that demonstrate their identity and work authorization. The employer must examine the document(s) to determine whether they reasonably appear to be genuine and to relate to the employee. The employer must record the document information in Section 2.

Q: Can I require new hires to present certain documents from the I-9 form's list of acceptable documents?

A: No. The employer may not require the employee to present certain documents in order to verify employment eligibility. The employee has the right to choose which documents to present, provided they are on the I-9's List of Acceptable Documents (see the last page of the form).

Q: Am I required to photocopy an employee's I-9 documentation?

A: In general, there is no requirement for employers to make photocopies of the documentation provided by an employee to establish his or her identity and work authorization. However, if you do retain copies, you must do so consistently for all new hires. Photocopies should be kept with the employee's I-9 form.

Note: If you participate in E-Verify and the employee presents a document used as part of Photo Matching (currently the U.S. passport and passport card, Form I-551, and Form I-766), you must retain a photocopy of the document.

Q: What do I do when an employee's employment authorization expires?

A: To continue to employ an individual whose employment authorization has expired, you will need to re-verify the employee by completing Section 3 of the I-9 form (on or after January 22, 2017, you must complete Section 3 of the new I-9 and attach it to the employee's original I-9). Re-verification must occur no later than the date that employment authorization expires. To avoid any breaks in service, you may want to establish a calendar call-up system for employees whose employment authorization will expire and provide the employee with at least 90 days' notice.

During the re-verification process, the employee must present a document from either List A or List C that shows either an extension of his or her initial employment authorization or new employment authorization. You must review this document and, if it reasonably appears to be genuine and to relate to the employee, enter the document title, number, and expiration date (if any) in Section 3 and sign in the appropriate space. Note: You may not re-verify an expired U.S. passport or passport card, an Alien Registration Receipt Card/Permanent Resident Card (Form I-551), or a List B document that has expired.

Q: How long must I retain I-9s?

A: Employers must retain I-9 forms for at least three years, or for one year following the employee's separation from the company, whichever is later. It is a best practice to store all I-9 forms together in one file since they must be produced promptly following an official government request.

Conclusion:

Make sure you use the new version of the I-9 by January 22, 2017, and complete and retain the form in accordance with the law

A copy of the January 22, 2017 I-9 form is included in this newsletter.

Message From The Department Of Motor Vehicles On Window Tinting

Good afternoon,

As you know, legislation was signed last week that requires window tint testing to be included as part of the annual safety inspection. The law takes effect on January 1st, 2017.

DMV is in the process of preparing emergency regulations in order to be in compliance with the January 1 effective date of the new law. While these regulations are not yet finalized, a component of this regulation will require any inspection station licensed as a group 1A or 2A (i.e. light and heavy duty cars and trucks) to acquire a window tint meter. The meter must be capable of testing light transmittance of all vehicle windows, not just those that roll down. This type of meter is commonly referred to as a "two piece" meter. DMV will not be requiring a specific make or model of tint meter. DMV plans to require that the meter be capable of testing all required windows, measuring light transmittance percentage in accordance with the law, and be properly calibrated and maintained as per the manufacturers' specifications.

Stations licensed solely as group 1B, 2B, or 3 (i.e. trailer and/or motorcycle) will not be required to perform window tint testing or to acquire a meter.

Simultaneous with your receipt of this message, DMV is providing the same information to every inspection station via the NYVIP2 system.

DMV will be sending out more information and instructions to you and the inspection stations as we finalize our regulatory changes.

We thank you in advance for your cooperation with implementation of this important change to the inspection process.

Regards,

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Final SNAP Retailer Regulations From USDA

The U.S. Department of Agriculture's (USDA) Food and Nutrition Service (FNS) distributed its final rule, changing the eligibility requirements for retailers participating in the Supplemental Nutrition Assistance Program (SNAP). The final rule makes some changes that were necessary to ensure people could get the food they need, but still has some provisions that may be onerous for convenience store owners to implement and could risk hurting SNAP beneficiaries.

The Supplemental Nutrition Assistance Program provides more than 44 million Americans, including millions of children, with the resources to buy food and sets the requirements for the 258,632 stores that accept SNAP benefits for food purchases. Small format stores, including the 106,531 convenience stores that currently participate in SNAP, provide critical access to food for many SNAP beneficiaries who may live long distances from a large food retailer or may need to shop for food during non-traditional hours when other food retailers are closed.

The final rule codifies the 2014 Farm Bill's statutory depth-of-stock provisions, which require retailers to stock seven varieties of foods in the four "staple food" categories: dairy, meat, poultry, or fish; bread of cereal; and vegetables or fruits.

USDA removed several problematic provisions from the final rule, which would have made it impossible for tens of thousands of convenience stores to meet its requirement. Those provisions included a ban on multiple-ingredient items (such as vegetable beef stew), and an expanded definition of "accessory foods" that would have knocked out healthy grab-and-go items (such as hummus and pretzel packs) from counting toward a retailer's stocking requirements. Under the final rule, multiple ingredient items will continue to count toward a staple food category depending on the main ingredient. (If the vegetable beef stew is mostly vegetables, it would count toward the vegetable category.)

USDA has also changed the provision that retailers stock six of every SNAP item (168 items total) on shelves at all times and now will require retailers to only have three stocking units for every item (84 total items). Significantly, the USDA has also recognized that this requirement presents problems for an industry that has significant supply and store space limitations. Under the final rule, therefore, USDA would permit a retailer to demonstrate compliance with the stocking unit requirements via receipts and other invoices that prove he purchased the necessary items up to 21 days before the date of an agency inspection.

Tthe definition of "variety" in the final rule remained remarkably similar to the unworkable proposed definition, which would have required retailers stock expensive and uncommon items like lamb and duck. The same concerns under the proposal remain with the final rule, which appears to create significant administrative complexity on this front.

The final rule also altered a proposed provision tying retailer eligibility to sales of food to customers who don't

use SNAP. Under the final rule, stores would be disqualified from the program if 50% or more of the store's gross retail sales (including fuels sales) comes from items that are cooked or heated on site before or after purchase. This is a significant improvement from the proposal, which would have disqualified retailers if 15% or more of their stores' total food sales came from sales of items that were "cooked or heated on site" before or after purchase.

The rule will go into effect 30 days after publication in the Federal Register. After that time, retailers who are currently licensed to accept SNAP will have approximately one year to come into compliance with the updated requirements. Retailers who are not currently authorized SNAP retailers but who choose to apply for a license will have to be in compliance with the updated regulations approximately 120 days (4 months) after the rule goes into effect.

FDA Says Menu-Labeling Rule Compliance And Enforcement Dates Will Be May 5

The Food and Drug Administration stated Friday that the Dec. 1, 2016 "compliance date" for its new menu-labeling rule will be moved to the rule's "enforcement date," which is May 5, 2017. The change in the compliance date will be made formal in a rule that will be published in the Federal Register soon, the FDA stated.

The difference in the two dates is that the "enforcement date" is when the FDA would start enforcing that rule, but the "compliance date" is when states that have a menu-labeling rule designed to be identical to the FDA's rule, such as California, could start enforcing their rule themselves, according to NACS.

The FDA's latest announcement in essence nullifies a Nov. 29 "clarification" it issued that stated that the compliance date would be Dec. 1, 2016.

The menu-labeling rule requires certain types of establishments, including convenience stores, that sell restaurant-type food to post calorie information about their menu items. It covers convenience stores that sell such food and that are part of a chain of at least 20 sites under the same name that offer similar menu items.

Convenience store industry groups are continuing to try to get Congress to back the Common Sense Nutrition Disclosure Act of 2015, which would ease some of the rule's requirements.

--Vincent Taylor, vtaylor@opisnet.com

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EMV Delay Announced

Visa, MasterCard, Discover, and American Express, have all announced they are delaying the EMV liability shift for U.S. fuel dispensers from October 2017 to October 2020.

Visa noted in a statement that the fuel segment has its own unique challenges, which the card company says it recognized when it first set the chip activation date for automated fuel dispensers/pumps (AFDs) to October 2017. "We knew that the AFD segment would need more time to upgrade to chip because of the complicated infrastructure and specialized technology required for fuel pumps. For instance, in some cases, older pumps may need to be replaced before adding chip readers, requiring specialized vendors and breaking into concrete. Furthermore, five years after announcing our liability shift, there are still issues with a sufficient supply of regulatory-compliant EMV hardware and software to enable most upgrades by 2017."

Visa continued that it had been engaging with participants throughout the payment system. "Given our discussions with merchants, clients and partners, Visa has decided to delay the U.S. domestic AFD EMV activation date from October 1, 2017 to October 1, 2020. The EMV liability shift at ATMs will not change and will take effect as planned on October 1, 2017. We believe we have reached a balanced conclusion for providing needed, additional time to merchants while continuing to push forward with the migration to chip."

In addition to Visa, MasterCard made a similar announcement, saying that it too is modifying the automatic fuel dispenser liability shift date from October 2017 to October 2020. "This decision applies only to automated fuel pumps," the card company said, adding, "We will be working closely with our fuel partners, station owners, industry associations and third-party vendors to ensure a smooth transition to EMV." American Express and Discover released similar statements.

U.S. Surgeon General Labels E-Cigarettes As Unsafe

Electronic cigarettes continue to come under scrutiny from federal government, especially when it comes to youth use.

In a new report released Thursday, Surgeon General Vivek Murthy acknowledged a need for more research into the health effects of "vaping," but said e-cigarettes aren't harmless and too many teens are using them, according to The Associated Press.

"My concern is e-cigarettes have the potential to create a whole new generation of kids who are addicted to nicotine," Murthy told the AP. "If that leads to the use of other tobacco-related products, then we are going to be moving backward instead of forward."

Federal figures show that last year, 16 percent of high school students reported at least some use of e-cigarettes — even some who say they've never smoked a conventional cigarette. While not all contain nicotine, Murthy's report says e-cigarettes are the most commonly used tobacco-related product among youth, the news outlet reported.

Nicotine is bad for a developing brain no matter how it's exposed, Murthy said.

"Your kids are not an experiment," he said in a public service announcement being released with the report.

The Food and Drug Administration deeming rule, which extended its regulatory authority to other tobacco products including e-cigarettes and cigars, prohibited the sale of the products to anyone under 18. Many e-cigarette

manufacturers already had self-imposed ban to youth sales in place before the deeming rule when into effect on Aug. 8.

Murthy's report calls on parents and health workers to make concerns about e-cigarettes clear to young people. He said local officials should take action, too, such as including e-cigarettes in indoor smoke-free policies, according to the AP.

Play At The Pump Fails To Boost Lottery Sales

Last January, the North Carolina Education Lottery helped c-stores make it more convenient for customers to play Cash 5, Mega Millions and Powerball by adding an option to play the lottery at the pump, News & Observer reports. The cloud-based payment platform, Play at the Pump, let customers swipe their debit or credit card (plus a $1 transaction fee) while getting gas.

Developed by Linq3, Play at the Pump touted that it would interact with the 70% of customers who only get gas at convenience stores. “It’s about convenience and security,” said Matt Lovelle, chief operating officer for Linq3. “Families don’t have time to go in the store.”

But that added convenience hasn’t made Play at the Pump popular in North Carolina. Nearly two years later, 208 gas stations have the option, out of approximately 6,330 locations in the state. When the Powerball jackpot ballooned to a record $1.5 billion in January 2016, less than $150,000 in sales were made at Play at the Pump, compared to more than $86 million for regular tickets.

Part of the slowness in convenience store owners adapting to Play at the Pump is that lottery ticket sales bring customers inside the store.

“It’s a decision that each retailer has to make,” said Gary Harris, executive director of North Carolina Petroleum and Convenience Marketers. “Outside sales give retailers a smaller percentage than indoor sales. That’s a disincentive.” For example, retailers receive a 3% commission per sale for Play at the Pump transactions, so they must consider what they are losing in terms of ancillary sales for in-store lottery dollars.”

U.S. Supreme Court To Hear Credit Card Fee Case

A New York hair salon that wanted to let customers know they would be charged more for paying with plastic has taken its case to the U.S. Supreme Court, Stateline reports. Expressions Hair Design displayed signage at its register to inform customers paying with credit cards that an additional fee would be added to their bill to cover the transaction cost. However, in New York, it’s illegal for businesses to charge more for credit card purchases—but those retailers are allowed to offer a discount for cash purchases.

“All these laws are really doing is regulating speech in a way that favors credit card companies because it masks the costs of credit to consumers,” said Deepak Gupta, the Expressions attorney. Basically, the law states “you can say the glass is half full, but you can’t say it’s half empty.”

However, New York Attorney General Eric Schneiderman sees the law as not restricting speech but keeping businesses from jacking up posted prices. That’s not a view shared by seven behavioral economics professors, who wrote a friend-of-the-court brief for the retailers.

“When consumers are offered a small discount for paying in cash, they are often willing to ignore it for the sake of convenience, treating the discount as a lost opportunity cost,” the brief stated. “When consumers are asked to pay a premium on top of the perceived base price, however, they perceive it as an out-of-pocket cost.”

Neither MasterCard nor Visa have taken a position on this case, both declining to comment. Nine other states have similar laws on the books: California, Colorado, Connecticut, Florida, Kansas, Maine, Massachusetts, Oklahoma and Texas. Expressions Hair Design v. Schneiderman will be heard by the high court in early 2017.

California UST Violations Will Cost BP $14M

The San Diego County District Attorney (DA) has reached a $14-million settlement with BP West Coast Products LLC, BP Products North America Inc. and Atlantic Richfield Co. over their violation of underground storage tank laws, reported NBC Los Angeles.

A total of 74 gas stations located across San Diego County are connected to the settlement case.

BP failed to comply with state laws and regulations regarding the use of underground tanks used to store gasoline at retail sale for about 780 gas stations in California over a decade, an official from San Diego County's DA office said.

San Diego County’s DA, the California Attorney General’s office and eight other district attorneys across the state made complaints that the companies did not follow state requirements of proper inspection and maintenance, and broke additional hazardous material and waste laws. They also state that since 2006, BP has improperly handled and disposed of hazardous material, and failed to meet various maintenance regulations.

"The DA's Environmental Protection Unit continues its important work in safeguarding our neighborhoods against violations like these and contributing to a healthier county," District Attorney Bonnie Dumanis stated.

DA officials added that BP did not meet requirements to test secondary containment systems, conduct monthly inspections, train employees properly and maintain alarm systems.

Under the current settlement, BP will be subject to an injunction requiring future compliance with state laws and regulations on underground storage tanks, the news outlet reported.

Of the $14-million settlement, $8,945,000 is in civil penalties; $3,745,000 is in investigation and prosecution fees; and $1,310,000 is to fund environmental state projects. San Diego County will receive $275,000 in civil penalties; $125,000 in costs; and $325,000 in countywide environmental projects.

According to DA officials, BP currently owns or operates 73 facilities across California. At the beginning of the investigation, it owned about 780.

ExxonMobil CEO Selected For Secretary Of State Post

President-elect Donald Trump announced Dec. 13 that he will nominate Exxon Mobil Corp. CEO Rex Tillerson to be secretary of state, calling him one of the most accomplished "international dealmakers in the world," reported the Associated Press.

Trump pointed to Tillerson's ties to Russian President Vladimir Putin and his experience dealing with foreign governments as points in his favor.

"Rex Tillerson's career is the embodiment of the American dream," Trump said in a released statement. "Through hard work, dedication and smart dealmaking, Rex rose through the ranks to become CEO of Exxon Mobil, one of the world's largest and most respected companies."

Tillerson stated in an accompanying release that he is honored by the selection and shares Trump's "vision for restoring the credibility of the United States' foreign relations and advancing our country's national security."

Tillerson's connections to Putin and the CIA's recent assessment that Russia interfered with the presidential election are likely to come under scrutiny during the confirmation process, according to senators such as Florida's Marco Rubio and South Carolina's Lindsey Graham.

After graduating from the University of Texas at Austin, Tillerson joined Exxon Mobil as a production engineer in 1975 and has spent his entire career with the company. He previously served in roles at the company's operations in the central United States, Yemen and Russia.

DOL Announces Recent Wage-Related Settlements Involving Gas Stations

Since Dec. 8, the Department of Labor has announced at least two separate settlements of worker-wage cases it filed against owners of multiple gas stations, and the filing of a wage-related lawsuit against a third owner of multiple stations.

The targets of these DOL actions were in different parts of the United States. DOL officials with knowledge of the cases couldn't immediately be reached to say whether there has been a special enforcement focus on gas stations recently, and whether other, similar settlements or lawsuits are coming in the next few weeks.

The three targets were in the Sacramento, Calif., area, the Buffalo, N.Y., area, and northern Indiana.

A group of six Arco AM/PM gas stations in the Sacramento area, all under common ownership, will pay 47 workers $66,075 in overtime back wages owed and another $66,075 in damages, for a total of $132,150, DOL said yesterday.

The Department didn't identify the owners but listed the sites as: Lodi Oil Inc., Kamboj Oil Inc,, Wraich Petroleum Corp., Broadway Petroleum Inc., Mehroke LLC and Sacramento Petroleum Inc.

DOL investigators found that the owner violated the Fair Labor Standards Act by paying workers straight time rates for overtime hours. The franchisee also provided investigators with falsified payroll records to create the appearance of compliance, DOL stated. "In addition to paying straight time for overtime hours, the employer also failed to pay workers for travel time between locations when they worked at multiple sites, resulting in unpaid hours and further overtime violations," DOL stated.

In the Buffalo case, announced today, DOL stated that Lakhwinder Gill, the owner of three gas stations, will pay $84,000 (half of it back wages and half in damages) to 41 employees because of violations of minimum wage and overtime pay rules. The stations were Angola Food Mart Inc., LHP Food Mart Inc. and Lake Shore Mini Mart Inc.

Lakhwinder was accused of: failing to pay some workers overtime when they worked more than 40 hours a week, including one who regularly worked 70 hours a week; failing to pay some employees for all hours they worked, including time spent in training and performing work before and after their scheduled shifts; making deductions from wages for cash register shortages and damaged or missing merchandise, resulting in minimum wage and overtime violations; failing to combine the hours worked by one employee at two locations of the business when determining when overtime was due; and falsifying time records to create the appearance that workers didn't work overtime even though some regularly worked more than 40 hours a week.

"Too often we see employers paying straight time for overtime in cash off the books in this industry," said Michael Fitzgerald, assistant district attorney of DOL's Wage and Hour Division's Buffalo Area Office.

"This investigation and its outcome should send a clear message: We will continue to use every enforcement tool available to hold employers accountable, to level the playing field for those who play by the rules, and to ensure that workers are paid what they have rightfully earned."

On Dec. 8, the Department filed a lawsuit against Rinky Sharma and Bobby Singh, and four travel centers and gas stations in northern Indiana, seeking more than $23,000 in allegedly unpaid overtime wages and damages for 13 employees. DOL alleged the companies engaged in overtime violations; failed to combine the hours of employees who worked as both a server and cashier in the same workweek when determining if overtime was due, instead paying for each task separately, at straight time; and failed to maintain accurate payroll records. The establishments were Plaza 30, Govertown Travel Plaza, Michigan City Grocery and Marathon Stop and Shop.

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--Copyright, Oil Price Information Service

Because You Asked

Q. A company wants to hire an employee part time, but that new hire is collecting workers compensation from another employer where he is working part time. Will the new employer be responsible for any of the worker compensation payment to the employee.

A. The answer is mostly NO. The first claim stands on its own. If the employee is injured again on the new job a new claim is opened. If the injury is related to the first injury than the Compensation Board will join the case together.

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 585-423-9924 or 716-656-1035.

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 that 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.

ATTENTION INSPECTION STATIONS

AS OF JANUARY 1, 2017 YOU ARE OBLIGATED BY LAW TO CHECK, WITH A LIGHT METER, THE AMOUNT OF LIGHT THAT TRANSMITS THROUGH THE DRIVER, FRONT PASSENGERS, WINDSHIELD AND IN SOME CASES, REAR PASSENGERS AND REAR WINDOW.

IF THE LIGHT BEING TRANSMITTED IS LESS THEN 70%, THE VEHICLE FAILS INSPECTION. YOU WILL NEED TO PURCHASE A 2-PIECE LIGHT METER TO DO THE INSPECTIONS

DO NOT BLAME US
THE ASSOCIATION PUT FORTH ITS BEST LOBBYING EFFORTS TO STOP THIS BILL, AND ASKED MEMBERS TO WRITE THE GOVERNOR IN OPPOSITION.

IF YOU WANT TO COMPLAIN CALL

ASSEMBLYMAN DenDEKKER
518 455 4545 OR 716 457 0384

AND

SENATOR DeFRANCISCO
518 455 3511 OR 315 426 7632

THEY SPONSORED THE BILL SIGNED INTO LAW BY GOVERNOR CUOMO

Employment Eligibility Verification

Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 08/31/2019

►**START HERE:** **Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.**

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation *(Employees must complete and sign Section 1 of Form I-9 no later than the **first day of employment**, but not before accepting a job offer.)*

Last Name *(Family Name)*	First Name *(Given Name)*	Middle Initial	Other Last Names Used *(if any)*

Address *(Street Number and Name)*	Apt. Number	City or Town	State	ZIP Code

Date of Birth *(mm/dd/yyyy)*	U.S. Social Security Number	Employee's E-mail Address	Employee's Telephone Number
	☐☐☐ - ☐☐ - ☐☐☐☐		

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

☐ 1. A citizen of the United States

☐ 2. A noncitizen national of the United States *(See instructions)*

☐ 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____

☐ 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____
Some aliens may write "N/A" in the expiration date field. *(See instructions)*

Aliens authorized to work must provide only one of the following document numbers to complete Form I-9:
An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.

1. Alien Registration Number/USCIS Number: _____
OR
2. Form I-94 Admission Number: _____
OR
3. Foreign Passport Number: _____
Country of Issuance: _____

QR Code - Section 1
Do Not Write In This Space

Signature of Employee	Today's Date *(mm/dd/yyyy)*

Preparer and/or Translator Certification (check one):

☐ I did not use a preparer or translator. ☐ A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator	Today's Date *(mm/dd/yyyy)*

Last Name *(Family Name)*	First Name *(Given Name)*

Address *(Street Number and Name)*	City or Town	State	ZIP Code

STOP *Employer Completes Next Page* STOP

Section 2. Employer or Authorized Representative Review and Verification

(Employers or their authorized representative must complete and sign Section 2 within 3 business days of the employee's first day of employment. You must physically examine one document from List A OR a combination of one document from List B and one document from List C as listed on the "Lists of Acceptable Documents.")

Employee Info from Section 1	Last Name *(Family Name)*	First Name *(Given Name)*	M.I.	Citizenship/Immigration Status

List A Identity and Employment Authorization	**OR**	**List B** Identity	**AND**	**List C** Employment Authorization
Document Title		Document Title		Document Title
Issuing Authority		Issuing Authority		Issuing Authority
Document Number		Document Number		Document Number
Expiration Date *(if any)(mm/dd/yyyy)*		Expiration Date *(if any)(mm/dd/yyyy)*		Expiration Date *(if any)(mm/dd/yyyy)*
Document Title				
Issuing Authority				
Document Number				
Expiration Date *(if any)(mm/dd/yyyy)*				
Document Title				
Issuing Authority				
Document Number				
Expiration Date *(if any)(mm/dd/yyyy)*				

Additional Information

QR Code - Sections 2 & 3
Do Not Write In This Space

Certification: I attest, under penalty of perjury, that (1) I have examined the document(s) presented by the above-named employee, (2) the above-listed document(s) appear to be genuine and to relate to the employee named, and (3) to the best of my knowledge the employee is authorized to work in the United States.

The employee's first day of employment *(mm/dd/yyyy)*: _____ ***(See instructions for exemptions)***

Signature of Employer or Authorized Representative	Today's Date*(mm/dd/yyyy)*	Title of Employer or Authorized Representative

Last Name of Employer or Authorized Representative	First Name of Employer or Authorized Representative	Employer's Business or Organization Name

Employer's Business or Organization Address (Street Number and Name)	City or Town	State	ZIP Code

Section 3. Reverification and Rehires *(To be completed and signed by employer or authorized representative.)*

A. New Name *(if applicable)*			**B.** Date of Rehire *(if applicable)*
Last Name *(Family Name)*	First Name *(Given Name)*	Middle Initial	Date *(mm/dd/yyyy)*

C. If the employee's previous grant of employment authorization has expired, provide the information for the document or receipt that establishes continuing employment authorization in the space provided below.

Document Title	Document Number	Expiration Date *(if any)* *(mm/dd/yyyy)*

I attest, under penalty of perjury, that to the best of my knowledge, this employee is authorized to work in the United States, and if the employee presented document(s), the document(s) I have examined appear to be genuine and to relate to the individual.

Signature of Employer or Authorized Representative	Today's Date *(mm/dd/yyyy)*	Name of Employer or Authorized Representative

LISTS OF ACCEPTABLE DOCUMENTS
All documents must be UNEXPIRED

Employees may present one selection from List A
or a combination of one selection from List B and one selection from List C.

LIST A Documents that Establish Both Identity and Employment Authorization	OR	LIST B Documents that Establish Identity	AND	LIST C Documents that Establish Employment Authorization
1. U.S. Passport or U.S. Passport Card		**1.** Driver's license or ID card issued by a State or outlying possession of the United States provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		**1.** A Social Security Account Number card, unless the card includes one of the following restrictions: (1) NOT VALID FOR EMPLOYMENT (2) VALID FOR WORK ONLY WITH INS AUTHORIZATION (3) VALID FOR WORK ONLY WITH DHS AUTHORIZATION
2. Permanent Resident Card or Alien Registration Receipt Card (Form I-551)		**2.** ID card issued by federal, state or local government agencies or entities, provided it contains a photograph or information such as name, date of birth, gender, height, eye color, and address		**2.** Certification of Birth Abroad issued by the Department of State (Form FS-545)
3. Foreign passport that contains a temporary I-551 stamp or temporary I-551 printed notation on a machine-readable immigrant visa		**3.** School ID card with a photograph		**3.** Certification of Report of Birth issued by the Department of State (Form DS-1350)
4. Employment Authorization Document that contains a photograph (Form I-766)		**4.** Voter's registration card		**4.** Original or certified copy of birth certificate issued by a State, county, municipal authority, or territory of the United States bearing an official seal
5. For a nonimmigrant alien authorized to work for a specific employer because of his or her status: **a.** Foreign passport; and **b.** Form I-94 or Form I-94A that has the following: (1) The same name as the passport; and (2) An endorsement of the alien's nonimmigrant status as long as that period of endorsement has not yet expired and the proposed employment is not in conflict with any restrictions or limitations identified on the form.		**5.** U.S. Military card or draft record		**5.** Native American tribal document
		6. Military dependent's ID card		**6.** U.S. Citizen ID Card (Form I-197)
		7. U.S. Coast Guard Merchant Mariner Card		**7.** Identification Card for Use of Resident Citizen in the United States (Form I-179)
		8. Native American tribal document		**8.** Employment authorization document issued by the Department of Homeland Security
		9. Driver's license issued by a Canadian government authority		
		For persons under age 18 who are unable to present a document listed above:		
		10. School record or report card		
		11. Clinic, doctor, or hospital record		
		12. Day-care or nursery school record		
6. Passport from the Federated States of Micronesia (FSM) or the Republic of the Marshall Islands (RMI) with Form I-94 or Form I-94A indicating nonimmigrant admission under the Compact of Free Association Between the United States and the FSM or RMI				

Examples of many of these documents appear in Part 8 of the Handbook for Employers (M-274).

Refer to the instructions for more information about acceptable receipts.

NYVIP2 MESSAGE No. 225

DATE: 12/27/2016
TO: ALL INSPECTION STATIONS
FROM: NYS DMV
SUBJECT: WINDOW TINT INSPECTION REGULATION

PLEASE BRING THIS MESSAGE TO THE ATTENTION OF THE STATION OWNER AND/OR MANAGER

THIS MESSAGE REPLACES NYVIP MESSAGE 224.

DMV has amended the window tint regulation provided to all stations with NYVIP message 224. The only change in the regulations (provided below) is a modification which eliminates the requirements for testing rear side windows on model year 1991 and older vehicles. The version of the regulation attached to message 224 said, "Window Tint 3(b): Inspect all side windows for proper visible light transmittance." The revised version (provided below) says "Window Tint 3(b): Inspect all side windows adjacent to or forward of the driver's seating position for proper visible light transmittance.

The requirements for 1992 and newer vehicles remain unchanged.

This is to advise you that DMV is promulgating emergency regulations to define requirements for newly-enacted legislation requiring the measuring of light transmittance. These regulations provide standards to be followed when inspecting required windows as a part of the safety inspection.

As stated in NYVIP2 Message, No. 223, examination of window tinting will be included as part of the annual safety inspection, effective January 1, 2017. All group 1a and 2a inspection stations are required to have a two-piece window tint meter and inspect window tint in accordance with the new regulations.

It is important that you review the regulation below for the proper failure criteria, and to note the different requirements for MY 1992 and newer vehicles, MY 1991 and older vehicles, and vehicles classified as "passenger car" on the Federal Motor Vehicle Safety Standard (FMVSS) certification label, usually found on the driver's side door jamb.

The recording of inspection results is not being changed. In the NYVIP2 Computerized Vehicle Inspection System (CVIS), the certified inspector would address Pass or Fail of a vehicle for window tint under the existing "Windshield and other Glass" choice. When a station is required to record their inspections on a paper VS-1074SD or VS-1074S, Vehicle Inspection Record, a vehicle being rejected for window tint would have a check mark placed under "Other" in column 11.

When a vehicle fails inspection for window tint, it is no different than a vehicle failing for any other safety item. The vehicle must be repaired and then re-inspected. If the vehicle fails, the station should

explain to the motorist that any aftermarket window tint film must be removed in order for the vehicle to pass inspection. A station is not required to remove aftermarket window tint film if it chooses not to engage in that business. If a public station chooses to remove the tint film, the station is responsible to perform quality work and provide an invoice based on existing Repair Shop regulations.

Attached below is the emergency regulation DMV will to post to the State Register (http://www.dos.ny.gov/info/register.htm) on January 4, 2017. However, stations must begin using the below criteria on January 1, 2017. You may provide comments on the proposed regulation as described in the State Register.

STATE OF NEW YORK

DEPARTMENT OF MOTOR VEHICLES

Pursuant to the authority contained in sections 215(a), 301 and 302(e) of the Vehicle and Traffic Law, the Commissioner of Motor Vehicles hereby amends the Regulations of the Commissioner of Motor Vehicles as follows:

* * * * * * * * * *

A new paragraph (9) is added to subdivision (d) of section 79.9 to read as follows:

(9) In addition to the equipment specified in paragraph (1) of this subdivision, an official inspection station licensed to perform a safety inspection of any vehicle in group 1a or group 2a must also have a tint meter to measure the visible light transmittance through immovable glass.

* * * * * * * * * *

Subdivision (f) of section 79.21 is amended to read as follows:

(f) *Windshield and other glass*. Every 1935 and newer vehicle must be equipped with a windshield, except trailers. All must be inspected. A star is considered to be a bruise from which multiple cracks extend, such as a "stone bruise", shot, etc.

Procedure	**Reject if:**

Approved Glass 1. Inspect windshield and other windows on vehicle for presence of approved safety glazing.	1. Vehicle is not equipped with a windshield. Any 1935 or newer model year vehicle is not equipped with approved safety glass with an AS-1, AS-10 or AS-14 rating in the windshield or an AS-1, -2, -3, -10 or -11 rating in the windows to the left, right and rear of the driver. Any 1935 or newer model year vehicle is not equipped with approved safety glass or rigid plastic, if plastic is used with an AS-1, -2, -3, -4, -5, -10 or -11 rating in any rear window on a convertible pickup truck or light-duty truck.
Cracks 2. Inspect windshield and other windows for cracks or sharp edges.	2. Windshield or other window is broken or has exposed sharp or jagged edges. *Windshield Only*: Any "star" larger than 3 inches in diameter is located in any area of the windshield. There is a crack more than 11 inches long, any part of which extends into the path of the windshield wiper(s).
Window Tint Note: If a windshield or a window, through observation, clearly meets the required visible light transmittance standard, it is not necessary to use the tint meter. Vehicles displaying a valid MV-80W.2 “Exempt Tinted Windows” sticker need not be inspected for window tint. 3. Model year 1991 or older vehicles: (a) Inspect the windshield for proper visible light transmittance.	3. a) Any part of the windshield below the top 6 inches allows less than 35% visible light transmittance.

(b) Inspect all side windows adjacent to or forward of the driver's seating position for proper visible light transmittance.	(b) Any part of the window allows less than 35% visible light transmittance.
(c) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.	(c) Any part of the rear window allows less than 35% visible light transmittance.
Model year 1992 or newer vehicles:	
(d) Inspect the windshield for proper visible light transmittance.	(d) Any part of the windshield below the top 6 inches allows less than 70% visible light transmittance.
(e) Inspect all side windows adjacent to or forward of the driver's seating position for proper visible light transmittance.	(e) Any part of any side window adjacent to or forward of the driver's seating position allows less than 70% visible light transmittance.
(f) Inspect all side windows to the rear of the driver's seating position on any vehicle classified as "Passenger Car" on the FMVSS certification label for proper visible light transmittance.	(f) Any part of any side window to the rear of the driver's seating position on any vehicle classified as "Passenger Car" on the FMVSS certification label allows less than 70% visible light transmittance.
(g) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.	(g) Any part of the rear window allows less than 70% visible light transmittance.

* * * * * * * * *

Subdivision (g) of section 79.27 is amended to read as follows:

3. Window Tint Note: If a windshield or a window, through observation, clearly meets the required visible light transmittance standard, it is not necessary to use the tint meter. Vehicles displaying a valid MV-80W.2 “Exempt Tinted Windows” sticker need not be inspected for window tint.	
Model year 1991 or older vehicles:	
(a) Inspect the windshield for proper visible light transmittance.	(a) Any part of the windshield below the top 6 inches allows less than 35% visible light transmittance.
(b) Inspect all side windows adjacent to or forward of the driver’s seating position for proper visible light transmittance.	(b) Any part of the window allows less than 35% visible light transmittance.
(c) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.	(c) Any part of the rear window allows less than 35% visible light transmittance.
Model year 1992 or newer vehicles:	
(d) Inspect the windshield for proper visible light transmittance.	(d) Any part of the windshield below the top 6 inches allows less than 70% visible light transmittance.
(e) Inspect all side windows adjacent to or forward of the driver’s seating position for proper visible light transmittance.	(e) Any part of any side window adjacent to or forward of the driver’s seating position allows less than 70 % light transmittance.
(f) Inspect the rear window of any vehicle that is not equipped with dual outside rearview mirrors for proper visible light transmittance.	(f) Any part of the rear window allows less than 70% visible light transmittance.

* * * * * * * * * *

NYVIP2 MESSAGE No. 226

DATE: 12/27/2016
TO: ALL INSPECTION STATIONS
FROM: NYS DMV
SUBJECT: WINDOW TINT INSPECTION FAQ's

PLEASE BRING THIS MESSAGE TO THE ATTENTION OF THE STATION OWNER AND/OR MANAGER

As stated in NYVIP2 Messages, No. 223, 224, and 225, examination of window tinting will be included as part of the annual safety inspection, effective January 1, 2017. All group 1a and 2a inspection stations are required to have a two-piece window tint meter and inspect window tint in accordance with the new regulations.

Below is a list of frequently asked questions for your use.

Window Tint FAQ's

1. **Which windows are required to be inspected for 1992 and newer model year vehicles?**
   - First you need to check the federal motor vehicle safety certification label usually found on the driver's door jamb, and determine the vehicle type (classification). Here are two examples of the Federal Label:

- If the vehicle is classified as "Passenger Car," check **all** windows for a minimum Visible Light Transmittance (VLT) of **70%**. However, the rear window (sometimes referred to as a backlite or rear windshield) is exempt from inspection if the vehicle is equipped with dual outside rearview mirrors.
- For all other vehicle types, (i.e., MPV, Truck, Bus, etc.) inspect the windshield and all side windows adjacent to or forward of the driver and front seat passenger for a minimum VLT of **70%**. Side windows to the rear of the driver's seating position are exempt from inspection.
- The rear window (sometimes referred to as a backlite or rear windshield) is exempt from inspection if the vehicle is equipped with dual outside rearview mirrors.

2. **Which windows are required to be inspected for 1991 and older model year vehicles?**
   - The windshield and side windows adjacent to or forward of the driver and front seat passenger always require inspection and must allow for a minimum VLT of **35%**.
   - The rear window (sometimes referred to as a backlite or rear windshield) is only inspected if the vehicle is not equipped with dual outside rearview mirrors. If the window is inspected it must allow for a minimum VLT of **35%**.
   - **Please note:** Side windows to the rear of the driver's seating position are **never** inspected on these vehicles.

3. **What does VLT stand for?**
   VLT stands for Visible Light Transmittance. This is presented as the percentage (%) of light passing through a particular window.

4. **If a vehicle has a valid medical exemption where do I find the MV-80W.2 and what does it look like?**
   The exemption certificate is normally found on the inside center top of any window, except the windshield. The certificate is a white 2.5 inch paper square. Valid means the vehicle information printed on the exemption certificate (plate, make, year and color) must match the vehicle.

5. **What if a motorist presents a letter that appears to come from DMV or a doctor's note stating that the vehicle is exempt from window tint inspection?**
   The vehicle can only be exempted from the window tint inspection if a valid MV-80W.2 exemption certificate is displayed on the vehicle. A doctor's note does not excuse a vehicle from window tint inspection. A motorist interested in an exemption should be directed to DMV's website at https://dmv.ny.gov/forms/mv80w.pdf to obtain further information.

6. **What if a vehicle is presented for inspection with a window(s) that cannot be rolled up to inspect glass for applied window tint?**
   If a side window is rolled all the way down and cannot be rolled back up for some reason the vehicle must be rejected for "Windshield and other Glass," since the window cannot be properly inspected for condition and window tint.

7. **Can a station record the readings obtained from window tint meter in the NYVIP CVIS?**
   No, this is not required. Optionally, a station / certified inspector wanting to document their findings may choose to hand write the meter readings obtained onto the Vehicle Inspection Report (VIR) printed by the CVIS or the station generated inspection receipt for those stations not required to maintain a CVIS.

8. **Is the tinted shade band on a windshield subject to inspection?**
   Any tinting covering the uppermost six inches of the windshield is not subject to inspection, per VTL section 375 12-a(b)(1).

9. **Are government or private fleet vehicles exempt from the window tint inspection requirements?**
   A government or fleet owned vehicle is not exempt from window tint inspection regulations and is subject to the same inspection criteria.

10. **Can I advise a motorist that a vehicle fails for tint before beginning the inspection?**
    No. A station must always perform a complete inspection of any vehicle presented for inspection, checking all required items as required by section 79.8(b)(1) and 79.20(c)(6).

11. **Do I have to use the window tint meter on every vehicle I inspect?**
    In accordance with regulations, if a window clearly meets (passes) the required light transmittance standard, and there is no aftermarket window tint film applied, it is not necessary to use a meter to measure the amount of visible light transmittance (VLT) However it is the stations obligation to ensure the vehicle meets the required standard, so if you have any doubt, you must use the meter.

12. **Can stations use a one-piece window tint meter?**
    A station has the option of using a one-piece tint meter to make it easier to check roll up side windows. This is completely optional and not a requirement. A station is required to purchase and maintain a two-piece window tint meter capable of measuring VLT through all immovable glass. <u>However, if the station chooses to utilize an optional one-piece meter on side windows it is the stations responsibility to ensure the entire window meets the VLT requirement in regulation, not just the edge where the meter is testing.</u>

13. **Do I have to clean the window(s) before testing with the window tint meter?**
    It is not required, however dirt and grime may interfere with testing results.

14. What if the rear window is heated?

When using the two-piece meter to check a rear window (sometimes referred to as a backlite or rear windshield) that is heated, avoid testing over a heated window grid line to ensure a proper measurement of VLT.

15. What should I do if a motorist presents a "stretch" limousine for inspection?

Review regulation sections 79.20(f)(1), (2), and (3) regarding the inspection of stretch limousines. If, in accordance with regulation, the vehicle is eligible for inspection at a DMV-licensed inspection station, then inspect the window tinting in accordance with regulations.

16. Can I use my smartphone "app" as a substitute window tint meter?

No, a smart phone app does not comply with DMV regulation 79.9(d)(1).

17. What meters are approved for use by DMV?

DMV is not approving specific meters for use. A station may choose any window tint meter as long as it complies with section 79.9(a)(9) of the inspection regulation. This means the meter must be capable of measuring VLT through immovable glass (i.e. windshields, etc.). Additionally, the station must calibrate and maintain the meter per manufacturers' specifications.

NEW YORK STATE

Publication 509

(11/16)

Department of Taxation and Finance

Minimum Wholesale and Retail Cigarette Prices

As a result of price increases by manufacturers, the minimum wholesale and retail prices for certain brands of cigarettes in New York State have changed.

The minimum price enforcement date for this notice is November 21, 2016.

Minimum wholesale and retail cigarette prices must be determined by referencing manufacturers' list prices. Common list prices for certain standard brands are listed below. When a minimum price change occurs because of a manufacturer's price increase or decrease, the enforcement date of the change is the second Monday after the price change is announced. If a price change is announced on a Monday, that day is considered to be the first Monday. The enforcement date is in effect whether or not a manufacturer notifies the Tax Department of the price change.

After one manufacturer announces a price change, if other manufacturers also change their prices **before the second Monday after the initial price change is announced**, then those subsequent price changes will also be effective for enforcement purposes on the same second Monday.

When a minimum price change occurs because of an excise tax rate change, the enforcement date of the change is the date the rate change takes effect.

To determine the minimum wholesale or retail prices for any cigarette brand, you must refer to the manufacturer's price list. If you are unable to obtain the price list, please ask your supplier for assistance. In addition, Publication 508, *Minimum Price List for Cigarettes,* can help you determine the minimum prices of standard and nonstandard brands of cigarettes in cartons of 200 cigarettes, 10 packs per carton. See *Need help?* on the back for copies of Publication 508.

The New York State minimum prices relating to each of the nine currently applicable manufacturers' list prices for standard brands are printed in the tables below.

You must charge your customers the minimum price or any price in excess of the minimum price.

You may not offer merchandise for sale as a tie-in with cigarettes if the total price of the items sold is less than the minimum price of cigarettes plus your cost for the other merchandise.

New York State (sales outside New York City) **Minimum sales prices for standard brands***

Manufacturer's list price ** (per carton)	Agent's basic cost (per carton)	Type of sale				
		Wholesale (per carton)			Retail sales to the consumer	
		Agent to wholesale dealers	Agent to chain stores	Agent to retail dealers	Retail (per carton)	Retail (per pack)
$39.84	$83.34	$84.27	$84.80	$86.77	$92.85	$9.29
$43.84	$87.34	$88.31	$88.86	$90.93	$97.29	$9.73
$47.14	$90.64	$91.64	$92.20	$94.36	$100.96	$10.10
$47.54	$91.04	$92.04	$92.61	$94.77	$101.41	$10.15
$48.14	$91.64	$92.65	$93.22	$95.40	$102.07	$10.21
$50.04	$93.54	$94.56	$95.15	$97.37	$104.19	$10.42
$54.40	$97.90	$98.96	$99.57	$101.90	$109.03	$10.91
$57.08	$100.58	$101.67	$102.29	$104.68	$112.01	$11.21
$60.75	$104.25	$105.37	$106.02	$108.49	$116.09	$11.61

New York City (sales within New York City) **Minimum sales prices for standard brands***

Manufacturer's list price ** (per carton)	Agent's basic cost (per carton)	Type of sale				
		Wholesale (per carton)			Retail sales to the consumer	
		Agent to wholesale dealers	Agent to chain stores	Agent to retail dealers	Retail (per carton)	Retail (per pack)
$39.84	$98.34	$99.41	$100.02	$102.36	$109.52	$10.96
$43.84	$102.34	$103.44	$104.08	$106.51	$113.97	$11.40
$47.14	$105.64	$106.77	$107.43	$109.94	$117.63	$11.77
$47.54	$106.04	$107.17	$107.84	$110.35	$118.08	$11.81
$48.14	$106.64	$107.78	$108.44	$110.98	$118.75	$11.88
$50.04	$108.54	$109.69	$110.37	$112.95	$120.86	$12.09
$54.40	$112.90	$114.09	$114.80	$117.48	$125.70	$12.57
$57.08	$115.58	$116.80	$117.52	$120.26	$128.68	$12.87
$60.75	$119.25	$120.50	$121.24	$124.08	$132.76	$13.28

* Minimum prices listed are for standard brands and standard packages (20 cigarettes per pack, 10 packs per carton). See *Computing the minimum wholesale cigarette prices* on the back for the markups for each type of sale listed.

** Consult manufacturer's price list to verify the price for each specific brand.

Furthermore, it is illegal for any cigarette agent, wholesale dealer, or retail dealer to induce, or attempt to induce, or to procure the purchase of cigarettes at a price less than the minimum price set by law. The Tax Department will issue this publication as notification for changes in the minimum prices each time a manufacturer's price change occurs or a state or city excise tax changes.

Prepaid sales tax – The prices below do not include any prepaid sales tax. The prepaid sales tax is paid by the agent at the time the cigarette tax stamps are purchased. The prepaid sales tax is passed along in each subsequent sale down to and including the retail dealer (but is not passed down to the consumer). At the time of delivery, the seller must give the purchaser either Form ST-133, *Certificate of Prepayment of Sales Tax on Cigarettes,* or have the required information included on the invoice.

State and local sales taxes – State and local sales taxes must be collected from the consumer at the time of the retail sale. Sales tax must be collected upon the total retail sale price, including sales in New York City (effective September 1, 2003). For more information, see Important Notice N-03-22, *Computation of Sales Tax on Cigarettes Sold Within the City of New York*.

Computing the minimum wholesale cigarette prices

Publication 508, *Minimum Price List for Cigarettes*, lists the minimum prices for standard and nonstandard brands of cigarettes by the carton (20 cigarettes per pack, 10 packs per carton).

The *basic cost of cigarettes* means the invoice cost of cigarettes to the agent who purchases from the manufacturer, or the replacement cost of cigarettes to the agent, in the quantity last purchased (whichever is lower), less all trade discounts (except discounts for cash), to which is added the full face value of any stamps (excise tax only) that are required by law. (The federal excise tax placed on the manufacturer would be included in the invoice cost of cigarettes from the manufacturer.)

The basic cost of cigarettes **does not** include any sales tax prepaid by the agent at the time the cigarette tax stamps were purchased.

The *cost of the agent* means the basic cost of cigarettes (as defined above) plus the cost of doing business by the agent. Unless otherwise substantiated, the cost of doing business by the agent is presumed to be as shown in the table below:

Percentage (plus 20 cents) of the basic cost of cigarettes per carton (20 cigarettes per pack, 10 packs per carton)	
Agent to wholesale dealers	7/8% plus 20 cents
Agent to chain stores	1½% plus 20 cents
Agent to retail dealers	3 7/8% plus 20 cents

In determining the prices for nonstandard brands, remember that an agent may not sell cigarettes to wholesale dealers (as defined in the Cigarette Marketing Standards Act (CMSA)) below the basic cost of cigarettes plus 7/8% and 20 cents per carton (20 cigarettes per pack, 10 packs per carton). An agent or wholesale dealer may not sell cigarettes to a registered chain store below the basic cost of cigarettes plus 1½% and 20 cents per carton (20 cigarettes per pack, 10 packs per carton). An agent or wholesale dealer may not sell cigarettes to a retail dealer below the basic cost of cigarettes plus 3 7/8% and 20 cents per carton (20 cigarettes per pack, 10 packs per carton).

Anyone selling at a price less than the *cost of the CMSA retail dealer* minimum sales price must have proof on file that the customer was eligible for the lower purchase price. The *cost of the CMSA retail dealer* is presumed to be a 7% markup of the *agent-to-retail-dealers* price.

The selling price of cigarettes sold by one licensed cigarette agent to another, when the cigarettes are either picked up at the seller's warehouse or delivered to the purchaser's warehouse, is not required to include the cost of doing business by the agent, but it may not be less than the basic cost of the cigarettes.

If an agent sells cigarettes to a chain store with 15 or more outlets (excluding vending machine operators), the cigarettes are delivered to a central warehouse owned and operated by the chain store, and the chain store delivers the cigarettes to its outlets, the agent's selling price is not required to include the cost of doing business by the agent (that is, the agent's presumptive 1½% plus 20 cents minimum markup is not required). However, the price may not be less than the basic cost of cigarettes.

Custom stamping is the affixing of cigarette tax stamps by one agent for, or on behalf of, any other agent. It also includes the sale of stamped cigarettes by one agent to another agent. **Custom stamping** is prohibited without the prior written authorization of this department. Send your request to: NYS Tax Department, TDAB-FACCTS-Cigarette Tax Unit, W A Harriman Campus, Albany NY 12227. See also Cigarette Tax Regulations (Title 20 NYCRR section 74.3(a)(3)). Violations of this provision may result in the revocation or suspension of the agent's license under Tax Law Article 20.

A licensed agent who sells cigarettes at retail is considered to be a CMSA retail dealer. The cost of the agent for those retail sales must be the same as the *cost of the CMSA retail dealer*.

Computing the minimum retail cigarette prices

To compute the minimum retail selling price for cigarettes (standard, nonstandard, generic, or subgeneric brands), 20 cigarettes per pack, 10 packs per carton, you may use Publication 508.

Anyone making retail sales of cigarettes must first determine the *agent-to-retail-dealers* minimum selling price and increase that amount by at least 7%.

If a retail dealer does not know the manufacturer's list price for computing the minimum retail cigarette price, the retail dealer should mark up the cartons or packs of cigarettes 7% above its invoice cost (excluding any prepaid sales tax).

If you need help determining the legal minimum wholesale or retail selling price of cigarettes, contact your supplier or call the New York State Business Tax Information Center at the number listed under *Need help?* below.

Civil penalties – Violations of the CMSA may result in the suspension of an **agent's** or **wholesale dealer's** license or the imposition of a fine not to exceed $20,000, or both, for a first offense. Subsequent violations within three years may result in license revocation, suspension, or suspension plus a fine not to exceed $50,000.

Criminal penalties – Violations of the CMSA by **wholesale** or **retail dealers** are a Class B misdemeanor and may result in fines of up to $500 (or double the amount of the gain from the commission of the offense) or up to three months imprisonment, or both.

Need help?

Visit our website at ***www.tax.ny.gov***

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Miscellaneous Tax Information Center: (518) 457-5735

To order forms and publications: (518) 457-5431

Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY): (518) 485-5082

Persons with disabilities: In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, call the information center.

COMPLIANCE MANAGEMENT

Testing Prices

Tank Test (Includes Lines)	$375.00
Line Testing	$100.00
Leak Detector	$75.00
Stage 1 Press Decay	$375.00
Dynamic Back Press	$150.00
Monitor Certificaton	$350.00
Pressure Vent	$75.00
Shear Valve	$50.00

ASK ABOUT MONTHLY INSPECTIONS

TEST SPECIAL

Includes: Press Decay, Blockage,
PV, 3 LDs, ATG, Shear Valves*

REG. PRICE $1,225

Savings of $550.00!

CALL NOW TO SCHEDULE

1-845-331-2555

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:

		Property & Casualty
		Workers Comp
		Disability
		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

RSGDA

LEGAL PLAN

As a member in good standing of the Association, you are entitled to participate in our group legal service plan. If you are in need of this service, you must first call the Association office at (585) 423-9924. An appointment will be arranged that will be convenient for you and the attorney.

Covered services available to members include:

- Defense in Small Claims Court if your business is sued or at Department of Motor Vehicles or at any other New York State Administrative Proceeding hearing. (Once per year.)
- Review of leases, supply contracts and franchise agreements to advise you of your obligation under these contracts. The plan does not include actual negotiation on your behalf. (One hour per issue, up to five hours per year.)
- Consultation on legal questions pertaining to your business. (One hour per issue, up to five hours per year.)

Appeals of judgments against you are not a covered benefit, but are available to members at special contract prices.

Additional legal services will be provided by the designated law firm's standard hourly rate less 15%. Special contract prices have also been negotiated for the following services.

- Residential real estate purchase or sale. The designated law firm will represent you in the sale of purchase of your primary residence and/or a second home or vacation property at the following rates:

Sale	$295.00
Purchase	$350.00

- Simple will $75.00 Simple will (husband and wife) $125.00

In order to participate in the plan you must be a member in good standing and must have been a member for ninety days prior to the need for legal service.

CIGARETTE SALES TO MINORS
CLERK CERTIFICATION

COMPLIANCE .WITH THE NEW STATE CERTIFICATION OF CLERKS WHO SELL TOBACCO PRODUCTS

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS
POINT REDUCTION CLASS

NEW YORK STATE AMENDED ITS POLICY OF ENFORCEMENT FOR RETAILERS WHO SELL TOBACCO. UNDER THE NEW LAW A POINT SYSTEM HAS BEEN ESTABLISHED. EACH VIOLATION OF A TOBACCO SALE TO A MINOR WILL GENERATE A FINE AND TWO POINTS. THREE POINTS AND THE RETAILER'S LICENSE TO SELL CIGARETTES WILL BE SUSPENDED. HOWEVER, IF THE CLERK HAS RECEIVED A CERTIFICATION BY TAKING AN APPROVED SEMINAR, THE VIOLATION WILL RECEIVE ONE POINT.

THE STATE IS ENFORCING THIS LAW
IN ORDER TO ACCOMMODATE OUR MEMBERS,
WE ARE CERTIFIED TO PROVIDE THIS TRAINING.
PLEASE NOTE DATES, TIME, AND LOCATI0N OF THE NEXT SEMINAR

WHERE:

Shadow Lake Golf Course – Woodlands Room
1850 Five Mile Line Road
Penfield, NY

WHEN:

First Thursday of every month at 4:00 PM

COST:

MEMBERS: $15.00 - NON-MEMBERS $30.00

PLEASE CALL FOR RESERVATIONS AT (585) 423-9924

SPONSORED BY: RSGDA

ALLYHEALTH

24/7 DOCTORS BY PHONE SERVICE

What is Telemedicine?

- Telemedicine a/k/a **"Doctors by Phone Service"** is quickly becoming an integral part of the healthcare environment.
- Speak to a real live doctor **24/7/365.**
- All doctors are **US Board Certified,** licensed to practice medicine and write prescriptions in the state the caller is located in.
- Doctors have an average of **15 years experience.**
- **100% HIPAA** Compliant.
- Designed for **non-emergency care;** 71% of all medical visits today are non-emergency.

WHAT CAN BE TREATED

GENERAL CARE: Allergies · Asthma · Bronchitis · Cold and Flu · Ear Infections · Joint Aches and Pain · Respiratory Infection · Sinus Problems · and many more

PEDIATRIC CARE: Cold and Flu · Constipation · Ear Infection · Fever · Nausea & Vomiting · Pink Eye · and many more

EMPLOYEES:

- Speak with a U.S. Board Certified Physician 24/7/365
- $0 consultation cost to speak to a doctor.
- Avoid wait times at Doctors Office, Urgent Care and ER.
- Save your co-pay, deductible and claim against your policy.
- Avoid leaving work to go to the doctor. (national average of 4 hours missed work time)
- Speak with a doctor anytime day or night.
- Membership includes all dependents.
- Get a prescription called into your local pharmacy.

EMPLOYER GROUPS:

- Reduce costly visits to the doctor.
- Reduce claims against your company health benefits policy.
- AllyHealth includes Unlimited Consults with No co-pay or consultation fee. This is ZERO cost compared to $140 doctor visits, $158 urgent care visits and $750 ER visits.
- Reduce employee absenteeism and therefore reduce lost productivity.
- Monthly reports on utilization and productivity savings.
- Membership includes employee and all legal dependents.

Click for more details:

INSURANCE AGENCY GROUP OF NY
Kelly Hurley: 518 791-7616
Pat Phillips: 518 573-0534

ALLYHEALTH

NEW YORK STATE SAFETY GROUP 536 DECLARES

DIVIDEND

GET ON THE TRAIN – CALL 518-452-4367

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