GRANY

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6 WALKER WAY, ALBANY, NY 12205
(518) 452-4367 – grany@nysassrs.com – www.nysassrs.com

ATTORNEY'S CORNER

* If you cannot perform an inspection when a customer enters your facility, are you offering that customer a written appointment to perform the inspection at another time? Failure to do so is a violation of the Commissioner's Inspection Regulations, section "79.8(c)".

(1) When you are unable to inspect the vehicle within a time span convenient for the owner or operator, the inspection station shall set up an appointment for performing the inspection. The appointment shall be in writing and shall include:
   (i) the time and date of the future appointment;
   (ii) the date of the inspection refusal;
   (iii) a description of the vehicle consisting of its year, make and model;
   (iv) the name and address of the vehicle owner;
   (v) the signature of the inspection station licensee or designated employee;
   (vi) the facility name, address and telephone number.
(2) The appointment date and time shall not be more than eight working days from the original request date, and shall be within the normal posted hours of the station....
(3) The inspection station shall inspect the vehicle promptly when it is submitted for inspection at the appointed time.
(4) The inspection station may charge a deposit for setting up the appointment. [which deposit fee cannot exceed the inspection fee and must be applied to the inspection fee if the motorist appears for the appointment. The deposit fee is forfeited if the motorist fails to keep the appointment.]

Unfortunately, I recently had a client who failed to make a written appointment for a motorist who was actually an undercover DMV inspector. He is now due for a hearing and his license to inspect vehicles is at risk. He also failed to check the middle seatbelt of the back seat seatbelts and the light over the rear license plate. You have a valuable license in your inspection license. Don't do anything to lose it!

* NOTIFY YOUR ASSOCIATION IMMEDIATELY WHEN YOU RECEIVE A DMV HEARING NOTICE SO THAT YOUR ASSOCIATION ATTORNEY HAS ENOUGHT TIME TO ORDER THE A.F.I.'s REPORT FOR THE HEARING! WE NEED THE A.F.I. REPORT TO MOUNT A PROPER DEFENSE.

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

INSIDE THIS ISSUE

Battleground of Tobacco Regulation Remains Local

Just eight weeks into 2017 and tobacco legislation proposals continue to dominate local and state agendas across the country.

"Local ordinances are probably the greatest threat to the industry," according to Thomas Briant, executive director of the National Association of Tobacco Outlets (NATO). In fact, each year, the number of proposed ordinances and the severity of those ordinances increase, he noted.

While much of the legislative activity swirling around local municipalities is concentrated in three states — California, Massachusetts and Minnesota — tobacco regulation is not limited to those three states, and rather is spreading throughout the country.

As Briant explained, one of the major focuses of tobacco regulation currently is a call for flavor bans. Flavored cigarettes have been banned by the Food and Drug Administration (FDA) since the early days of The Family Smoking Prevention and Tobacco Control Act of 2009; however, flavors have not been banned in other tobacco products (OTP) at the federal level. Notably, the FDA's final deeming rule — which went into effect Aug. 8 — did not address flavors for other products such as electronic cigarettes and cigars. But the deeming rule is just a foundational step for future federal regulations.

The push for flavor bans has picked up steam at the local level in Massachusetts, California, Minnesota, New York, New Jersey and Rhode Island.

In addition to taking aim at flavors, local lawmakers are targeting minimum package size for cigars, and cigarette and OTP taxes, Briant reported.

An additional threat to tobacco retailers is the limits on the number of retail licenses that some municipalities are putting in place. In some cases, the number of licenses is less than the number of stores selling tobacco, effectively leaving some retailers out in the cold.

The Tobacco 21 push, which advocates for increasing the legal minimum age to buy tobacco products to 21, is gaining traction in many local communities, too. However, to date, only Hawaii and California have enacted statewide legislation.

To help fight the patchwork of local legislation, Briant advises retailers, wholesalers and distributors to get to know their local officials, invite them to visit their warehouse or store, explain to lawmakers the tobacco business model, and engage employees and customers.

"If tobacco sales go away, it will be hard for convenience stores to make up those dollars," the NATO executive director said, noting that the shift by anti-tobacco advocates has occurred over the past five years.

Many anti-tobacco efforts are framed as an attempt to keep tobacco products out of the hands of underage consumers. However, Briant cited a recent study, which found that up to 80 percent of youths rely on social sources — older siblings, parents, strangers — to obtain tobacco products. The irony, he said, is that if flavor bans and other restrictions are put in place, lawmakers are not solving the problem.

"If the problem is social sources, then we need to focus our efforts on social sources; not banning the sale of a legal product," he explained.

2016 vs. 2017

Looking at the legislative landscape across the United States, Briant pointed out that in 2016, 21 states had bills proposed to raise cigarette/tobacco taxes. In the end, only four states adopted higher levies: California, Louisiana, Pennsylvania and West Virginia.

Last year was an election year, he pointed out, and generally elected officials do not vote to raise taxes during elections.

2017 could be a different story. To date, 11 states have already introduced bills to hike cigarette/tobacco taxes this year. And as for e-cigarettes, six states have taxes on the segment going into effect in 2017, and so far seven more states have proposed similar levies.

Additionally, 14 states already have measures on the table to increase the legal minimum buying age this year. North Dakota just recently rejected the move, Briant said.

Study Says Teens Use E-Cigarettes For 'Dripping'

Yale researchers found in a study that one in four high schoolers who use electronic cigarettes are inhaling vapors produced by dripping e-liquids directly onto heating coils, instead of inhaling from the e-cigarette mouthpiece, possibly increasing exposure to toxins and nicotine.

Yale News reports that teens who use e-cigarettes say "dripping" produces thicker clouds of vapor, a stronger hit in the back of the throat when inhaled and a more pleasurable taste. The Yale School of Medicine Report study was published online Feb. 6 in the journal Pediatrics.

The news source notes that applying the liquid directly to the battery-powered coil heats it at a higher temperature than inhaling from a cartridge or tank, possibly increasing exposure to chemicals like formaldehyde, acetaldehyde and acrolein in the vapors.

"One of the concerns I have is when you are looking at the safety and risk of e-cigarettes, one really has to look at the risks of alternative uses also," said Suchitra Krishnan-Sarin, professor of psychiatry at Yale and first author of the study. "What we are discovering with our work with youth is that kids are actually using these electronic products for other behaviors, not just for vaping e-liquids from cartridges or tanks."

Researchers reviewed survey responses from 1,080 e-cigarette users at eight Connecticut high schools and learned that 26.1% had tried dripping. White, male, teen students who had tried multiple tobacco products, and those who used e-cigarettes on more days in the past month, were more likely to use the devices for dripping, according to the study.

CNN reports that Ray Story, CEO of the Tobacco Vapor Electronic Cigarette Association, suspects the number of teens who have tried dripping may not be as high as the study indicates.

"Do we think it's going to become a trend or very popular? No," he told CNN, adding that he believes there will always be an extreme group that uses any product, including e-cigarettes, in alternative ways.

Identity Fraud Hits Record High
15.4 Million Victims In 2016

The 2017 Identity Fraud Study by Javelin Strategy & Research revealed that the number of identity fraud victims increased by 16% (rising to 15.4 million U.S. consumers) in 2016, a record high since Javelin Strategy & Research began tracking identity fraud in 2003. The study found that despite the efforts of the industry, the amount fraudsters took increased by nearly $1 billion to $16 billion.

There was a resurgence in existing card fraud in 2016, which saw an increase of 40% in card-not-present (CNP) fraud. The study also found that the increase in EMV cards and terminals was a catalyst for driving fraudsters to shift to fraudulently opening new accounts. On a positive note, while fraudsters are becoming better at evading detection, consumers with an online presence are getting better at detecting fraud quicker, leading to less stolen overall per attempt.

The 2017 Identity Fraud Study found four significant trends:

1. Fraud leaps to a record high incidence: In 2016, 6.15% of consumers became victims of identity fraud, an increase by almost 2 million victims from the previous year. The incidence rate jumped by 16% from 2015, the highest incidence since Javelin began tracking identity fraud. This increase was driven by growth in existing card fraud, which saw a significant spike in card-not-present transactions.
2. Card-not-present (CNP) fraud rises significantly: Driven by closing opportunities for point-of-sale fraud and the growth of e- and m-commerce, fraudsters are increasingly moving online, dramatically increasing the prevalence of CNP fraud by 40%. Meanwhile, incidences of fraud at the point-of-sale remained essentially unchanged from 2014 and 2015 levels.
3. Account takeover bounces back: After reaching a low point in 2014, both account takeover incidence and losses rose notably in 2016. Total ATO losses reached $2.3 billion, a 61% increase from 2015, while incidence rose 31%. Account takeover continues to be one of the most challenging fraud types for consumers with victims paying an average of $263 out of pocket costs and spending a total of 20.7 million hours to resolve it in 2016—6 million more than in 2015.
4. New-account fraud continues unabated: As EMV cards and terminals continue to permeate the U.S. payments environment, fraudsters shift to opening accounts. At the same time, fraudsters have become better at evading detection, with new-account fraud (NAF) victims being notably more likely to discover fraud through review of their credit report (15%) or when they were contacted by a debt collector (13%).

New this year, the study identified and analyzed four consumer personas:

1. Offline Consumers have little online presence, either social networking or shopping, and are exposed to less fraud risk than digitally connected consumers, but their minimal digital life brings other risks. With a distrust of both online and mobile banking, these consumers take more than 40 days to detect fraud and incur higher fraud amounts than other fraud victims.
2. Social Networkers share their social life in digital platforms (like Facebook, Instagram, Snapchat and other networks), but do very little e- or m-commerce, and face the risks associated with having their personal information widely available to fraudsters who can use it to overcome security measures or socially engineer victims. This manifests in a 46% higher risk of account takeover fraud.
3. E-commerce Shoppers (including m-commerce) expose their financial information to potential compromise and experience an elevated risk of existing card fraud. Sixty-two percent of these ecommerce shoppers made an online purchase within the past week. While this customer segment experienced the highest prevalence of fraud of any of the four segments, they also tended to catch it very quickly, minimizing the impact. Seventy-eight percent of fraud victims in this segment detected fraud within one week of it beginning.
4. Digitally Connected Consumers have extensive social network activity, frequently shop online or with mobile devices, and are quick to adopt new digital technologies. Twenty-five percent of these consumers used a P2P payment service in the past week. Digitally connected consumers have a presence on an average of 4.9 social networks and are predominantly female; this also exposes them to greater risks, including a 30% higher risk of fraud.

“After five years of relatively small growth or even decreases in fraud, this year’s findings drive home that fraudsters never rest and when one area is closed, they adapt and find new approaches,” said Al Pascual, senior vice president, research director and head of fraud & security, Javelin Strategy & Research. “The rise of information available via data breaches is particularly troublesome for the industry and a boon for fraudsters. To successfully fight fraudsters, the industry needs to close security gaps and continue to improve, and consumers must be proactive too.”

Booster Fuels Fills Up On-Campus Cars

In its first official partnership with a college campus, Booster Fuels is refueling staff and students at UT Dallas in what The Mercury calls “a service that costs just as much as filling up at a gas station.”

By using the Booster Fuels app, users can schedule an 800-gallon fuel truck to fill up their car between 6 am and 8 pm on weekdays.

“People have often referred to us as the Uber of gas, which is not a bad comparison,” Ryan Leech, director of

sales and campus representative from Booster Fuels, told the news source.

The company's presence is visible on campus, thanks to its bright purple trucks. "I love the convenience of being able to fill-up my car during classes; it's made for one less thing I have to worry about in my day-to-day," one student said.

As of now, Booster Fuels is only offering gasoline delivery, but plans to expand its services.
"In mid-February, probably at the latest, there will be add-on services that you can get like a windshield wash, tire shine, wiper replacement … as well as tire check and tire replacement," Leech added.

Booster Fuels is also looking for expansion opportunities at other campuses. "We don't want to be a flash in the pan. What we want to work toward is the phasing out of gas stations," Leech told the news source.

Tax Reform Preview By Our National Affiliate

Is there really a chance for comprehensive tax reform this year? It's possible for the first time in a decade. There is a real pent up demand on the part of Republicans to simplify the tax code, make it more pro-growth and reduce tax rates. Their plan is to tackle tax reform using the budget reconciliation process with the 2018 budget that is expected to be released sometime late this summer (2017). Using budget reconciliation would allow tax reform to be passed in the Senate with just 51 votes because debate on reconciliation bills is time limited, eliminating the potential for a filibuster (which takes 60 votes to break). In theory, it should be relatively easy for the Republicans to get tax reform through the House, the Senate (because of reconciliation) and to get the President to sign the bill.

Any downside to using budget reconciliation to get tax reform through the Senate? Yep. Any tax provision passed under the budget reconciliation process that would lose revenue beyond the budget window (almost always 10 years) must expire at the end of the budget window. You might remember when federal estate taxes were repealed in 2010 and then sprung back into being in 2011. That's because the 10 year budget window ran out in 2011 and if the provision had continued past the 10 year window it would have lost tax revenue so it had to expire. The same tax bill that had estate tax repeal also contained very favorable retirement plan provisions such as increasing the amount that an individual could contribute to a retirement plan. Those favorable retirement plan provisions remained after 2010 because they were later passed again by the House and the Senate (without the benefit of budget reconciliation) as part of separate legislation during the 10 year window.

What could stop tax reform? What could stop tax reform this year, and maybe even next year, is Congress running out of time. Congress could run out of bandwidth if it ends up spending the entire year figuring out a replacement plan for the Affordable Care Act (ACA), how to deal with the wall on our southern border and immigration, what to do with our infrastructure and nominating a Supreme Court justice, among other issues. Many of these issues, other than tax reform, will require 60 votes in the Senate to get passed which means that any bill getting through the Senate will have to be acceptable to a number of Democratic Senators in addition to most, if not all, of the Republican Senators. Moreover, the Republicans have already moved forward to repeal and replace much of the ACA through the budget reconciliation process using the 2017 budget, which would normally mean they would want to solve health care (no small feat) before they moved on to tax reform.

What is comprehensive tax reform anyway? Comprehensive tax reform means that the corporate tax provisions, individual tax provisions, provisions dealing with pass-through entities, and international tax provisions would all be modified (hopefully simplified) at the same time. Last year, it looked like some of the corporate tax provisions would be modified for C corps but it was ultimately decided that Congress couldn't reduce the C corp tax rate without reducing the tax rates applicable to the pass-through entities and that such broader tax changes were just too much to tackle last year.

What is likely to happen to individual taxes? Based on the House Republicans' Tax Reform "Blueprint" and President Trump's plan (which are about 80% the same):

There will be 3 lower personal tax rates:

- 0 – 12% for married couples filing jointly with taxable income below $75,000
- 25% for married couples filing jointly with taxable income between $75,000 and $225,000
- 33% for married couples filing jointly with taxable income above $225,000

The thresholds are half the above amounts for single taxpayers and the head of household rates are eliminated.

The standard deduction will be increased:

The standard deduction would be increased to $24,000 for a joint filer, $18,000 for a single taxpayer with a child and $12,000 for a single filer under the House Blueprint. Trump's plan would be a bit higher - $30,000 for a joint filer and $15,000 for a single filer.

Personal exemptions will be eliminated.

Trump's plan would cap itemized deductions at $200,000 for joint filers and $100,000 for single filers. The Blueprint would not cap itemized deductions.

Reduced rates for capital gains, dividends and interest income. Under the House Blueprint, the tax rates for net capital gains, dividends and interest income will be cut in half – so subject to a tax rate of 6%, 12.5% or 16.5% depending on the tax bracket. Trump's plan states that it would not change the current capital gains rates.

AMT would be eliminated.

The 3.8% net investment income tax which was enacted to help pay for the Affordable Care Act would be eliminated. Estate tax and generation skipping transfer tax would be repealed. Neither the Blueprint nor Trump's plan mentions whether the gift tax would also be repealed. It is also not clear whether a new "death capital gains tax" would be

imposed under the House Blueprint. Under Trump's plan, it appears that a new "death capital gains tax" would be imposed but not on the first $10,000,000 of capital gains. This seems like a high enough number to protect many small businesses but, based on what has happened in the past, we are concerned that this number over time would be reduced in order to raise revenue.

The mortgage interest and the charitable contribution deduction would be preserved for those itemizing deductions under the House Blueprint.

Federal Lawmakers Launch New Menu-Labeling Action

U.S. lawmakers have introduced legislation to shield small businesses from regulatory burdens of the Food and Drug Administration's (FDA) final menu-labeling regulations.

The Common Sense Nutrition Disclosure Act was reintroduced by U.S. Reps. Cathy McMorris-Rodgers (R-Wash.) and Tony Cardenas (D-Calif.) and U.S. Sens. Roy Blunt (R-Mo.) and Angus King (I-Maine).

The new legislation is intended to provide a more practical and flexible approach to the current regulations, which the FDA plans to begin enforcing on May 5, reported NACS, the Association for Convenience & Fuel Retailing.

"We need some common-sense relief to the FDA's menu-labeling requirements so that it is reasonable and achievable for local convenience stores, grocery stores, restaurants, and others that sell food," Blunt said. "Small businesses are already having to spend money trying to comply with difficult and unworkable regulations. I am pleased to introduce this bill that recognizes the importance of menu labeling, but more importantly recognizes that there needs to be flexibility for businesses so they can provide important nutritional information to customers in the most useful way."

McMorris-Rodgers criticized the FDA's one-size-fits-all approach to the requirement that foodservice outlets provide nutritional information.

"How businesses provide that information should be consistent with how their customers actually place orders — including by phone, online or through mobile apps," she said. "By bringing this rule into the 21st century, we can provide relief to our job creators and preserve important nutritional information for American families at the same time."

NACS has called for rapid action by Congress and the new administration as the compliance deadline draws near.

"It is critical that Congress and the new administration act quickly before the May 5 compliance deadline to provide for common-sense, simpler menu-labeling regulations that would ensure more nutritional information and choice for consumers — without exposing small businesses to burdensome costs and penalties and their employees to potential felony prosecution for accidentally putting too many pickles in a sandwich," said Lyle Beckwith, NACS senior vice president of government relations.

The Common Sense Nutrition Disclosure Act maintains but modifies the FDA's menu-labeling regulations, allowing businesses to provide nutritional information to customers in a more practical format. It also protects small businesses from "overly burdensome" costs and penalties, and removes the possibility of criminal penalties.

The American Pizza Community (APC), a coalition of large and small pizza companies, franchisees, suppliers and thousands of employees that make up the pizza industry, released a statement endorsing the Common Sense Nutrition Disclosure Act.

"Pizza store owners and operators continue to support the intent behind menu-labeling laws and we're happy that Congress is taking action to make these regulations workable for small business owners," said Tim McIntyre, APC chair and executive vice president of communication, investor relations, and legislative affairs for Domino's Pizza. "This is not about whether to disclose calorie counts. It's about doing it in a way that makes sense."

McIntyre noted that many pizza stores have provided nutritional information for years. According to the APC, there are 34 million different ways to order a pizza, and with so many customers choosing delivery and pick-up and customers ordering online or by telephone, the requirement to label in-store menu boards with broad calorie ranges for entire pizzas is inflexible, will not enhance consumer education and would come at great expense to owners.

Trump Administration Wants More Time to Mull Overtime Rule

The United States Justice Department wants a Louisiana federal appeals court to pause a case challenging the Labor Department's pending overtime rule so the Trump administration can decide whether to defend that rule, reported Bloomberg BNA.

On Jan. 25, Justice Department lawyers asked the U.S. Court of Appeals for the Fifth Circuit a 30-day extension on the deadline to file a brief in the case, Nevada v. DOL, 5th Cir., No. 16-41606).

"We're concerned that they're asking for more time because they're considering reversing their strong support for this important worker protection," Adina Rosenbaum, an attorney for Public Citizen Litigation Group, told the news outlet. On behalf of congressional Democrats, Public Citizen has filed a friend of the court brief requesting that the court lift an injunction currently blocking the rule from going into effect.

President Trump's nominee for Secretary of Labor, Andrew Puzder, is one of multiple business leaders who have criticized the overtime rule, which would have made approximately four million more workers eligible for overtime pay starting in December.

On Nov. 22, Judge Amos Mazzant ruled that the Department of Labor exceeded its authority by focusing on salaries to determine whether employees are eligible for overtime pay or not. Mazzant stated that the department should instead examine the duties that employees perform to

determine if they qualify as "executive, administrative or professional" workers who are exempt from overtime requirements.

Judge Mazzant previously declined the Department of Labor's request to put the case on hold pending the Fifth Circuit's review of the temporary injunction.

If granted, the extension would move the government's next filing deadline to March 2.

SNAP Retailer Redemption Data Is Not Confidential, Ruling Says

In late November, the U.S. District Court for the District of South Dakota issued a ruling on whether annual Supplemental Nutrition Assistance Program (SNAP) retailer redemption data should be disclosed to the public or whether it should be protected as confidential business data. The case arose from a Freedom of Information Act (FOIA) request made by Argus Leader Media, a newspaper. Argus sought individual store-level SNAP redemption data. The U.S. District Court found in favor of Argus, stating that retailer SNAP data is not protected from disclosure under FOIA. A month and a half later, on January 18, 2017, the U.S. Department of Agriculture (USDA) released a memorandum, stating that it decided to comply with the court decision and would not appeal the court order to release SNAP retailer redemption data.

Over the past few days, NACS members who participated in the SNAP program between 2005 and the present may have been notified by the USDA that their store-level SNAP redemption data may be released to the public. If you have been contacted, the USDA message likely stated that USDA's Food and Nutrition Service (FNS) "received a request for records that will disclose each of your store's individual annual SNAP sales amounts." USDA expects to release the SNAP data in the coming days. This matter is resolved unless NACS members elect to litigate this issue on a unique set of facts, i.e. instance by instance. NACS members wishing to continue participating in SNAP must comply and be aware that the data they submit to FNS is susceptible to release upon demand.

Back in September 2014, NACS filed comments with the USDA urging the agency to treat aggregated SNAP redemption data at the individual store level as "confidential business information," which would prevent it being released to the public in response to FOIA requests. Regrettably, the court's ruling and USDA's decision not to appeal the ruling means this information will not be shielded under FOIA.

New York State Budget Proposed Tax Surcharge On Prepaid Wireless Products

In Governor Andrew Cuomo's purposed state budget he is recommending the imposition of a new state level public safety communications surcharge on prepaid wireless phones and phone cards effective December 1, 2017. The proposal also permits counties in New York City to level their own surcharge on top of the state's surcharge.

The state has a surcharge on postpaid wireless communications services of $1.20 on each device per month. However more people are shifting to a wireless prepaid plan which is currently creating a decline in revenue for the state.

This new wireless phone card surcharge would apply to each sale of prepaid services or devices at $.60 per sale of $30.00 or less and $1.20 per sale over $30.00. Businesses will have to program their cash registers to accommodate this difference in the sales tax on different prices. This will create a point of sale nightmare. The tax rate is not a percentage but a flat rate per sale that varies depending on the dollar value. The sale would have to be itemized on the receipt. Businesses would be forced to have a file or special tax return and remit the surcharge revenues to the New York State Department of Taxation and Finance.

Add to this, counties in New York City could pile on an additional tax by passing a local law enacting their own their own public safety communication surcharge of up to $.30 per retail sale on top of the state's tax. The two taxes would have to be printed on the sales receipt. The business would need to remit the surcharge revenue collected monthly directly to the municipality. Businesses wouldn't have the ability to keep 2 percent of the total surcharge collected.

There are a number of items currently sold in the state such as cigarettes, gasoline and beer where taxes are prepaid. We would ask the state, if they insist on increasing the taxes on prepaid wireless communications, to figure a way to include the tax in the price and have the wholesaler pay the tax before it gets to the retailer.

More Than 100 Sunoco LP Properties Up For Sale

Sunoco LP has placed a collective for-sale sign on more than 100 real estate assets, including company-owned locations and undeveloped greenfield sites and other excess real estate.

In a move to shed the properties, the partnership retained NRC Realty & Capital Advisors LLC to "assist with strategic alternatives" for the assets.

The properties are located in Florida, Louisiana, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Texas and Virginia.

According to Sunoco, the assets will be sold through a sealed-bid sale in a "buy one, some or all" format with bids due on March 7 for the operating sites and on April 4 for the surplus properties.

The partnership will review all bids before divesting any assets.

Dallas-based Sunoco is a master limited partnership that operates approximately 1,345 retail fuel sites and convenience stores, including APlus, Stripes, Aloha Island Mart and Tigermarket brands. It also distributes motor fuel to convenience stores, independent dealers, commercial

customers and distributors located in more than 30 states at approximately 6,900 sites.

Energy Transfer Equity LP owns Sunoco's general partner and incentive distribution rights.

Oslo Temporarily Bans Diesel Cars

Petro Plaza reports that the city of Oslo in Norway has implemented a two-day ban on diesel cars to counter the dangerous levels of air pollution.

“Acutely high air pollution can make it hazardous for children, the elderly and asthmatics to be outdoors. The diesel ban is a radical measure, but it is necessary to preserve the health of city residents,” said Gerd Robsahm Kjørven, the acting director of the Environment Department in Oslo.

After several local, regional and national governments convinced consumers to switch over to diesel, Petro Plaza reports that many have reversed in their approach, noting that diesel cars emit less CO2 but emit more nitrogen dioxide.

“In Oslo, we can’t ask children, the elderly, and those suffering from respiratory problems to remain holed up at home because the air is too dangerous to breathe,” a Greens city councilor, Lan Marie Nguyen Berg, told The Guardian.

U.S. Smokeless Recalls Products Due To Metal Objects

U.S. Smokeless Tobacco Co. (USSTC) is voluntarily recalling certain smokeless tobacco products manufactured at its facility in Franklin Park, Ill.

According to Altria Group Inc., USSTC has notified the Food and Drug Administration of the recall and is working with federal authorities on this matter.

USSTC is an operating company of Richmond-based Altria.

The recall was triggered by eight consumer complaints of foreign metal objects, including sharp metal objects, found in select cans. In each case, the object was visible to the consumer and there have been no reports of consumer injury.

Complaints came from consumers in Indiana, Texas, North Carolina, Tennessee, Wisconsin and Ohio.

The select cans are from the Cope, Copenhagen, Husky, and Skoal brands. For the complete list, click here.

The products at issue were manufactured solely in USSTC's Franklin Park facility and distributed nationally, according to the company.

Wholesalers and retailers were asked to segregate the recalled products from their inventories. USSTC's sales representatives will assist wholesalers and retailers in returning the product.

"What we're trying to do is to make sure that we're doing the responsible thing with respect to the consumers. We want to make sure that we're doing everything we can so that no one is injured as a result of this particular incident," Altria President and CEO Marty Barrington said during the company's earnings call on Wednesday.

"And also, it's important of course to protect the brand trust. So the way I think I would think about it is, of course, it's a short-term disruption, but in the long term what you want to do is to protect the consumer from harm from this and protect the trust of the brand," he added.

USSTC has two smokeless factories and the Franklin Park facility — which is the smaller of the two factories — is the only one that is affected. The Nashville factory has not been implicated and that's where most of the volume goes through, according to Barrington.

"We want to make sure that we've got this buttoned up before we ship any more product out of Franklin Park and we'll do that as soon as we feel like we have our arms around it," he explained.

The recall comes as USSTC ends with a good year. The segment grew adjusted operating company income 11 percent for the year, driven by higher pricing and volume — partially offset by higher costs and mix, Barrington said.

USSTC grew retail share of Copenhagen and Skoal combined to 52.2 percent, the highest full-year share since Altria acquired the smokeless company, he added.

"Our portfolio strategy has enhanced Copenhagen and Skoal's competitive positioning and improved USSTC's efficiency and profitability," explained Barrington.

In 2016, Copenhagen continued to build on its position as the smokeless segment's largest brand with the national expansion of Copenhagen Mint. It is also the fastest-growing smokeless brand, posting a 2.2 retail share point gain for the year — more than offsetting Skoal's 1.3 share point decline, according to the executive.

BAT Acquires Reynolds American

British American Tobacco (BAT) and Reynolds American Inc. have agreed to an offer for BAT to acquire the remaining 57.8% of Reynolds it does not already own. According to a press release, the merger will create a stronger global tobacco and Next Generation Products (NGP) company to deliver sustained long-term profit growth and returns.

"Our combination with Reynolds will benefit from utilizing the best talent from both organizations. It will create a stronger, global tobacco and NGP business with direct access for our products across the most attractive markets in the world,” said BAT’s chief executive, Nicandro Durante.

The two companies will create a balanced presence in high-growth emerging markets and high profitability developed markets, combined with direct access to the U.S. market, and create a pipeline of vapor and tobacco heating products to the fastest growing NGP markets.

Post transaction, the group will be a larger, broader, more geographically diversified business with a unique footprint providing continued exposure to high-growth emerging markets, direct access to the opportunity in the U.S. market, and a broad presence in key developed markets, notes a press statement.

In the U.S. market, Reynolds has three out of the four top-selling cigarette brands, and the benefits from the

Lorillard acquisition have given Reynolds a 34% cigarette market share, with Newport as the leading brand in menthol, Pall Mall as the leading value brand and Natural American Spirit as the fastest-growing premium brand. Reynolds' American Snuff subsidiary also has a 33% share of the growing moist snuff segment, led by its Grizzly brand.

BAT has a significant presence in emerging markets across South America, Africa, the Middle East and Asia, and emerging markets will account for 60% of volume in the enlarged group. Over the last five years, revenue per pack in these markets has grown at more than twice the rate compared to developed markets. With generally low cigarette pack prices and expectations of continued growth in consumer disposable income over the long term, the future profit growth opportunity remains strong. BAT sees emerging markets as the source of future profit growth for the BAT group and developed markets as the source of current profit growth.

BAT's multi-category strategy in NGPs is aimed at satisfying different consumer moments, with the capability of effectively addressing rapidly developing consumer behaviors. In December 2016, Glo, an innovative tobacco heating product, was launched in Japan with encouraging early results. In addition, Reynolds' Vuse is one of the leading vapor brands sold in retail.

BAT and Reynolds anticipate the transaction to close during the third quarter of 2017.

Altria Acquires Nat Sherman, Grows Its Smokeable Segment

The tobacco industry is really heating up. Fresh on the heels of the Reynolds American Inc. and British American Tobacco merger, Altria Group Inc. revealed it is acquiring the parent company of Nat Sherman.

Terms of the deal between the Richmond-based tobacco leader and Sherman Group Holdings LLC were not disclosed. Upon completion, the move will join Nat Sherman's super-premium cigarettes and premium cigars with Philip Morris USA and John Middleton Co. as part of Altria's smokeable products segment.

"Nat Sherman has a terrific brand portfolio which complements Altria's existing smokeable product segment," said Marty Barrington, Altria's chairman, president and CEO. "Nat Sherman will benefit from the retail distribution, brand management, and adult tobacco consumer engagement expertise of Altria's companies."

Nat Sherman was founded in 1930 as a family-owned and operated business. Nat Sherman cigarettes are manufactured in Greensboro, N.C., and are currently in limited distribution throughout the United States. The company also operates a flagship store in New York.

"We are excited to have our family's business join the Altria family of companies," said Nat Sherman Executive Vice President Bill Sherman. "We believe Altria will be a great steward of the Sherman company and its brands."

Altria's wholly owned subsidiaries include Philip Morris USA Inc., U.S. Smokeless Tobacco Co. LLC, John Middleton Co., Nu Mark LLC, Ste. Michelle Wine Estates Ltd., and Philip Morris Capital Corporation. Altria holds an equity investment in Anheuser-Busch InBev.

The brand portfolios of Altria's tobacco operating companies include Marlboro, Black & Mild, Copenhagen, Skoal, MarkTen and Green Smoke.

Employee Hand Book – You Need To Be Careful

Broken promises lead to breach of contract claims. Employers use handbooks to show that they have provided valuable information to their employees and that they have been clear in the rules that employees must follow. They are invaluable tools if used correctly. But is your handbook giving employees a legal contract claim they might not otherwise have? How can you avoid this situation?

Don't use one or use an attorney or other labor professional to help you develop your employee hand book.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of $12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 518-452-4367.

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.

NYVIP2 MESSAGE No. 230

DATE: 01/24/2017

TO: ALL INSPECTION STATIONS

FROM: NYS DMV

SUBJECT: RETURNING 2017 INSPECTION CERTIFICATES

****PRINT THIS MESSAGE AND DELIVER IT TO THE PERSON WHO MAINTAINS THE INSPECTION CERTIFICATE INVENTORY****

According to regulation, "every inspection station owner must return to the department all unused inspection certificates from the previous year" and that "refunds or credits will be allowed for such unused or defective certificates of inspection upon receipt."

As such, if you have any inspection stickers with a 2017 expiration date, regulation requires that you **return them by March 1st 2017**. No credit or refunds for 2017 stickers will be given after December 31, 2017.

Please return the unused stickers in a secure and durable shipping container (e.g., a cardboard box or reinforced envelope).

Include a completed **"Inspection Certificate Return Form"** provided with this message. You may use more than one form if necessary. This form also provides the mailing address options for your returns. Completed Inspection Certificate Return Forms must be included with your sticker returns to DMV.

Questions regarding this procedure can be directed to DMV at 518-474-2398.

NEW YORK STATE | Department of Motor Vehicles

VEHICLE SAFETY & CLEAN AIR

6 EMPIRE STATE PLAZA – ALBANY, NY 12228

INSPECTION CERTIFICATE RETURN FORM

Please place any unused stickers in a secure and durable shipping container (e.g., a cardboard box or reinforced envelope) and include the following information with your shipment:

Seven Digit DMV Facility Number: __ __ __ __ __ __ __

Inspection Station Name: _____

Inspection Station Address: _____

_____

_____

Name of Contact Person: _____

Contact Phone Number: _____

Contact Email Address: _____

Inspection Sticker Number(s): _____

Inspection Sticker type: _____

Reason for return: *(e.g. Defective, End of year return, etc.)* _____

Additional Comments:

United States Postal Service
NYS DMV - Accounting
Bureau of Consumer & Facility Services
Accounting Unit
PO Box 2700
Albany, NY 12220-0700

All Other Carriers
NYS DMV - Accounting
Bureau of Consumer & Facility Services
Accounting Unit
6 Empire State Plaza, Room 220
Albany, NY 12228

Important: *If you are returning stickers for multiple facilities, please place the stickers in separate shipping containers. Also, do not place a new sticker order or requisition in the shipping container with your sticker returns. This will delay your new sticker order.*

www.dmv.ny.gov

Great Options.
Incredible Service.
A Winning Combination.

SANDRI IS KNOWN for our long history with Sunoco, but did you know that we also offer programs from VP Racing Fuels, Valero, and Gulf? We even offer unbranded options.

When you partner with Sandri, we'll help you design a program that gives you a competitive edge in your marketplace.

When you choose Sandri, you can count on:

- **PRODUCT CHOICES** from multiple brands & unbranded options
- **INCREDIBLE SERVICE** from a family-owned business with 85 years of experience as a trusted fuel supplier
- **LOCAL REPS** who are always there when you need them
- **FLEXIBLE DELIVERY OPTIONS** using Sandri's fleet of tankers and drivers or our network of partners
- **EXPERT GUIDANCE** if you need help navigating environmental compliance & other regulatory issues

Enjoy all the benefits of doing business with Sandri, plus a flexible program tailored to your needs.

SUNOCO

VALERO

Gulf

VP Racing FUELS

Options. Service. Value.
Experience the Sandri Difference!

Call Tyler Van Epps at **(413)325-5794**
or email tyler@sandri.com.

Sandri

400 CHAPMAN STREET, GREENFIELD, MA 01301
SANDRI.COM

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

GRANY

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 (518) 452-4367. 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:

ASSOCIATION OFFICE
6 Walker Way
Albany, New York 12205

WHEN:

The First Tuesday of every month at 2:00 PM
The Third Wednesday of every month at 10:00 AM

COST:

MEMBERS: $15.00 - NON-MEMBERS $30.00

PLEASE CALL FOR RESERVATIONS AT (518) 452-4367

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