SERVICE STATION AND REPAIR-SHOP ASSOCIATION OF CENTRAL NEW YORK

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Transportation Reauthorization Passes Committee, Funding Questions Remain

On Nov. 9, the Senate Environment and Public Works Committee (EPW) voted 18-0 to approve the Moving Ahead for Progress in the 21st Century (MAP-21) Act, a $109 billion two-year bipartisan surface transportation reauthorization bill. Despite unanimous approval from the committee, MAP-21 cannot advance any further in the Senate without addressing the additional $12 billion that will be needed to offset the decreasing revenues produced by the Highway Trust Fund. Senator Max Baucus, D-Mont., who chairs the Senate Finance Committee as well as EPW's Transportation and Infrastructure Subcommittee, was one of the crafters of the bill and has taken responsibility for finding the additional revenue.

The committee-approved bill would reauthorize the federal-aid highway program and the Transportation Infrastructure Finance and Innovation Act (TIFIA) program for two years, while expediting project delivery and consolidating the number of federal highway programs by two-thirds. The committee approved a number of amendments during the meeting, including limiting the number of DOT performance measures, improving freight rail transport and addressing traffic congestion and other environmental concerns. This bipartisan support for MAP-21 is the first major accomplishment in a long-running debate on how best to approach long-term surface transportation reauthorization.

Meanwhile, Speaker John Boehner, R-Ohio, has promised to introduce an infrastructure bill in the House that would be funded by expanding domestic energy production. In addition, House Transportation and Infrastructure Committee Chairman John Mica, R-Fla., recently introduced a six-year surface transportation reauthorization that would cut funding for highway and transit programs by one-third, a resolution strongly opposed by Senate EPW Committee Chairman Barbara Boxer, D-Calif., and the other architects of MAP-21, which successfully maintains current funding levels. How the Senate and House will address these disparities between the different bills still remains to be seen and could be a major stumbling block to final passage.

Diesel Fuel Shortage Plagues Upper Midwest

A diesel fuel shortage in the upper Midwest is "the worst shortage" folks in the fuel industry can remember, reports the JournalStar.com.

"It's as bad as I've ever seen it," Tom Garner, a 33-year fuel industry veteran at the energy division manager for Farmers Cooperative told the news source. "I've never seen anything like it in my life," added Dick Salem, president of Lincoln Trucking Lightning, who said even the three shortages in the 1970s "was never like this."

The diesel fuel shortage particularly is bad in the Lincoln, Nebraska, area, where one of the two terminals south of Lincoln has not had supply for at least a month, Garner told the news source, noting that on Wednesday last week, neither terminal had diesel.

"We have recently encountered extremely high demand for diesel fuel at our terminals in the northern tier of our system, which is related to the seasonal agricultural harvest, increased regional production of oil and

natural gas, and product outages at other petroleum distribution facilities in the region not owned and operated by Magellan," Bruce Heine, a spokesman for Magellan Midstream Partners, told the news source.

Heine added that diesel runs dry at the terminals for several hours or several days. “In general, we simply have not received adequate supplies from inventory owners to meet the recent demand," he said.

Reasons for the shortage run from increased demand for diesel fuel in the Bakken oilfields to operate heavy equipment, to more export demand and refinery turnaround from summer blends to winter blends.

The newspaper writes that Mike Rud, executive director of the North Dakota Petroleum Marketers Association, told the Bismarck Tribune that a conservative estimate is that about 2 million gallons of diesel fuel are being shipped into Bakken.

However, despite diesel fuel shortages at the terminals, those who need diesel are somewhat managing to meet customer demand.

"I haven't run out at all," Rick Wordekemper, energy division manager of Farmer Cooperative Company, commented. "I've been a little uncomfortable a few times, but it's been fine…We kind of saw this coming early in the harvest, and we stocked up.”

House Oversight Committee Chairman Challenges CARB on Role in Setting CAFE Standards

As Chairman of the House Oversight and Government Reform Committee Rep. Darrell Issa, R-Calif., has taken on the state of California as he continues to probe the issuing of greenhouse gas emissions standards by the U.S. Environmental Protection Agency (EPA). Rep. Issa believes that the Obama administration has acted outside of the Administrative Procedures Act in “secretly” negotiating fuel economy standards with the car companies and California.

In a letter dated Nov. 9, addressed to Mary Nichols, Chair of the California Air Resources Board (CARB), Chairman Issa takes her to task for ignoring his request to appear at a Regulatory Affairs, Stimulus Oversight and Government Spending subcommittee hearing that he held on the Oct. 12, 2011. In the letter he claimed, “Your refusal to subject yourself and your office to congressional scrutiny is emblematic of the core concern that many in Congress share regarding CARB’s participation in the establishment of the fuel economy standards. Namely, many are concerned that CARB, as a state actor, is unresponsive to congressional concerns and unappreciative of congressional priorities.”

Chairman Issa also said he wants to avoid the creation of what he labels as “an unworkable patchwork of regulations that wreak havoc on the industry.” In the October subcommittee hearing, administrators from EPA and the National Highway Traffic Safety Administration (NHTSA) were on-hand to answer questions as to whether they were regulating fuel economy when working with CARB, which is a role of the federal government, or regulating greenhouse gas emissions, for which California has obtained a waiver from federal preemption under the Clean Air Act. All of the witnesses answered in the negative and simply stated that they were

regulating greenhouse gas emissions. According to a spokesman, CARB is planning on responding to the letter.

OSHA Holds Stakeholder Meeting On Occupational Hearing Loss

With 125,000 reported incidences since 2004, occupational hearing loss continues to be the number one reported injury or illness in the workplace. That number, according to the Occupational Safety and Health Administration (OSHA), does not fully describe the seriousness of the issue since many incidences go unreported. Thus, OSHA has made a commitment to uncovering not only the medical effects of permanent hearing loss, but also best practices being used by businesses to prevent injury in the first place. At a Nov. 3 meeting attended by AAIA along with dozens of stakeholders, from lobbyists to medical doctors, OSHA heard presentations regarding methods currently being used by companies to address employee hearing loss.

During the meeting, many stakeholders contended that a significant portion of the workforce does not know how to use (or simply cannot use) generic protective earplugs supplied in most workplaces. Offering educational videos on correct usage and supplying a variety of options in terms of size and shape for preventing hearing loss were a few popular suggestions. Given the fact that personal protective equipment is not always reliable, the future of hearing loss prevention, according to many stakeholders, appears to be in developing innovative engineering controls to help control noise at the source. Europe currently has far less occupational hearing loss because the governments have committed to only buying quiet equipment.

There seemed to be a consensus that OSHA needs to provide information to businesses on the return on investment in purchasing quieter, but often more expensive, equipment. Requiring product labeling pertaining to noise output seemed to receive unanimous support from the group as well. It was stressed by hearing loss experts that machinery needs to be adequately maintained since loud work environments can result from using faulty, outdated equipment.

Information on tools available on occupational hearing loss education can be found at HearForever.org and HearlingLossPrevention.org. In addition, OSHA has a toll free number (1-800-321-OSHA) that businesses can call to report incidents, ask questions about current regulations, or request site visits.

ExxonMobil's Exit Strategy Nears Finish Line

Three years after launching a strategy to divest its company- and dealer-owned sites, ExxonMobil Corp. is heading into the home stretch with news that its New Jersey properties are in the process of being sold.

In June 2008, ExxonMobil Fuels Marketing Co. grabbed headlines with its intention to exit the direct-served retail business in the United States. The move to sell approximately 2,200 sites was fueled by the company's belief that converting the majority of its markets to branded wholesale would be the best path to grow a competitive ExxonMobil.

And now, a little more than three years later, ExxonMobil is selling off its Garden State holdings -- the last market in its strategy to

convert its company-owned retail assets to a branded wholesale business, Claire Hassett, of ExxonMobil's public and government affairs, told CSNews Online.

"We are committed to the presence of our brands throughout the U.S. through our strong distributor network," she explained. "This decision results from ExxonMobil's continual evaluation of all aspects of its business in order to maximize the opportunities for long-term growth for the benefit of our employees, customers and shareholders."

Earlier this year, Ben Soraci, U.S. retail sales director for ExxonMobil Fuels Marketing, told Convenience Store News that the company's focus was shifting from the backcourt to the forecourt because the fuel brands are ExxonMobil's "bread and butter."

As the company exits the direct-served retail business, ExxonMobil looks to technology and customer loyalty programs to be the tipping point in favor of the Exxon and Mobil brands over the competition, Soraci added.

The latest deal involves 236 ExxonMobil locations in New Jersey. After "careful evaluation," the company reached agreements to sell its stations and associated fleet operations in 13 counties to its existing branded wholesalers, PMG New Jersey II LLC, Lehigh Gas Corp. and NJ Energy Corp., Hassett explained. However, in compliance with New Jersey law, ExxonMobil's first step in the transaction will be to offer eligible dealers a Right of First Refusal and bona fide offer to purchase their sites, she added.

Sites not bought by dealers will be sold to PMG New Jersey II LLC, Lehigh Gas Corp. and NJ Energy Corp., she said.

"These stations will retain the Exxon gasoline brand, allowing consumers to continue to purchase the same high-quality Exxon fuels, and use their ExxonMobil credit cards and Speedpass devices," Hassett said.

Since embarking on this journey, ExxonMobil has entered into several notable deals. 7-Eleven Inc. acquired ExxonMobil's retail interests in 183 Florida sites in Orlando, Southwest Florida, Palm Beach and Broward County, including five unused parcels of land. Bucks Inc. purchased 89 ExxonMobil locations in the Chicago metropolitan area, and Southside Oil LLC took 172 Exxon gasoline stations, mainly in Maryland.

In addition, Global Partners LP purchased 221 Mobil-branded retail gas stations and fuel supply rights in Massachusetts, New Hampshire and Rhode Island from ExxonMobil. The deal included a total of 221 locations, of which 148 are dealer-operated Mobil stations, as well as gasoline and diesel supply rights for an additional 31 Mobil stations owned and operated by independent Mobil dealers.

Obama Urges Tobacco Industry to Stop Label Fight

President Barack Obama has some tough things to say to the tobacco industry in a new White House web video released yesterday for the 36th annual "Great American Smokeout" day, the Associated Press reports. Obama, whom doctors said was tobacco-free after his most recent physical, said the tobacco firms are against the new cigarette labels because "they don't

want to be honest about the consequences."

While the number of Americans who light up has dropped, 46 million still smoke, Obama said in the video. "The fact is, quitting smoking is hard. …Believe me, I know," he said. "Tobacco remains the leading cause of preventable early deaths in this country. …We also know that the best way to prevent the health problems that come with smoking is to keep young people from starting in the first place."

Two years ago, the president signed into law a bill to help prevent young people from smoking. This past June, the U.S. Food and Drug Administration released its new warning labels with graphic images. Tobacco companies have filed a lawsuit against the agency to stop the labels.

"Today, some big tobacco companies are trying to block these labels because they don't want to be honest about the consequences using their products," said Obama. "Unfortunately, this isn't surprising. We've always known that the fight to stop smoking in this country won't be easy."

Manitoba Acts Fast Against Smoke Shack

On Wednesday, a Manitoba Finance special investigation unit seized nearly 90,000 contraband cigarettes from the Dakota Chundee Smoke Shop. The tribes behind the shop are wielding the inexpensive cigarettes as a weapon in a land dispute with Canada.

"It is good news that the province acted quickly to seize contraband from this smoke shack," said Gary Grant, spokesperson for the National Coalition Against Contraband Tobacco (NCACT), in a press release. "The experience in other jurisdictions, particularly Ontario and Quebec, has seen government inaction lead to an expansion of the smoke shack network and a growth in the influence of organized crime."

There are currently more than 300 smoke shacks operating in Ontario and Quebec, which usually pay little regard to federal and provincial regulations, including for packaging, display, and ID requirements. The Royal Canadian Mounted Police has found that contraband tobacco, like that sold at smoke shacks, finances the illegal activities of more than 175 criminal gangs, including guns, drugs, and human smuggling.

The smoke shop re-opened two days later with a fresh stock of contraband cigarettes.

Lang Aftermarket Insight

Used-car drought ignites dealer bay competition "Over the next five years, there will be a rapid reduction in the number of newer used vehicles as a result of the plunge in new car and light trucks sales beginning in 2008. With over one-quarter of dealer profits generated by used-vehicle sales, dealers are facing a bottom-line crunch.

"The only alternative for many dealers will be to aggressively promote service bay business, which presently accounts for about half their profits. Expanding their service bay work, and the profits it generates, will help dealers to compensate for the rapid loss in revenue from lower used-vehicle sales over the next nine years." Visit Lang Aftermarket Insight for the complete analysis.

ADA is law March 15, 2012

Existing and newly installed ATMs must comply with Amaerican with Disability Act Requirements

- Voice Guidance - All ATMs must be speech enabled to service the visually impaired consumers.
- Braille Instructions - Braille instructions to initiate the voice guidance feature must be provided.
- Height and Reach - A TMs reach must equal 48 inches.
- Clear Floor Space - The area around the ATM must equal 48 inches by 48 inches.
- Input Device _ Input controls must be recognizable by touch.
- Numeric Keys - Keypads must be arranged in 12-key ascending or descending layout and the number (5) five key shall be distinguishable by touch.
- Function Keys - Function keys must be raised above surrounding surfaces. (Enter Key; raised circle, Clear Key; left-arrow, Cancel Key;-raised X, Add Value Key;-raised plus-sign, Decreased Value Key; raised minus sign)
- Display Screen - For visibility from a point located 40 inches above the center of the floor in front of the ATM, characters must be in sans serif font, a minimum of 3/16 inches high, and contrast with their background.
- Private action can be brought by a disabled person to enforce compliance. The court can order compliance and award damages and attorney fees.
- The (DOJ) Department of Justice can sue and be awarded civil penalties up to $55,000 for the first offense and $110,000 for subsequent violations.
- ATM industry insiders fear a repeat of the fee sticker lawsuits as advocacy groups find vulnerabilities and file class action lawsuits on behalf of disabled people.

The association is contacting the U.S. Justice Department to determine if there are any exemptions for small business.

FDA Outlines Civil Money Penalty Process for Tobacco Retailers

Last week FDA hosted a tobacco retailing compliance webinar on the process that will soon take place once the FDA has served a civil money penalty complaint against a tobacco retailer.

The webinar touched on four topics important for retailers:

- FDA's authority to issue civil money penalties
- When may FDA seek a civil money penalty
- What happens if you get a civil money penalty
- Civil money penalty procedures

FDA has begun pursuing civil money penalties (i.e., fines) against retailers who not complying with regulations of the Family Smoking Prevention and Tobacco Control Act.

The two civil money penalty schedules are:

1. One for retailers without an "approved retailer training program" (higher fines)
2. One for retailers with an "approved retailer training program" (lower fines)

FDA is operating under the less onerous schedule (lower fines) until FDA regulations are developed for "approved retailer training programs." No timetable for those FDA regulations was provided.

The first time FDA identifies violation(s) at

a retail establishment it will issue a warning letter (without a monetary penalty) describing the violation(s) observed. So far about 1,200 of warning letters have been issued. FDA will then conduct a second (follow-up) compliance check inspection. If it identifies violations during the follow-up check, FDA intends to seek civil money penalties from the retailer via the Civil Money Penalty Process.

During this process, the FDA will open a "federal administrative enforcement action" against the retailer and serve an "Administrative Complaint" (and cover letter) citing the alleged violation(s), the law or regulatory basis for those violation(s) and the civil money penalty (fine) being sought. A copy is sent to the Administrative Law Judge in Washington, D.C. FDA will serve retailers with the complaint via UPS or personal delivery.

Upon receipt, retailers have 30 days to either:

1. Pay the civil money penalty
2. "Answer" the FDA complaint in one of three ways:
    - Request an extension for responding (which is not automatically granted).
    - File an Answer and request a hearing to contest some or all of the allegations
    - File an Answer and ask to discuss settlement options before any hearing is held
1. Do nothing (by not filing an "Answer" or paying the penalty) and a "Court may issue an order requiring full payment of the penalties and respondent (retailer) waives right to a hearing." (In other words, doing nothing is an admission of guilt and you'll be required to pay the penalty.)

FDA strongly urges retailers to be vigilant and meet the 30-day deadline following receipt of a complaint. Requests for extensions are in the hands of an Administrative Law Judge and not the FDA.

During the webinar, FDA noted that the Judge might, for "good cause shown," grant an extension up to 30 additional days to file an "Answer," but if the Judge denies the request, the original 30-day deadline remains in effect. Therefore, it is suggested that retailers make any request for an extension early, and unless and until the extension is granted, prepare the "Answer" as if the extension will be denied while waiting for the Judge's response. The retailer should never assume that an extension is granted unless the retailer receives written acknowledgment of the extension.

By preparing now and well in advance of any compliance issues, retailers can protect themselves from undergoing the FDA's civil money penalty process. While the information above is not legal advice, receiving an FDA Administrative Complaint (or even a Warning Letter) is the first step in a legal proceeding and should be treated as such.

Retailer training programs such as ourscan help retailers assess whether they are in compliance with FDA tobacco retailing requirements.

*Disclaimer: The above information should not be considered legal advice or a complete summary of all information presented during FDA's November 15 webinar. If you have any questions about the material presented by FDA, or any facet of the FDA Civil Money Penalty Process, please seek the advice and counsel of an attorney

Groups File Lawsuit Over Fed's Swipe Fee Reform Rules

Flawed debit card swipe fee reform regulations issued by the Federal Reserve have allowed big banks to continue charging unjustifiably high swipe fees and discouraged price competition among credit card networks, according to a lawsuit filed in federal court today by NACS and NACS member Miller Oil Co., among others.

The regulations, which took effect October 1, have led to an increase in debit card swipe fees in some cases, according to the plaintiffs: NACS, Norfolk-based Miller Oil Co., the Food Marketing Institute, the National Retail Federation and Boscov's Department Store.

"The Federal Reserve Board missed an opportunity to give consumers the relief that they deserve and this needs to be corrected," said NACS President and CEO Hank Armour.

The Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 required the Federal Reserve to set guidelines that would result in debit card swipe fees that are "reasonable" and "proportional" to banks' costs in processing debit card transactions. Financial institutions with less than $10 billion in assets were exempt.

The Fed said in December 2010 that it had determined that it costs banks an average of 4 cents to process a debit transaction, and proposed that the fees be capped at no more than 12 cents per transaction — triple the banks actual cost. After intense lobbying by the banks and card industry, however, final regulations released in July 2011 set the cap at more than five times the actual cost — 21 cents plus 0.05 percent of the transaction and, in most cases, an additional 1 cent for fraud prevention.

While the Dodd-Frank law said the Fed could consider the incremental costs of acquiring, clearing and settling each transaction and specifically prohibited any other expenses from being used to inflate those costs, the lawsuit alleges that the Fed – under pressure from the banks and card industry — included costs that were barred by the law.

"The proposed rules followed the law, but the Federal Reserve Board changed its view of the law midcourse and without justification when issuing the final rules," said Doug Kantor, a partner at the Washington law firm of Steptoe and Johnson and lead counsel in the lawsuit. "Not only did the final version fail to introduce competition, it provided a loophole for the big banks to exploit and actually increase some fees. The Fed's job was to implement the law as written and it did not do that."

The approximate 21-cent cap would lower debit card swipe fees for most purchases, which averaged 44 cents but could range as high as several dollars under the previous formula of 1 to 2 percent of the transaction amount. This fall, however, both Visa and MasterCard announced that they would charge the maximum amount even on small-ticket transactions that previously cost merchants as little as 6 to 8 cents.

Forcing small businesses to pay three times as much to the big banks on small purchases was clearly not the intent of the law and is further evidence that the Fed got it wrong," Kantor said.

The plaintiffs also said that the Fed's final rules discourage competition among debit card networks. In order to establish a

competitive market between networks such as NYCE, Pulse and Plus, as well as the Visa and MasterCard networks, the law required that merchants be given a choice of two networks on any transaction. Under the Fed's final regulations, however, banks can limit their cards such that merchants may never have a choice of network. The lack of competition will allow the dominant networks to continue increasing their fees.

"Reducing swipe fees is good for consumers, good for small businesses and a good way to take unnecessary costs out of the system and invigorate our country's economic engine," Kantor said. "By not implementing the letter and the intent of the law, the Federal Reserve Board failed in its duty and missed an opportunity to give consumers and businesses the relief they deserve. This litigation is about correcting those mistakes."

The lawsuit was filed in U.S. District Court in Washington, D.C.

Justice Department To Review Debit Fee Antitrust Allegations

Responding to congressional concerns, the U.S. Justice Department is reviewing recent actions by the banks to assess whether antitrust laws have been violated. The U.S. Department of Justice (DOJ) indicated it is reviewing bank actions regarding debit card fees, Payments.com reports.

The review follows a request last month by Rep. Peter Welch (D-VT), who urged the DOJ to consider whether antitrust laws have been violated regarding the fees.

"I am pleased that the Justice Department is taking this request seriously," Welch said. "While big banks like Bank of America beat a hasty retreat on their debit card fee strategies, I have no doubt that they will continue their quest to dig deeper into the pockets of struggling consumers. As they consider their next move, they should be aware that there is a cop actively on the beat."

Welch led opposition in the House earlier this year after Bank of America and other banks announced new debit card fees. In a letter to Attorney General Eric Holder, he raised concerns as to whether the banks had coordinated their debit card fee strategies in violation of federal antitrust laws.

Responding to Welch, Assistant Attorney General Ronald Weich said: "The Department of Justice is reviewing the statements and actions by banks and their trade associations regarding possible increases in consumer fees for using debit cards. Please be assured that if it finds that individuals, banks, or other parties may have violated antitrust laws, the Department will take appropriate action."

While Bank of America and other banks reversed plans to charge customers new debit card fees, according to press reports, many have quietly increased other fees, such as those for replacing a debit card or maintaining a checking account.

Cut Your Energy Costs

National Grid's Small Business Services Program

National Grid's Small Business Services Program has already helped hundreds of gasoline and repair shops across New York State save money on their monthly electric bills. By covering up to 70% of the costs for

new high-efficiency lighting, National Grid can help you trim your electric bill by up to 30%.

It's easy to get started. Just call 1-800-332-3333. And at no cost or obligation to you, National Grid will send an energy efficiency specialist to conduct an analysis of the lighting equipment at your facility.

Based on this analysis, the specialist will submit a proposal for your review that details:

- Recommended lighting equipment upgrades
- Projected monthly savings based on those upgrades
- Total project cost
- National Grid contribution (up to 70% of total project cost)
- Pay-back period (time it takes for efficiency measures to pay for themselves)

If you decide to move forward with the project, installation is completed at your convenience. National Grid also takes care of the removal and environmentally friendly disposal of older equipment. The entire project -- from analysis through installation -- is managed by National Grid.

Q and A:

Q: How do I sign up for the program?
A: Simply call 1-800-332-3333 or visit www.powerofaction.com/smallbusiness. Please have your billing account number(s) available.

Q: Who is eligible for the program?
A: The program is open to all National Grid commercial electric customers with facilities that average 100kW of usage or less per month and who pay into the System Benefit Charge (SBC). This information is available on your monthly statement. A National Grid representative can also determine your eligibility using your billing account number. Just call 1-800-332-3333 for help.

Q: The National Grid incentive is up to 70%. What determines the actual incentive?
A: The actual incentive offered by National Grid is based on projected energy savings in kilowatt hours (kWh). The two most important factors that determine energy savings are:

- Age of existing lighting
- Hours of operation

The National Grid incentive, project cost, and payback time will be clearly specified on your proposal, which is provided to you at no cost or obligation.

Q: How much do projects typically cost?
A: Project costs vary depending on several factors such as size of facility, total energy usage and prescribed measures. The portion not covered by National Grid can be financed, interest free, for up to 24 months. Therefore, any project with less than a 24-month payback will be cash flow positive from day one. Customers can also choose to pay one lump sum for an additional 15% discount. Whichever payment option you choose, your share will be billed on your monthly statement 2 billing cycles after work is completed.

Q: What kind of equipment do you replace?
A: Typically, the largest savings come from replacing older inefficient lighting with modern high efficiency ballasts and bulbs, which also provide a better quality light. Garage high bays, office fixtures, exterior wall and pole, and gas canopy lighting can all be replaced with high efficiency fluorescent or LED technology. Occupancy sensors may also help to significantly reduce your energy usage.

Q: Why is National Grid funding energy efficiency for small businesses?
A: National Grid's Small Business Services Program was created through New York State's Energy Efficiency Portfolio Standard (EEPS), which is a mandate to reduce electricity usage in the state by 15% by 2015. The Public Service Commission approved the EEPS, which is funded through a surcharge on all utility bills called the System Benefit Charge.

MA Right to Repair Coalition Secures 2012 Ballot Spot Via Petition

The Right to Repair Coalition announced October 21 that it has collected 106,658 voter signatures, exceeding the 68,911 required for the initiative to appear on the 2012 ballot in Massachusetts.

Said Kathleen Schmatz, president and CEO of the Automotive Aftermarket Industry Association (AAIA): "We are very pleased with the growing support for Right to Repair on both the federal and state levels. The momentum building in Congress, coupled with the groundswell of support from voters in Massachusetts, demonstrates how important Right to Repair is to consumers, especially in a tough economy," said Schmatz. "Right to Repair will help alleviate motorists' financial burden by ensuring a competitive vehicle repair marketplace, allowing car owners to patronize the repair facility of their choice."

According to the Right to Repair Coalition, the voter initiative would, for the first time, allow consumers to access all of the non-proprietary repair information required to have their vehicles repaired where they choose, at a new car dealership or an independent shop. The proposed law would level the playing field between the big car manufacturers' dealerships and independent, neighborhood repair facilities, allowing the latter to finally be able to access the same non-proprietary automobile diagnostic and repair information that is currently only available to the manufacturers' dealers and their new car dealerships.

"It's time that car owners have the right to get our vehicles repaired wherever we choose," said Jeff McLeod of Marshfield, one of the signers of the ballot petition. "The growing support for this issue shows how important it is for consumers, especially in a difficult economy."

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 drivers license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. Please call 518-452-4367.

STAY IN TOUCH

The Association website is
www.nysassrs.com
Our e-mail address has changed to:
state@nysassrs.com

Lawley

New York State Association of Service Stations & Repair Shops, Inc.

Declares Dividend

Workers Compensation Safety Group #536
Pays dividend for the 19th consecutive year.

35%

(Applies to Policy Term 5/1/09 - 5/1/10)

Dividend checks will be mailed direct to your address by The State Insurance Fund

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35%	07-08
30%	06-07
30%	05-06

Lawley – Group Manager
Workers Compensation State
Fund Safety Group #536

Jim Propis
716 849 8235
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SSRA

Service Station and Repair-shop Association of Central New York

HEALTH INSURANCE PROGRAM

If you are going without health insurance, you are taking a big risk. Now is the best time to stop exposing yourself to high medical costs. Even if you have insurance, you will want too check how our health insurance programs can better suit your needs. Here are some of the benefits of our program:

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- **Choose from a wide selection of plans.**
- **Tailor your insurance to best suit your needs.**
- **Participating employees may choose different plans.**

Let us work with you to find the best program at the best price. We will send you more information, and help you to navigate the selection of plans and options to find the one that is best for you.

To find out more information call Ralph Bombardiere at (607) 398-7260

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

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WE ARE CERTIFIED TO PROVIDE THIS TRAINING.
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COST:

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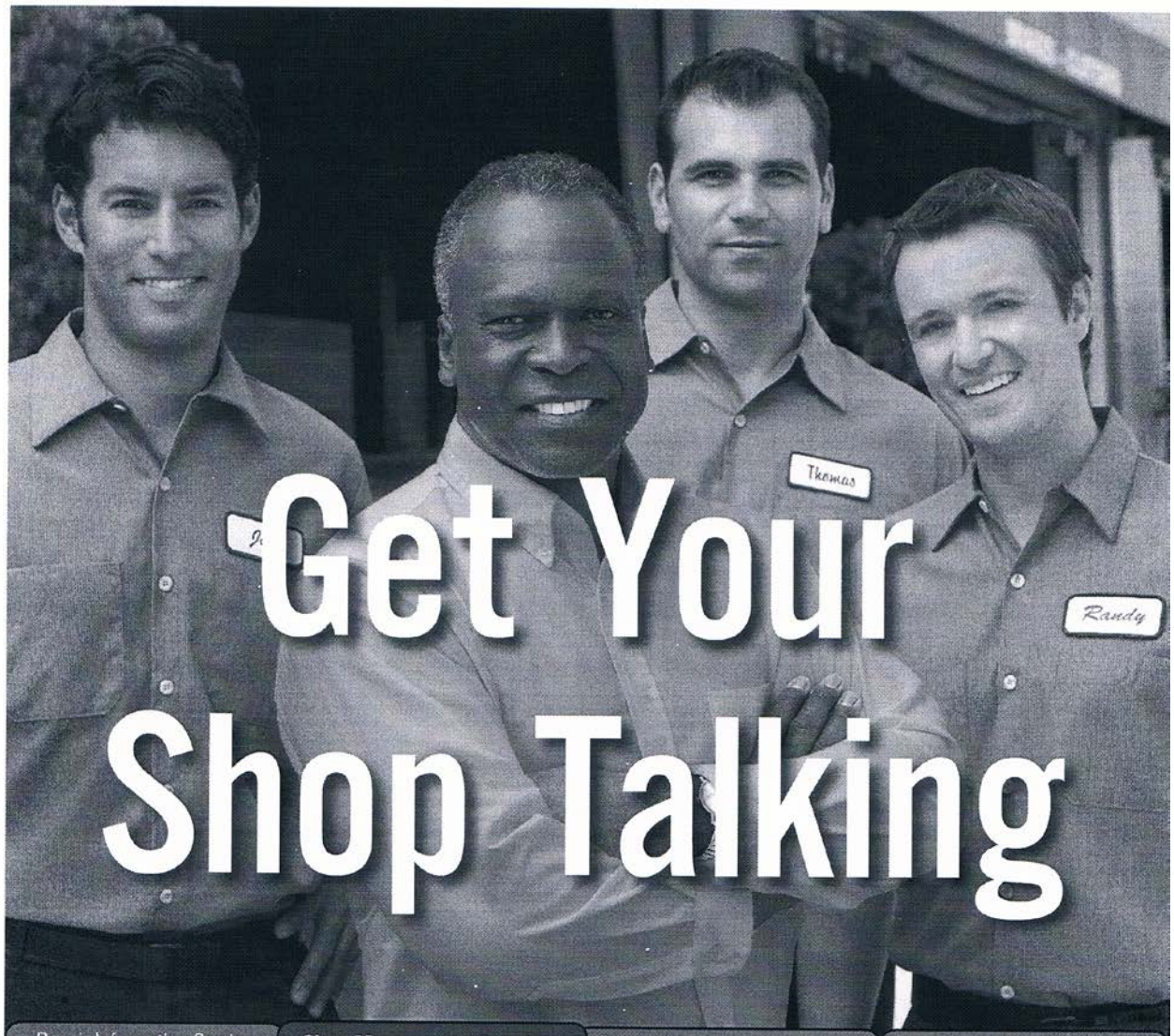

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Mitchell 1 TeamWorks combines the features of Manager, Estimator and Repair to seamlessly integrate all parts of your shop. From the moment your customer walks in the door, TeamWorks allows your Service Advisor to look up customer and vehicle information, calculate time to diagnose, check TSBs and prepare an estimate. Parts advisors order and track parts from your favorite vendors. Techs pull up work requested with associated diagnostic and service information, and enter recommended service. That's the kind of shop talk you can turn into profit!

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Repair Information Services | Shop Management Solutions | **Business Performance Services** | Business Intelligence Services

Mitchell1 eCRM™

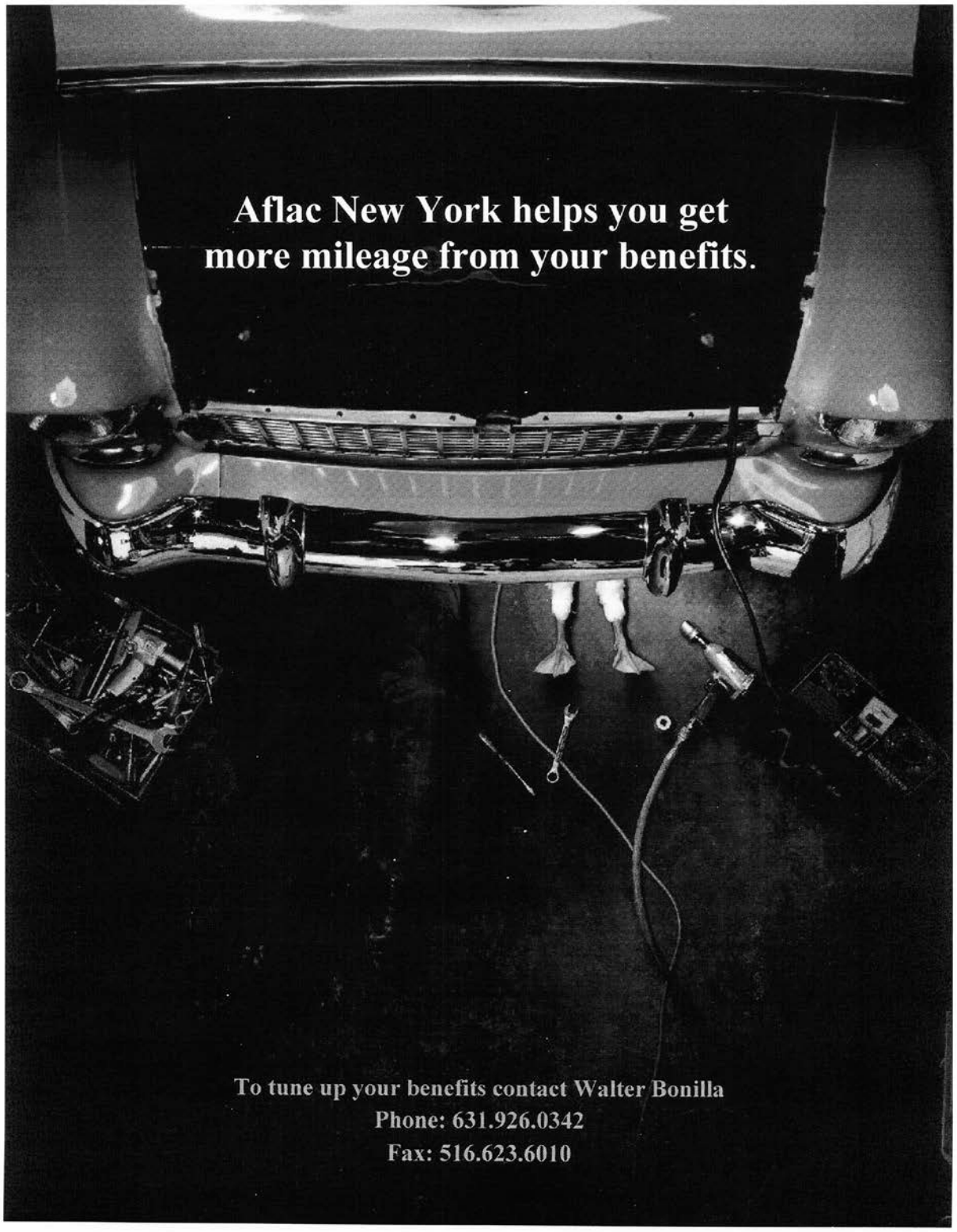
Now you can turn customers into loyal, profitable repeat customers easily. Mitchell 1 CRM integrates seamlessly with your shop management system to track your customers' vehicle history and send timely scheduled service reminder postcards and e-mails automatically. You choose the postcards and customize with your logo and message – finally, a way to communicate your message to your customers that they'll be glad to receive.

- Service Reminder E-mails & Postcards
- Consumer Vehicle History Website
- Service Recommendations
- Custom Promotions
- Dedicated Marketing Support Center
- Return on Investment Reporting

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

800.410.0529
mitchell1.com/eCRM

Mitchell1 Business Performance Services


Aflac New York helps you get
more mileage from your benefits.
To tune up your benefits contact Walter Bonilla
Phone: 631.926.0342
Fax: 516.623.6010

Aflac™

HERE'S HOW AFLAC NEW YORK CAN HELP:

Many industries-like specialized auto repair and customization-require highly skilled talent that is not easy to find and retain. Great benefits are a top priority for these talented professionals when considering where to work. With Aflac New York, you can provide a wide range of benefits that gives them coverage in the areas they need most, and with a brand they know and want. You can attract and retain new talent by providing the kind of benefits they'd expect from a bigger company, helping your business stand out from the crowd.

THE BEST PART ABOUT AFLAC!

NO DIRECT COST TO YOUR COMPANY

Aflac New York's insurance policies are paid entirely by your employees; therefore, adding value to your employee benefits plan without incurring direct costs.

OFFERS A WIDE RANGE OF POLICIES

Aflac New York offers a wide range of policies that can help cover health events from accidents to hospitalization. You choose the ones that are best for you, your employees, and your business.

POTENTIAL TAX SAVINGS

Aflac New York's tax-advantaged plan allows employees to use pre-tax dollars to pay for certain benefit costs, through a Section 125 cafeteria Plan. This plan may also reduce your FICA taxes, helping you counterbalance the challenges you face in today's economic environment.

ATTRACTIVE TO YOUR EMPLOYEES

Aflac New York insurance complements your major medical insurance to help you create a more attractive employee benefits package. Our wide range of policies is designed to provide cash benefits to your employees if they become injured or sick. With Aflac New York policies, there are no deductibles, copayments, doctor networks, or pre-authorization requirements.

Join the 16,500 companies* that Already include Aflac New York as an essential part of their benefits package. Find out more:

Walter Bonilla **1.631.926.0342** **walter_bonilla@us.aflac.com**

American Family Life Assurance Company of New York (Aflac New York)

The NAPA Major Account Program

*** FREE MONEY GIVEAWAY***

Want to put more money in your pocket and do nothing more than you do now?

You already buy parts and supplies for your business so why not buy from NAPA and earn 2% rebate!

The Association and NAPA developed a complete, competitive supply program designed to boost your backroom profits and meet your customer needs. Here's what it includes:

BENEFITS TO ASSOCIATION RETAILER

Quality Products that meet or exceed OEM specifications
Customized Pricing -Reduced Parts Costs
Improved Inventory Turnover
Less Downtime -Higher Gross Profitability
Increased Field Contacts -700 Factory Representatives
Consistent Manufacturers Throughout Our System
Consistent Nationwide Parts Warranty
Availability -Up to 342,000 Part Numbers
Broader Inventory Coverage
Obsolescence Protection
Tailored Local Inventories
Recognized Consumer Brand
More Effective Shop Inventory -Reduced Investment and Higher Productivity
Prolink Internet based catalog, 24/7 parts availability and pricing

PROFIT PLAN

Very competitive pricing on **NAPA** Premium and Value Line products
Special quarterly stocking incentives
Quarterly product discounts to enhance competitive pricing during key selling seasons
Discount on electronically ordered parts from participating stores
Prompt payment discount terms (2% 10, Net 20)

A BRIEF LOOK AT NAPA

Since 1925, **NAPA (National Automotive Parts Association)** has helped businesses expand their parts coverage and maximize turnover and ROI. They offer an unparalleled package for people, products and programs to increase your productivity:

More than 5,800 **NAPA AUTO PARTS** Stores Nationwide

- Strategically located Distribution Centers servicing all 50 states
- Computerized inventory control linked to your station
- Highly trained Factory Reps.
- Training for you and your employees

(O V E R)

Now…what do you have to do to participate in the NAPA Program? It's easy. You just have to:

Register in **NAPA** Major Account Program with the Association
Stock a minimum of four product lines
Designate **NAPA** as first call supplier, and
Purchase a minimum of $7,500 per quarter (Average $2,500 per month)

It couldn't be easier so why not join today. **No risk**….if you don't meet the quota you just don't receive the rebate, nothing lost….but additional profit could be gained!

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