

## **ASSOCIATION OFFICERS:**

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### **RALPH BOMBARDIERE**

Executive Director

## **Martin Siegel Retires from GASDA Board of Directors**

After sixty-one years of service to the industry Martin Siegel is retiring and moving to Florida for a well-deserved rest. Mr. Siegel first became a board member of our downstate affiliate, GASDA, in 1941. He has held various elected positions including two periods during which he served as Chairman of the Board. He also served four years as president of the New York State Association of Service Stations and Repair Shops. He will be missed; however we are happy that he will enjoy the peace and quiet of a retirement well deserved. We thank him for his service.

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## **Jordan Weine Elected Chairman Of GASDA Board Of Directors**

Jordan Weine, a long time board member of

GASDA has been elected to replace Martin Siegel as Chairman of the Board. Mr. Weine has held many positions on the Board including the Office of President. He has the experience and knowledge to continue in the tradition of past Chairmen with the quality service the Association provides to the service station and repair shop industry.

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## **Encroachment Bill Passes Legislature - Headed To Governor**

Bill A.8589–S.4428 makes it unlawful over the next three years for a major oil producer / refiner to encroach on the operation of any of its dealer franchisee stations or distributor operated stations by developing a new company operated station or any other such location where the refiner maintains ownership of the fuel on premises.

In order to accomplish this task the bill contains the following provisions

- Specific geographic limitations are set forth. In cities with a population of 1,000,000 or more, a minimum distance between a company operated station and its own dealer or distributor operated stations of one mile is set forth. In counties with populations greater than 900,000, not wholly contained within a city, the minimum distance is one and one-half miles. In counties with lower populations the minimum distance is increased to two miles.
- Exemptions to the above are granted in cases where the stations are separated by navigable bodies of water, lie on opposite sides of a divided highway, with at least a thirty foot median, and controlled entrances and exits, and in cases in which the station lies on Indian Tribe or State owned land. A method of arbitration is set forth to resolve disputes.
- The attorney general's office has

responsibility for enforcement.

Major oil companies are working to gain direct control of the retail industry. One of their favorite techniques is to place a new company operated station nearby a successful dealer operated station. The new station generally has a convenience store, as well as other upgrades. The new company operated station often retails gasoline below the existing dealer station prices. The dealer station loses customers and often is unable to maintain the minimum volume set forth in the franchise agreement. The dealer can then be terminated, and that station either sold by the company, or turned into a refurbished company operation which then encroaches on another dealers station.

We need this legislation to become law. The bill will be sent to Governor Pataki shortly. Oil company lobbyists have been working hard to convince the governor that this bill is not necessary. Whether or not it is signed will depend on how loudly you cry out that you need this protection.

*Send a letter to the governor and ask that he sign A.8589/S.4428, a bill which protects dealers from encroachment on the operation of their retail service station. You may use the provided sample as a guide.*

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### **NYS Department of Health Releases Tobacco Enforcement Program Annual Report**

The report covering from October 2002- to September 2003 lists each location which was fined as a result of enforcement action statewide during the period. Additionally information is summarized county by county, and tobacco use surveys of New York State students are presented.

Over all on a total of 29,283 registered

vendors, 30,074 sales to minors compliance checks, 10,564 partial investigations, 2,799 other visits, and 88 complaint investigations were performed. These netted 3,391 sales to minors. A total of 2,192 fines / penalties were levied. These include enforcement for violations other than sales to minors, such as improper signage, or tobacco vending machine infractions.

Most of the differential between sales to minors and penalties issued was due to New York City's unique enforcement program. There, of the 13,895 vendors, 2,279 sales to minors were tabulated on 14,102 compliance checks, 1,916 partial investigations and 64 complaint investigations. 1,167 fines and penalties were levied, leaving over 1,100 sales to minors which were deemed to not represent punishable infractions on the part of the store owner.

New York City has unique laws whereby a store owner may present an affirmative defense that he/she educated the employee on the illegality of tobacco sales to minors, as well as methods of denying these sales. The rest of New York State has a program of education and certification of employees leading to reduced shop owner penalties in cases of tobacco sales to minors.

Surveys of high school and middle school students provided some interesting and frightening statistics. A 2002 survey revealed that 28.6% of middle school students had tried cigarettes, and 6.7% were current smokers. Of high school students, 56.9% had tried cigarettes and 21.3% were current smokers. These figures do not include students who have smoked pipes cigars, smokeless tobacco or used other tobacco containing substances.

Even more troublesome is a 2003 survey which showed that although tobacco use among adolescents continues to decline, still 43% of 9th graders have tried smoking, and

17% successfully purchased cigarettes at a store or gasoline station

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### **Tobacco Enforcement Rules**

Outside of New York City, as of June 28, 2003, whenever a violation is sustained for a sale of tobacco or herbal cigarettes to a minor, the store owner will be assigned two points, unless he/she demonstrates that at the time of the sale, the seller possessed a valid certificate from a State certified tobacco sales training program. In that case, only one point will be assigned. For each violation involving a sale to a minor that existed on a store owner's record from September 1, 2000 to June 28, 2003, one point will be assigned. If the violation was used as the basis for a suspension or revocation of registration to sell tobacco points will revert to zero. Points will remain on the vendors record for 36 months, unless your registration is suspended.

If you are assigned three or more points, your registration to sell tobacco and, if you are a lottery agent, your lottery license, will be suspended for six months. When the suspension ends, three points will be removed from your record. Any remaining points will count as the basis toward another suspension. Whenever any points are assigned to a retail tobacco dealer, at least two re-inspections will be conducted each year, until the points are removed.

If you have been found guilty of ANY four violations of this law within a three-year period, as of June 28, 2003, the enforcement officer will direct the one-year revocation of your registration to sell tobacco, and of your lottery license, if you have one. This will occur in addition to imposing a fine and a surcharge, and even if points were assigned for any sales to minors violations.

The following fines and penalties apply:

- First violation -\$300 to \$1,000 fine
- Subsequent violations – \$500 to \$1,500 fine
- All violations – \$50 surcharge
- Each sale to a minor – 1 or 2 points are assigned as discussed previously
- Violation while your tobacco registration is suspended or revoked – \$2,500 fine, and tobacco registration permanently revoked and you will not be allowed to obtain a new registration to sell tobacco.
- All above violations will be published in the local newspaper.
- If no valid tobacco registration exists – location name and address will be reported to the Commissioner of the New York State Department of Taxation and Finance for investigation.

New York City rules are slightly modified. No points system exist. Instead vendors who have trained their clerks are afford a positive defense. Fines are up to \$1,000 for the first offense and up to \$2,000 for the second, plus license suspensions.

Dealers are reminded to check their local laws and regulations. A few local governments have enacted local laws regulating the sale of tobacco or herbal cigarettes. In these cases, the stricter law (state or local) must be followed.

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### **When is the Best Time To Have Your Clerks Certified For Tobacco Sales?**

If you have been putting off have your clerks certified for tobacco sales, what reason have you chosen. Is it that

- a. To difficult to find a time to have them out of the store to take the class.
- b. Unsure when next class is being held.
- c. Expense of sending them to the class.
- d. Just haven't gotten around to it..

Let's do a little math. If you get just one violation this year, your store will accumulate 2 points. Additionally you will have a fine of anywhere from \$300 to \$1000. Every six months, for three years, you experience an enforcement action. You can train your clerks at this point, and it will reduce the likelihood of a second violation. Any violation still gives you at least three total points. This results in a 6 month suspension of your tobacco registration and lottery license, after which three points will be removed from your record.

Compare this with the situation where a trained clerk makes a sale. In the first place the likelihood of successfully arguing for a reduced fine is much greater. Second, although you will need to be careful to have all new employees trained before letting them sell tobacco products, your next error, will bring your total to two points, and your tobacco registration will not be lifted.

For New York City vendors, the math is much easier. Train your employees, and have a "get out of jail free" card. Don't train your employees, and pay the penalties.

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#### **Governor Vetoes S.7682 - A.11760 Minimum Wage**

This bill, which increases the minimum wage, has passed both houses of the New York State Legislature and will go to the Governor for his signature or a veto. Mr. Pataki's position on the issue is to wait for the federal government to raise the minimum wage.

The provisions in the bill increase the minimum wage from the current \$5.15 per hour to \$6.00 per hour after January 1, 2005. It will increase to \$6.75 per hour after January 1, 2006 and finally to \$7.15 per hour after January 1, 2007, or to whatever wages

are established by the federal government if they are greater than the State mandates.

The Association's position mirrors that of the Governor's.

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#### **Bill A10376 - S.7180 Seeks To Regulate Towing Industry**

The Assembly and Senate have passed Bill A.10736 - S.7180, requiring commercial tow trucks of motor vehicles cash and all other forms of payment that they accept in the regular course of business, to also accept them from customers when towing a motor vehicle. Such forms of payment include credit and debit cards. This requirement stands even if the vehicle is being towed to a location other than the repair shop.

The bill also requires commercial tow trucks responding to a call for assistance from a stranded motorist to repair the vehicle, render it operable or transport both the vehicle and its occupants to a reasonably safe location where repairs can be made. The Association has opposed this bill which will soon be sent to the Governor.

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#### **Another Attempt to Collect Taxes from the Indians**

The New York Senate and Assembly have passed bill A.11089 - S6822, which provides for the taxation of cigarettes and motor and diesel fuel sold on Indian Reservations. The bill allows the State collect the taxes at the distributor level before they reach the reservation. The effective date of the bill is January 1, 2005. The bill is expected to be sent to the Governor shortly.

Indian vendors will not report the volume of motor fuel and tobacco sales made at their

establishments. A recent independent economic study conducted by economist Brian O'Connor, owner of New Jersey-based Ridgewood Economic Associates Ltd., states that anywhere between \$526 million and \$609 million was lost in 2001 because of the state's failure to collect taxes on these sales. Data suggests as much as \$895 million was lost in 2002. It is uncertain how much was lost last year, but the numbers are expected to continue to rise.

The State was supposed to begin collecting the taxes on December 1, 2003 as mandated in last year's budget bill, but the implementation of the new law was first postponed to March 1, 2004 and then postponed indefinitely. The Tax Commissioner said he needs more time to study the issue, which has been around since 1975.

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### **Downstate Inspection Program Blackout**

On August 14<sup>th</sup> the association office received a number of telephone calls from downstate emission inspection stations that the equipment could only be used offline. This means the inspection information was not being sent to the Testcom the data manager. The breakdown was attributed to equipment failure at a Verizon transfer station.

The results of such a mishap can have serious consequences for inspection stations and their customers. The equipment is programmed to permit thirty offline inspections, at which time the machine locks up. This limit on offline inspections can be increased, but only if the inspection stations receive a code from the equipment supplier. This requires the Department of Motor Vehicles to grant suppliers permission to issue that code. In this case, the State allowed a temporary increase in the number

of offline inspections available to 75.

The problem was resolved the next day with few stations feeling any effect, but the occurrence does highlight the sensitivity of the program. A few years ago this same problem resulted in one dealer suing the data manager. Although the station lost the case, it did show that such disruptions could cause frustration and the loss of business.

In the near future the upstate inspection will be reporting to a data manager. We hope the data manager and the state are prepared to act quickly.

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### **Manufacturer Pricing For Vehicle Repair Information**

When car manufacturers promised the United States Senate that they would provide necessary information so that independent repair shops may continue to provide their customers with the service they have grown to appreciate, they forgot to tell the Senators how much they were going to charge. A recent survey of websites set up to disseminate repair information indicates that repair shops may easily have to spend \$35,000 or more just for subscriptions to the information.

Most expensive of the manufacturers surveyed was Porsche, charging \$100 per document or a one year subscription of \$5,200. Next in line were a gaggle of manufacturers, including BMW, Ford, Mercedes-Benz, Mini, Nissan, and Subaru, all asking around \$2,500 per year or \$20 for one time use (24-72 hours). Chrysler and GM checked in lower at \$1,200 per year, but still charge \$20 for a one time (24 hour) use.

Kia and Hyundai were the only surveyed manufacturers providing information for

free. Toyota and Lexus were also on the low end charging a combined \$10 per day or \$350 per year.

As long as independent repair shops are required to pay through the nose for repair information which should be provided to the owner of vehicles, they will have only two choices -- raise their prices to consumers or close their doors. If the latter happens, New York's motorists will really have repair bills to complain about.

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### **ATTP Revamped**

Automobile engines have become increasing more sophisticated over the last decade and automotive repair technicians need to keep up with these changes. With an eye towards keeping New York's repair industry among the best educated and informed, the Automotive Technician Training Program courses have been updated.

The completely redesigned introductory FEET (engine electronics) and STEPS (emissions) courses will be rolled out shortly, with the follow on CAPS (computer systems) and FIST (fuel injection) to follow early next year. For more information, call the Association office.

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### **Summary Of Proposed OBD-II Emission Regulations**

The State has published proposed new regulations for the Vehicle and Traffic law as relating to the OBD-II emission inspection program for both upstate and downstate. The proposed regulations contain the following.

#### Forms

Inspection rejection notice for VS-1075 may

be printed by the computerized vehicle inspection system without a form number. The certificate must inform the motorist why the vehicle is being rejected and advise the motorist of deficiencies.

The form VS-1074 is used to record the inspection and re-inspection results and a record of certificates of inspection and inspection rejection notices issued. This form is to be used to record information on an inspection from vehicles subject to high enhanced OBDII or low enhanced emission inspection.

A ten day time extension form VS-1077 is a sticker that is obtained from the DMV and affixed to the motor vehicle as evidence that the time in which such motor vehicle must be inspected has been extended for a period not to exceed ten days as stated on the certificate.

The inspection certificate form VS-26 is a card issued by the Commissioner of Motor Vehicles to a person authorizing such person to conduct periodic inspections of motor vehicles.

The group one certificate category allows an individual to conduct safety, diesel emissions, OBDII inspection and low enhanced emission inspections of motor vehicles which seat fifteen persons or less plus drivers, trucks and trailers under eighteen thousand pounds gross weight. These do not include motor cycles. The ability to perform an OBDII inspection may also be dependent on passing the applicable test on the OBDII computerized system.

Group two allows an individual to conduct safety and diesel emission inspection of motor vehicles and trailers over eighteen thousand pounds gross weight and motor vehicles with seating capacity greater than fifteen persons.

Group three allows an individual to conduct safety inspections of motor cycles.

Group D allows an individual to conduct high-enhanced dynamometer or idle emission inspections but must also be accompanied by a group one or group two certification.

Form VS-1078 is a temporary certificate of emission waiver issued by the DMV to the owner of a motor vehicle. It is affixed to the owners vehicle with a valid New York State safety or heavy vehicle safety inspection sticker to evidence temporary waiver from the high-enhanced emission portion or diesel emission portion of an annual inspection. This form may not be used for vehicle subject to low enhanced emission inspection.

Every motor vehicle sold or transferred by a registered dealer under the Vehicle and Traffic Law must be inspected and bear a valid certificate of inspection prior to delivery to the purchaser.

#### Vehicles Not Subject to Inspection

Vehicles subject to safety inspection that are exempt from the OBDII high-enhanced and low-enhanced emission inspection portion of the annual inspection is:

1. Vehicles that are twenty six years or more model years old
2. Diesel and electronic vehicles
3. Motor vehicles propelled by a two cycle spark emission engine designed to burn a mixture of gasoline with oil
4. Vehicles less than two model years old
5. Vehicles registered as historical vehicles
6. Motor cycles
7. Vehicles registered outside the New York Metropolitan area subject to heavy-duty safety inspection.

#### Dates

Effective September 1, 2004 all non-exempt 1996 or newer passenger cars and light duty trucks which are non-diesel and non-electric powered with a gross weight less than 8,501 pounds registered in the New York Metropolitan area that are inspected outside of the New York Metropolitan area shall receive a complete safety and OBDII inspection. When such vehicle passes said inspection it shall receive a safety emission inspection certificate. The certificate shall be valid in the NYMA and does not require re-inspection.

#### Inspection Fees

The safety inspection fee remains at ten dollars. The OBDII emission inspection required for all 1996 and newer non-exempt vehicle registered outside the NYMA will be eleven dollars. The total fee for both inspections is twenty-one dollars.

Official high-enhanced inspection fees, those inspections in the NYMA, must be charged a combination of ten dollars for safety and twenty-seven dollars for high-enhanced emission inspection dynamometer, idle or OBDII tests for all non-exempt vehicles registered in the NYMA.

#### Vehicles Subject to OBD-II Inspection

An official low enhanced inspection station must perform both the safety and low enhanced emission or OBDII emission portion of an inspection on all vehicles subject to emission inspection presented.

Vehicles which are in the NYMA which have NYMA printed on the registration document may only be inspected at a low enhanced inspection station if they present a temporary certificate of emission waiver. However, after September 1, 2004 all 1996 or newer passenger vehicles and light trucks that are non-diesel, non-electric powered that are subject to OBDII inspection with an NYMA on registration may receive the safety and OBDII inspection at a low

enhanced station and do not need a temporary certificate of emission waiver.

**Reserved**

The department has reserved the following in the regulations: an inspection station is not required to perform repairs to defective items for which the vehicle is rejected. If however, the station does not perform repairs, the station must inform the motorist of the policy before the inspection is started. The station must prominently display a sign visible to the motorist during the normal course of business and must also inform the motorist in writing and obtain the motorist's signature as acknowledgement.

**Equipment**

Inspection stations must have the following equipment: a paper punch a quarter to a half inch in diameter, tire depth gauge calibrated to thirty-two seconds of an inch, and a tire pressure gauge two pounds per square inch. In addition to the equipment in September 2004 an official low enhanced emission inspection station must have the appropriate computerized vehicle inspection system approved by the DEC and DMV. This equipment shall be known as the NY VIP CVIS and must include a computer, controlling software, communications link, printer, a DMV and DEC approved OBDII scanner with the appropriate connector and software, a barcode scanner and have its own dedicated phone line. Official high and low enhanced inspection station procedures for record keeping must also include printing a copy of the daily inspection report as prompted by the CVIS.

**Signs**

A sign must be displayed by a station which is licensed to perform low enhanced emission, OBDII emissions and safety inspections for the general public. The name and certificate expiration date of all certified motor vehicle inspectors must be displayed. The list of inspectors generated by the NY

VIP CVIS will be sufficient for this requirement.

**Inspector Certification**

In order to perform OBDII inspections in official high or low enhanced emission inspection station using the NY VIP CVIS an inspector must successfully pass the computer based exam on the CVIS.

**Rejection Notice**

A rejection notice is not an extension of an expired inspection certificate with the exception that a vehicle that has failed an OBDII emission inspection may be issued a rejection notice with an extension for the purpose of verifying emission repairs and preparing the vehicle for re-inspection.

**Receipt**

If a vehicle passes inspection at a low or high enhanced inspection station the inspection station must give the customer a copy of the New York State inspection receipt which is printed by the NY TEST CVIS or the inspection receipt which is printed by the equipment.

**Reserved**

The following section has been reserved by the Department: the inspector service writer or other authorized representative of an official inspection station shall ask the customer if the vehicle has been inspected and/or rejected within the past thirty days and shall request any rejection notice pertaining to such inspection. Failure to request this information would require the station to perform a portion of the inspection at no charge to the customer if the CVIS later determines that the vehicle has passed that portion at another station within thirty days.

**Bar-code Scanning**

After installation of the NY VIP CVIS unit the certified inspector will scan the bar-coded re-inspection information printed on

the rejected notice to determine the correct re-inspection.

#### Failure to Complete Inspection

If an official emission inspection station begins an inspection and is unable to continue because of failure of the CVIS and is unable to create a record in the CVIS of the portion of the inspection that was completed and the vehicle leaves the premise of the station then upon re-inspection the vehicle must receive a complete inspection. The failed attempt shall not constitute an inspection and the customer shall not be charged a fee.

#### Re-inspection

When a vehicle subject to emission inspection is presented to a high or low enhanced emission inspection station for the purpose of re-inspection only the portion of the inspection that failed should be re-inspected as long as a valid rejection notice or CVIS verification is received and only the fee for that portion actually required to be re-inspected may be charged.

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### **Shell-Texaco Joint Venture Equilon Ruled Price Fixing Scheme**

*Based on a Summary by SSDA Attorney  
Peter Gunst,*

On June 1 of this year the Ninth Circuit Court delivered a second blow to Equilon. In Dagher v. Saudi Refining, it concluded by a 2 to 1 margin that the joint venture could well constitute an illegal price-fixing conspiracy.

The federal appellate court had previously ruled in Abraham & Sons Enterprises v. Equilon Enterprises, L.L.C that Equilon had violated a California state statute, by transferring the Shell and Texaco service station assets to Equilon without making a bona fide offer to transfer the stations

instead to its franchise dealers.

In Dagher, plaintiffs representing a class of 23,000 Texaco and Shell dealers argued that although Equilon continued to market under the supposedly independent Texaco and Shell gasoline brands, Equilon set prices charged for gasoline to the dealers. Therefore the Equilon joint venture constituted a per se illegal price fixing agreement between what had been two independent competitors.

In ruling against the Equilon defendants, the majority emphasized that even if the joint venture had not been formed merely to achieve an ulterior purpose, its price-fixing function could still be illegal if it was not “reasonably necessary to further the legitimate aims of the joint venture.” It also stated “the alliance never considered unified pricing to be relevant to product improvement or to efficiency gains.”

If the plaintiffs are now able to convince a jury that the unified pricing scheme made by Shell and Texaco increased the cost of gasoline to dealers, they will be entitled to triple damages for losses resulting from the price fixing scheme.

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### **Economists Recommend Open Supply To Battle Increase Competition**

*Based on a Summary by SSDA Attorney  
Peter Gunst,*

California’s State Assembly recently conducted hearings to find out why its gasoline prices are among the highest in the country and what can be done about it. Two economics professors, former Deputy Assistant Attorney General for Antitrust Economics for the U.S. Department of Justice Richard Gilbert, and Yale professor Justine Hastings -- presented their findings and a possible solution.

The economists identified high refiner margins as the “main culprit” for high retail prices. The average California refiner margin in March 2004 was about 60 cents per gallon, almost twice the national average of 33 cents per gallon. Only between 5 to 10 cents of that differential is traceable to California’s unique motor fuel standards.

The remainder was blamed on California’s combined monopoly of seven firms that dominate the refining of all gasoline sold in California: BPAmoco, ChevronTexaco, ConocoPhillips, ExxonMobil, Shell, Tesoro and UDSValero, which combined represent a near monopoly. Competition among those refiners is limited because they control a very high percentage of all retail outlets, either through direct ownership or through branded supply contracts.

The economists proposed a variation on open supply as a solution. Dealers would be permitted to purchase “generic” gasoline from any source, and be required only to purchase additives from the supplier whose flag is flown at the station. Major refiners would be required to sell “generic” gasoline to all potential purchasers, including service station dealers of other brands. They argued that gasoline is already generic, as proven by the product exchange agreements into which the refiners routinely enter.

Zone pricing would become a thing of the past. The dealer would no longer be required to purchase product at the wholly artificial “dealer tank wagon” price, which bears no relationship to rack. The result should be an overall reduction in the price of gasoline to the dealer because it would be very difficult for a refiner to justify selling additives at a wholly unreasonable markup. The savings would then be passed on to the consumer.

#### **Changes to Prepaid Taxes on Motor Fuel**

On June 1, the state recalculated the Prepaid Sales Tax on gasoline. This increased by

0.7 cents in Region 1 (downstate) and by 0.4 cents per gallon in Region 2 (upstate). This increase was driven by higher gas prices. Conversely slight decreases were seen in diesel sales taxes.

Pre-paid taxes in cents per gallon of gasoline will be as follows:

• Federal Excise	18.40
• State Excise	8.00
• Petroleum Business	14.60
• Pre-Paid Sales (Reg 1)	11.60
• (Reg 2)	9.50
• Test Tax	0.05

The total prepaid tax on gasoline is 52.65 cents/gallon in the downstate Region 1 and 50.55 in the upstate Region 2.

Pre-paid taxes in cents per gallon of gasohol fuel will be as follows:

• Federal Excise	13.20
• State Excise	8.00
• Petroleum Business	14.60
• Pre-Paid Sales (Reg 1)	11.60
• (Reg 2)	9.50
• Test Tax	0.05

The total prepaid tax on gasohol is 47.45 cents/gallon in the downstate Region 1 and 45.35 in the upstate Region 2.

Pre-paid taxes in cents per gallon of diesel fuel will be as follows:

• Federal Excise	24.40
• State Excise	8.00
• Petroleum Business	12.85
• Pre-Paid Sales (Reg 1)	10.70
• (Reg 2)	9.10
• Test Tax	0.05

The total prepaid tax on diesel is 56.00 cents/gallon in the downstate Region 1 and 54.40 in the upstate Region 2.

Actual taxes due will fluctuate with the retail price as a result of the sales tax component. The Association has developed tables showing sales tax for a variety of retail prices at different tax rates. To receive

one, please contact the Association.

### **James S. Benton, Past GRANY Executive Director Passes**

We are sorry to announce the death of James S. Benton who passed away at his home in Massachusetts, on June 9, 2004. Jim served as Executive Director of the New York State's Association of Service Station and Repair Shops' Albany affiliate, GRANY, for many years. He was seventy-three years old. Jim will be missed and we thank him for his contributions to the motor fuel, repair shop industry.

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### **Death Notice**

Youssef A. Azer, owner and operator of Crown Service Station in Brooklyn, has passed away. Yousef was a long time active member of GASDA

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### **Minimum Age For Cashiers Who Sell Alcoholic Beverages**

The regulations for clerks who sell alcoholic beverages taken from page 7 of the State Liquor Authority Handbook are as follows:

1. Clerks and cashiers who handle and receive payment for alcoholic beverages in drug stores, grocery stores and convenience stores must be at least 16 years old and must be supervised by someone who is at least 18 years old.
2. Clerks and cashiers in liquor and/or wine stores must be at least 18 years old.

**WORKERS' COMPENSATION  
SAFETY GROUP  
#536 DECLARED DIVIDENDS  
HAVE AVERAGED 35% FOR  
THE PAST FIVE YEARS**

### **DMV Record Retrieval**

DMV record retrieval is available at a cost of \$10 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. To use this service should call 518-452-4367.

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### **We Have Changed Our Web Address**

The Association is pleased to announce a new web site. The old website has been completely revamped to provide you with easier faster access to the information you need. The new address is

**www.nysassrs.com**

Our e-mail address has changed to:

**state@nysassrs.com**

In addition to being able to read back issues of newsletters, and providing you with links to important sites we have added a bulletin board to provide you with information as the stories break.

## **WARNING**

**YOU CANNOT DO  
INSPECTIONS IF ANY OF  
YOUR EQUIPMENT IS  
MISSING OR INOPERABLE.**

**PERFORMING AN  
INSPECTION UNDER  
THESE CONDITIONS CAN  
RESULT IN REVOCATION  
OR SUSPENSION OF YOUR  
INSPECTION LICENSE.**

Retail Price	TAX RATE							
	6.25%	6.75%	7.25%	7.75%	8.25%	8.50%	8.625%	8.75%
170.9	9.58	10.30	11.01	11.72	12.42	12.76	12.93	13.11
171.9	9.64	10.36	11.08	11.79	12.49	12.84	13.01	13.19
172.9	9.70	10.43	11.15	11.86	12.57	12.92	13.09	13.27
173.9	9.76	10.49	11.21	11.93	12.64	13.00	13.17	13.35
174.9	9.82	10.55	11.28	12.00	12.72	13.08	13.25	13.43
175.9	9.88	10.62	11.35	12.08	12.80	13.15	13.33	13.51
176.9	9.94	10.68	11.42	12.15	12.87	13.23	13.41	13.59
177.9	9.99	10.74	11.49	12.22	12.95	13.31	13.49	13.67
178.9	10.05	10.81	11.55	12.29	13.02	13.39	13.57	13.75
179.9	10.11	10.87	11.62	12.36	13.10	13.47	13.65	13.83
180.9	10.17	10.93	11.69	12.44	13.18	13.55	13.73	13.91
181.9	10.23	11.00	11.76	12.51	13.25	13.62	13.81	13.99
182.9	10.29	11.06	11.82	12.58	13.33	13.70	13.89	14.07
183.9	10.35	11.12	11.89	12.65	13.41	13.78	13.97	14.15
184.9	10.41	11.19	11.96	12.72	13.48	13.86	14.05	14.23
185.9	10.46	11.25	12.03	12.80	13.56	13.94	14.13	14.31
186.9	10.52	11.31	12.09	12.87	13.63	14.02	14.20	14.39
187.9	10.58	11.38	12.16	12.94	13.71	14.09	14.28	14.47
188.9	10.64	11.44	12.23	13.01	13.79	14.17	14.36	14.56
189.9	10.70	11.50	12.30	13.08	13.86	14.25	14.44	14.64
190.9	10.76	11.57	12.36	13.16	13.94	14.33	14.52	14.72
191.9	10.82	11.63	12.43	13.23	14.02	14.41	14.60	14.80
192.9	10.88	11.69	12.50	13.30	14.09	14.49	14.68	14.88
193.9	10.94	11.75	12.57	13.37	14.17	14.56	14.76	14.96
194.9	10.99	11.82	12.63	13.44	14.24	14.64	14.84	15.04
195.9	11.05	11.88	12.70	13.51	14.32	14.72	14.92	15.12
196.9	11.11	11.94	12.77	13.59	14.40	14.80	15.00	15.20
197.9	11.17	12.01	12.84	13.66	14.47	14.88	15.08	15.28
198.9	11.23	12.07	12.90	13.73	14.55	14.96	15.16	15.36
199.9	11.29	12.13	12.97	13.80	14.63	15.03	15.24	15.44
200.9	11.35	12.20	13.04	13.87	14.70	15.11	15.32	15.52
201.9	11.41	12.26	13.11	13.95	14.78	15.19	15.40	15.60
202.9	11.46	12.32	13.18	14.02	14.85	15.27	15.48	15.68
203.9	11.52	12.39	13.24	14.09	14.93	15.35	15.55	15.76
204.9	11.58	12.45	13.31	14.16	15.01	15.43	15.63	15.84
205.9	11.64	12.51	13.38	14.23	15.08	15.50	15.71	15.92
206.9	11.70	12.58	13.45	14.31	15.16	15.58	15.79	16.00
207.9	11.76	12.64	13.51	14.38	15.23	15.66	15.87	16.08
208.9	11.82	12.70	13.58	14.45	15.31	15.74	15.95	16.16
209.9	11.88	12.77	13.65	14.52	15.39	15.82	16.03	16.24
210.9	11.94	12.83	13.72	14.59	15.46	15.90	16.11	16.33
211.9	11.99	12.89	13.78	14.67	15.54	15.97	16.19	16.41
212.9	12.05	12.96	13.85	14.74	15.62	16.05	16.27	16.49
213.9	12.11	13.02	13.92	14.81	15.69	16.13	16.35	16.57
214.9	12.17	13.08	13.99	14.88	15.77	16.21	16.43	16.65
215.9	12.23	13.15	14.05	14.95	15.84	16.29	16.51	16.73
216.9	12.29	13.21	14.12	15.03	15.92	16.37	16.59	16.81
217.9	12.35	13.27	14.19	15.10	16.00	16.44	16.67	16.89
218.9	12.41	13.34	14.26	15.17	16.07	16.52	16.75	16.97
219.9	12.46	13.40	14.32	15.24	16.15	16.60	16.83	17.05

<b>Retail Price</b>	<b>TAX RATE</b>							
	<b>6.25%</b>	<b>6.75%</b>	<b>7.25%</b>	<b>7.75%</b>	<b>8.25%</b>	<b>8.50%</b>	<b>8.625%</b>	<b>8.75%</b>
220.9	12.52	13.46	14.39	15.31	16.23	16.68	16.90	17.13
221.9	12.58	13.53	14.46	15.38	16.30	16.76	16.98	17.21
222.9	12.64	13.59	14.53	15.46	16.38	16.84	17.06	17.29
223.9	12.70	13.65	14.59	15.53	16.45	16.91	17.14	17.37
224.9	12.76	13.71	14.66	15.60	16.53	16.99	17.22	17.45
225.9	12.82	13.78	14.73	15.67	16.61	17.07	17.30	17.53
226.9	12.88	13.84	14.80	15.74	16.68	17.15	17.38	17.61
227.9	12.94	13.90	14.87	15.82	16.76	17.23	17.46	17.69
228.9	12.99	13.97	14.93	15.89	16.84	17.31	17.54	17.77
229.9	13.05	14.03	15.00	15.96	16.91	17.38	17.62	17.85
230.9	13.11	14.09	15.07	16.03	16.99	17.46	17.70	17.93
231.9	13.17	14.16	15.14	16.10	17.06	17.54	17.78	18.01
232.9	13.23	14.22	15.20	16.18	17.14	17.62	17.86	18.10
233.9	13.29	14.28	15.27	16.25	17.22	17.70	17.94	18.18
234.9	13.35	14.35	15.34	16.32	17.29	17.78	18.02	18.26
235.9	13.41	14.41	15.41	16.39	17.37	17.85	18.10	18.34
236.9	13.46	14.47	15.47	16.46	17.45	17.93	18.18	18.42
237.9	13.52	14.54	15.54	16.54	17.52	18.01	18.25	18.50
238.9	13.58	14.60	15.61	16.61	17.60	18.09	18.33	18.58
239.9	13.64	14.66	15.68	16.68	17.67	18.17	18.41	18.66
240.9	13.70	14.73	15.74	16.75	17.75	18.25	18.49	18.74
241.9	13.76	14.79	15.81	16.82	17.83	18.32	18.57	18.82
242.9	13.82	14.85	15.88	16.90	17.90	18.40	18.65	18.90
243.9	13.88	14.92	15.95	16.97	17.98	18.48	18.73	18.98
244.9	13.94	14.98	16.01	17.04	18.05	18.56	18.81	19.06
245.9	13.99	15.04	16.08	17.11	18.13	18.64	18.89	19.14
246.9	14.05	15.11	16.15	17.18	18.21	18.72	18.97	19.22
247.9	14.11	15.17	16.22	17.25	18.28	18.79	19.05	19.30
248.9	14.17	15.23	16.28	17.33	18.36	18.87	19.13	19.38
249.9	14.23	15.30	16.35	17.40	18.44	18.95	19.21	19.46
250.9	14.29	15.36	16.42	17.47	18.51	19.03	19.29	19.54
251.9	14.35	15.42	16.49	17.54	18.59	19.11	19.37	19.62
252.9	14.41	15.49	16.56	17.61	18.66	19.19	19.45	19.70
253.9	14.46	15.55	16.62	17.69	18.74	19.26	19.52	19.79
254.9	14.52	15.61	16.69	17.76	18.82	19.34	19.60	19.87
255.9	14.58	15.68	16.76	17.83	18.89	19.42	19.68	19.95
256.9	14.64	15.74	16.83	17.90	18.97	19.50	19.76	20.03
257.9	14.70	15.80	16.89	17.97	19.05	19.58	19.84	20.11
258.9	14.76	15.86	16.96	18.05	19.12	19.66	19.92	20.19
259.9	14.82	15.93	17.03	18.12	19.20	19.73	20.00	20.27
260.9	14.88	15.99	17.10	18.19	19.27	19.81	20.08	20.35
261.9	14.94	16.05	17.16	18.26	19.35	19.89	20.16	20.43
262.9	14.99	16.12	17.23	18.33	19.43	19.97	20.24	20.51
263.9	15.05	16.18	17.30	18.41	19.50	20.05	20.32	20.59
264.9	15.11	16.24	17.37	18.48	19.58	20.13	20.40	20.67
265.9	15.17	16.31	17.43	18.55	19.66	20.20	20.48	20.75
266.9	15.23	16.37	17.50	18.62	19.73	20.28	20.56	20.83
267.9	15.29	16.43	17.57	18.69	19.81	20.36	20.64	20.91
268.9	15.35	16.50	17.64	18.77	19.88	20.44	20.72	20.99
269.9	15.41	16.56	17.70	18.84	19.96	20.52	20.80	21.07