
RSGDA

REPAIR SHOP & GASOLINE DEALERS ASSOCIATION
(585) 423-9924 -- rsgda@nysassrs.com – www.nysassrs.com

April 2018

911 -- ATTORNEY BLAST WARNING!!!

Your GASDA attorney attended an important meeting yesterday about the lawsuits being threatened against gas stations which sold male enhancement products. Here's my report...

The laboratory that makes Viagra is suing retailers nationwide who sold male enhancement products, many of which contain elements of the Viagra formula. This is a violation of federal law.

If you receive notice of a possible lawsuit against you for selling these products, it cannot be ignored. These products frequently contain unlawful substances. You must deal with it or defend against it. Ignoring such notice can lead to judgments against you in the six figure range. At the very least it could cost you substantial legal fees.

It would be good if you never purchased these products but Plaintiff's attorneys could well have photos proving you did. DO NOT sell these products in the future! If you did sell them it is vital to get the invoices for the product and all other information which can lead up the retail chain. This is what the Plaintiff's attorneys are looking for and may help in working out a settlement of any lawsuit against you. But we need your response to our requests for information immediately as time is of the essence.

Some Associations around the country are forming groups to defend against these claims by retaining legal counsel. If this is the recommended course of action you may be asked to sign a retainer letter. It's your choice if you are asked, but in unity there is strength!

GASDA and the New York State Association are putting together a plan of action and will share it with you soon. We are conferring with other dealer Associations in New York State and with other states, too. We may be sending you questionnaires to gather the necessary information needed to defend against these claims. Again, when we do we will need your quick response because this situation is extremely time sensitive. Remember, if default judgments are taken against you it may be impossible to reopen them. Please respond when we ask!

Stay tuned.

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ATTORNEY'S CORNER

By Larry Culley

Under N.Y.C.'s Earned Sick Time Act (Paid Sick Leave Law), covered employees have the right to use sick leave for the care and treatment of themselves or a family member. Employees who are covered by the law are as follows:

- Full-time employees
- Part-time employees
- Transitional jobs program employees
- Undocumented employees
- Employees who are family members but are not owners
- Employees who live outside of N.Y.C.

You are required to give your covered employees a written notice of their right to sick leave. When you do so have them sign a copy of the notice you gave them so you will have proof in your files that they were given the notice. The notice is available on the Dept. of Consumer Affairs website at nyc.gov/paidsickleave, and is also available in Spanish, Chinese, French-Creole, Italian, Korean and Russian.

If you have 5 or more employees, they are each entitled to up to 40 hours of paid sick leave per year at their regular hourly rate, but not less than the minimum wage amount prevailing at that time. If you have 4 or fewer employees, they are each entitled to up to 40 hours of unpaid sick leave per calendar year. "Calendar Year" means any regular and consecutive 12-month period of time determined by an employer. The notice of Employee Rights must state the employer's calendar year.

Your employees can use sick leave when they have a mental or physical illness, injury or health condition; when they must care for a family member who needs medical diagnosis, care or treatment; and when your business closes due to a public health emergency, or they need to care for a child whose school or child care provider is closed due to a public health emergency.

Finally, if the need is foreseeable you can require up to 7 days of advance notice from your employees. If the need is unforeseeable you can require them to give you notice as soon as practicable. You may also require written verification that they used sick leave for sick leave purposes.

The DCA is investigating more and more of sick leave cases and claims. Be smart and protect yourselves by giving proper notice of their rights to your employees, and follow the law.

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

Judge Orders EPA to Issue Ozone Area Designations

A federal judge informed the U.S. Environmental Protection Agency (EPA) that it should not have missed an October deadline to issue which areas met the 2015 ozone standard, Politico reports. The judge then ordered the agency to declare most designations by the end of April.

The agency indicated it would have nearly all areas completed by the new deadline. The agency has already said around 85% of the United States meets the standard, but hasn't addressed how much of the 15% will receive a non-attainment designation and have to reduce pollution.

However, the EPA had already announced it would take until August 10 to review new data sent by Texas about the San Antonio area, but Judge Haywood Gilliam Jr. of the U.S. District Court for Northern California moved up that deadline to July 17.

Gilliam said that the agency didn't convince him why more time was needed in relation to San Antonio. "EPA's reasoning effectively allows states to drive the agency's timeline for statutory compliance," he said.

American Express Trims Discount Rates

American Express Co. said it will slash its worldwide discount rate possibly up to three times the level previously announced for this year, Digital Transactions reports. The move comes as AmEx seeks to widen its network of merchants in the United States and overseas.

The discounts will be the largest proposed by AmEx in two decades, and could cost the financial firm up to \$585 million in 2018. Earlier, the company had said the average discount would drop 0.02 to 0.03 percentage points for 2018.

Driving the reductions would be individually negotiated rates in nations with unregulated acceptance costs. Its average worldwide discount rate last year was 2.43%, down from 2.45% in 2016. "We're making some conscious trade-offs in the discount rate as we continue our focus on growing merchant coverage," said Stephen Squeri, AmEx chairman and CEO during a March Investor Day. "The result, more places for our cardmembers to use our products, which means more revenues from both spending and lending."

For years, the company has sought to close the gap between the number of its merchants and that of MasterCard and Visa, which collectively have around 10 million locations across the world.

ExxonMobil Debuts Motor Oil for High-Mileage Vehicles

ExxonMobil said it has developed the first synthetic motor oil designed for Vehicles with more than 75,000 miles on their engines. Mobil 1 Extended Performance High Mileage guarantees "longer lasting" engine protection for 15,000 miles between oil changes, according to an announcement.

Vehicles with more than 75,000 miles represent over half of all vehicles on the road, the company said. It said the new formula is now available at Meijer and Walmart stores.

"This new addition to the Mobil 1 (TM) line of synthetic motor oils addresses the needs of a large and growing group of car owners -- those that have high mileage vehicles and want extra protection to keep their vehicles on the road longer," Michele Biamonte, automotive marketing manager for ExxonMobil, said in the announcement.

The motor oil is available in 0W-20, 5W-20 and 5W-30 viscosities. "These specially formulated synthetic oils help resist oil breakdown, prevent sludge and deposit formation, and stop leaks in higher mileage engines, while providing extra protection to last 15,000 miles between oil changes," ExxonMobil said.

--Donna Harris, dharris@opisnet.com

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U.S. Congress Won't Hike Federal Gasoline Tax Anytime Soon: PMAA

U.S. Congress will not raise the federal gasoline tax anytime soon, according to the Petroleum Marketers Association of America (PMAA) quoting House Speaker Paul Ryan (R-Wis.)

Ryan said, "we're not going to raise gas taxes. ... There are some people who are talking about that, but the last thing we want to do is pass historic tax relief in December and then undo that, so we are not going to raise gas taxes."

Rep. Sam Graves (R-Mo.), who is in running to replace Rep. Bill Shuster (R-Pa.) as chairman of the House Transportation and Infrastructure Committee, also does not believe the gas tax will be increased, PMAA said.

On Tuesday, while speaking at a National Association of Counties event on Capitol Hill, Graves said that not only does he think a gas tax increase has no chance of passing the House, but that lawmakers shouldn't even attempt to bring up a gas tax increase bill for a vote.

Lastly, he suggested that an infrastructure bill is not even the House Transportation and Infrastructure Committee's top priority right now and that a bill will have to wait until after action is taken on the Water Resources Development Act.

Many Democrats support an increase in the gas tax and a few Republicans, including President Trump, are open to discussing it. However, with a Republican majority in Congress, the tax will likely not be raised anytime soon.

Interest groups are divided on the issue as well, with the Chamber of Commerce and American Trucking Associations being in support of a gas tax increase and groups like Freedom Partners and Americans for Prosperity being in opposition to a gas tax increase, PMAA said.

Meanwhile, the House Transportation and Infrastructure Committee held two hearings this week. On Wednesday, the Subcommittee on Highways and Transit examined the long-term funding proposals to keep the Highway Trust Fund (HTF) solvent in which several lawmakers from both sides of the aisle expressed support for a gas tax increase while downplaying the concept of tolling existing highways.

In another hearing this week, U.S. Transportation Secretary Elaine Chao testified before the House Committee

on Transportation and Infrastructure. Proposals to commercialize rest areas remains a concern in Congress.

PMAA is part of a coalition to persuade Congress not to move forward with rest area commercialization legislation which would harm small-business petroleum marketers along interstate highways.

--Edgar Ang, eang@opisnet.com

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FDA Compliance Materials May Put Retailers at Risk

Retailers in certain localities where the tobacco/e-vapor minimum-age state or local laws are 19 or 21 years old may be exposed to violations of state and FDA regulations if they use FDA’s free kit of “This is Our Watch” materials. These kits were first distributed in November 2017 and on an on-going basis.

The FDA sent its materials focused only on the 18-year minimum age, including a calendar to calculate carded customer’s ages, to retailers in states and localities where the minimum age is higher than 18 years old. Retailers in the seven states using the FDA’s 18-year materials will be exposed to making illegal sales to minors and the possibility of state and/or FDA fines and penalties.

Below are the areas where retailers may be impacted:

<u>Locality</u>	<u>Legal Age</u>
Albany County	21
Baxter Estates	21
Cattaraugus County	21
Chautauqua County	21
Cortland County	21
Glen Cove	19
Great Neck Plaza	21
Long Beach	21
Nassau County	19
New York City	21
Onondaga County	21
Orange County	21
Rockland County	19
Schenectady County	21
Suffolk County	21
Sullivan County	21
Tompkins County	21
Town of Hempstead	21
Town of North Hempstead	21

Informed retailers will have immediately recognized the problem of using FDA’s 18-year materials if 19 or 21 is their state or locality’s minimum age requirement. Others may incorrectly think the federal government’s 18-year materials focus overrules their state/locality’s higher minimum-age requirement while some may inadvertently just deploy the FDA materials without checking.

It is incumbent upon the retail community to remain compliant with FDA regulations and state and local law minimum age requirements. With FDA conducting 160,000

compliance inspections annually, combined with additional state and local level enforcement, compliance and preventing illegal sales of age-restricted products remains a priority of retailers.

State Farm Legal Battle Continues in May, Began in 1997

Written by John Yoswick

A federal judge in February declined to dismiss a \$9 billion class action racketeering lawsuit against State Farm over the insurer’s alleged role in the election of an Illinois Supreme Court judge---setting the stage for the latest trial in a decade-long battle involving the insurer’s use of non-OEM parts.

The lawsuit claims State Farm helped secure the 2004 election of Justice Lloyd Karmeier, and that Karmeier improperly participated in the reversal of a \$1 billion judgment against the insurer in 1999 in the Avery vs. State Farm class action lawsuit.

Without passing judgment on the merits of the current case, U.S. District Judge David Herndon said in rejecting State Farm’s calls for dismissal of the suit that whether or not the Avery judgment should have been overturned, the vehicle owners involved deserve to know they lost fairly.

“Plaintiffs seek to vindicate their right to be judged by a tribunal that is uncontaminated by politics,” Judge Herndon wrote.

The suit is seeking triple the damages of the Avery suit plus more than a dozen years of interest---a total of about \$9 billion---for the 4.7 million vehicle owners represented in the original Avery suit. Trial is set to begin May 7.

How did we get here?

So how does a non-OEM parts lawsuit started back in the 1990s still remain embroiled in the judicial system? Back in 1999, a jury in the original Avery lawsuit found that the non-OEM parts installed on the drivers’ vehicles as part of their State Farm claim were inferior to OEM, and thus the insurer breached its contract to return those cars to “pre-loss condition.” It also found that State Farm had defrauded consumers by concealing known problems with the parts.

The \$1.2 billion judgment against State Farm was, at the time, one of the largest judgments ever levied against an insurer. The ruling changed the way many insurance companies dealt with non-OEM parts for years, and even today is seen as the basis for State Farm’s limited use of such parts.

In 2001, in response to an appeal by State Farm, an appellate court affirmed the decision but lowered the damage award to \$1.05 billion. State Farm then filed an appeal with the Illinois Supreme Court.

In 2004, Judge Karmeier was elected to his first 10-year term on the Illinois Supreme Court. At that time, lawyers for the plaintiffs in the Avery case sought to have Karmeier recuse himself from participating in the Avery decision because they claimed his election campaign had received significant campaign contributions from State Farm. But Karmeier did not recuse himself.

The next year, four of the six Justices on the Court—including Karmeier—voted to overturn the Avery ruling. The court ruled that the case should not have been approved as a national class action because State Farm uses different policy language in different states, and even within the same state. The Court found no breach of contract under any of the three different policy wordings related to the use of parts. It ruled that the plaintiffs in the case failed to demonstrate damages. Additionally, the court pointed out that the plaintiffs did not contend that non-OEM parts are defective—only that they are not all as good as OEM parts.

The decision emboldened insurers, some of which had curtailed calling for the use of non-OEM parts for some years after the 1999 Avery judgment, to return to pushing shops to use the parts.

New findings, new lawsuit

However, in 2011, lawyers for the plaintiffs in the Avery case filed a lawsuit claiming they had new evidence of State Farm’s involvement in the recruitment of Karmeier as a candidate and in financing the campaign that led to his election to the Illinois Supreme Court. That campaign shattered state and national spending records for a judicial seat, with the two candidates spending more than \$9 million combined. The current lawsuit argues that State Farm “delivered ‘tremendous’ financial support (at least \$2.5 million and as much as \$4 million) to Justice Karmeier’s campaign.”

The plaintiffs’ attorneys argue, for example, that State Farm attorney and lobbyist William Shepherd was on the executive committee of the Illinois Civil Justice League (ICJL), which recruited and endorsed Karmeier as a candidate for the seat on the court, and was involved with weekly conference calls with Karmeier’s campaign manager (the head of the ICJL).

The money trail described in the court filings is a bit convoluted, indicating that the contributions largely came through intermediary organizations being influenced by State Farm. The ICJL, for example, through its political action committee made \$1.1 million in direct and in-kind contributions to Karmeier’s campaign.

Also at the time, the lawsuit argues, State Farm CEO Ed Rust was part of the U.S. Chamber’s leadership team that selected which judicial campaigns to target, and Illinois was identified as a “Tier 1” state to target. State Farm donated \$1 million to the U.S. Chamber’s judicial election efforts, the U.S. Chamber donated more than \$2 million to the Illinois Republican Party, and that organization in turn bought \$1.94 million in advertising for the Karmeier campaign.

House and Senate Committees Hold Hearings on Infrastructure

In the latest in a series of hearings on infrastructure, the House Transportation and Infrastructure Committee held two hearings this week. On Wednesday, the Subcommittee on Highways and Transit explored long term funding options for our nation’s highways, bridges and roads. State transportation agencies and highway users testified. There

was strong bipartisan support among members of the subcommittee for raising motor fuels taxes. The gas tax was viewed as the easiest and most transparent method of raising revenue. It was pointed out that not a single state representative who voted to increase state gasoline taxes has lost their re-election due to this vote. In another show of bipartisan agreement, most members rejected the concept of tolling. Though there was some mention of private-public partnerships in general, rest area commercialization did not come up at this hearing.

U.S. Transportation Secretary Elaine Chao testified before the full House Committee on Transportation and Infrastructure the day before the subcommittee hearing to discuss the president’s infrastructure proposal. The week before she testified before the full Senate Committee on Environment and Public Works and fielded a wide range of questions and topics, including a statement from Senator Jerry Moran (R-KS) regarding commercialization of rest areas. He expressed his opposition to any proposal that would overturn the long-standing ban on commercialized rest areas and pointed out the Senate voted 86 to 12 against rest area commercialization when this issue was last raised. He went on to explain how this would harm small businesses in rural areas.

Arizona Has Shared the Road With Uber’s Self-driving Trucks

Since November, motorists in Arizona have been sharing the highways with trucks driven by robots, the Washington Post reports. Uber has been quietly testing its self-driving Volvo trucks—each with a human backup driver—on the state’s major roads. The ride-hailing company isn’t partnering with Volvo on the trucks, but merely retrofitted the vehicles for automated driving.

“This a big step forward in self-driving truck technology, and the future of the freight industry at large,” Uber said in a statement. The company’s Uber Freight uses human drivers to accompany self-driving trucks to the Arizona border, then ride in the driver’s seat during the highway portion of the trip. The human driver takes over when the destination is close at hand to finish the delivery.

“We envision a future where truck drivers and self-driving trucks work together to move freight around the country,” Uber wrote in a November blog post about the test. “Self-driving trucks will manage long haul driving on some interstate highways, but having two hands on the wheel will still be the best way to get a load to its final destination. ... [However,] truck drivers possess the critical skills that self-driving trucks may never match — like backing into a tight dock, navigating a busy industrial yard, or moving axles on a trailer.”

The United States is currently experiencing a shortage of truck drivers, making interest in automated trucks higher than ever. For example, Tesla and Waymo are working on electric, self-driving trucks, while startup Embark’s automated truck recently completed a cross-country trip from California to Florida without a human driver.

ATM Debit Card Fraud Rises

There was a 10% increase in the number of payment cards compromised at U.S. ATMs and merchants in 2017, according to FICO, and the number of compromised card readers at U.S. ATMs, restaurants and merchants rose 8% in 2017.

FICO's data comes from its FICO Card Alert Service, which monitors hundreds of thousands of ATMs and other readers in the United States (data does not cover online card fraud).

"The number of compromises and the number of card members impacted set a new record last year," said TJ Horan, vice president of fraud solutions at FICO. "While most devices are safe, fraudsters are developing new technology and methods for hacking ATMs."

According to NCR, ATM card skimming is getting increasingly sophisticated, as skimming devices are getting smaller and harder to detect and defeat. As ATM skimming continues to evolve, NCR's ATM Fraud Inspection Guide offers solutions for retailers with ATMs to reduce risk and protect their ATM network.

Federal Court Refuses to Hear Appeal of Decision Overturning R-134a Rule

Posted on February 21, 2018 in Auto Repair, News

On Jan. 26, the U.S. Court of Appeals for the District of Columbia rejected an appeal that sought to dispute a previous decision regarding the U.S. Environmental Protection Agency's (EPA) ban of certain refrigerants, namely R-134a. The appeal was filed by competing refrigerant manufacturers Honeywell and Chemours, as well as the Natural Resource Defense Council, who supported EPA's decision to force companies to transition away from refrigerants with high global warming potential (GWP).

EPA issued a regulation in 2015 designating R-134a as an unacceptable substitute for ozone-depleting substances in aerosol products and motor vehicle air conditioners, with bans commencing in 2016 and model year 2021 respectively. The court nullified these bans last summer, ruling that EPA lacked authority under the Section 612 Significant New Alternatives Policy (SNAP) to require companies to forego use of a substance previously approved under the program as an ozone-depleting product.

With the court deciding not to take up the appeal, EPA now must determine whether to abandon the entire SNAP rule altogether or undertake a new rulemaking to address the use of R-134a in motor vehicles and consumer products.

As stated previously, this ruling does not pertain to regulations from 2016 that prohibited the sale of R-134a to non-certified individuals, which took effect Jan. 1, 2018. The exemption remains for under two-pound containers of R-134a equipped with self-sealing valves and retailers are able to sell through non-complying products produced prior to the effective date.

Iowa Bill Would Make Installing Skimmers Prosecutable

The number of cases involving skimming devices placed at ATMs and fuel pumps has jumped fivefold, and now the House has okayed language that would make those crimes easier to prosecute, the Globe Gazette reports.

House File 2199 clarifies intent to defraud language that had previously made it "nearly impossible to prosecute the last 32 charges of fraudulent skimmers in the past decade," said Rep. Zach Nunn. Those 32 charges resulted in only seven convictions. Nunn said it was unacceptable that "criminals are more effective using the technology than our attempts to safeguard it."

The legislation also no longer requires that anyone using a skimmer have a clear intent to defraud the issuer, retailer or credit card holder. The Iowa Senate has a similar bill, which has the support of convenience stores.

With 39 million Americans filling up daily, and 29 million of those paying with a debit or credit card, one skimming device attached to a single pump could steal data from upwards of 100 cards daily. FICO found that from January at June 2017, the number of compromised ATMs and fuel pumps shot up more than 20% compared to a year earlier.

U.S. Secret Service Combats Card Skimming at the Pump

The U.S. Secret Service is partnering with state and local law enforcement to help deter, investigate and prosecute criminal credit card skimming at fueling stations.

The U.S. Secret Service has issued an alert to state and local law enforcement, which contains specific technical information about how to look for skimming devices at fueling stations, preserve evidence and investigate skimming operations. Agents based in field offices and electronic and cyber-enabled financial crime task forces all the country are also fanning out to assist local law enforcement departments that, in partnership with businesses, can help minimize risks, stop skimming operations and catch those responsible.

Approximately 39 million Americans fill-up every day, and fuel dispensers have become one of many targets for thieves looking to steal credit and debit card information by skimming, an aggressive tactic used to illegally obtain consumer card data for fraudulent purposes. Skimming occurs when a third-party card-reading device is installed either outside or inside a fuel dispenser, which allows a thief to capture a customer's credit and debit card information to create counterfeit cards.

Skimming is common at gas pumps because they are typically unattended. This level of anonymity makes investigations, arrests and prosecutions more difficult, but not impossible. Credit card fraud is a serious crime, a federal offense in many cases, that carries stiff penalties including heavy fines and lengthy prison sentences. For many, the potential reward outweighs the risk of being caught. In recent years, skimming operations have become more complex, with larger losses due to new technology and ties to organized crime.

New York Retailers Face New Tobacco Rules

The Wall Street Journal reports that retailers across New York City are grappling with new regulations designed to make it more difficult for adults to buy cigarettes.

The new rules are being rolled out over the year, and involve a "barrage of changes" in the licenses necessary for retailers, according to Max Bookman, a lawyer who represents the New York City Newsstand Operators Association.

The first change that takes place this month will raise the biennial fee from the \$110 currently charged for a cigarette retail dealer license, to \$200 for the new tobacco retail dealer license that includes all types of tobacco sales. The Journal notes that on February 24, no applications will be accepted by the city for new cigarette retail dealer licenses, which shuts out anyone who wants to sell tobacco in the future.

"The consequence of screwing up the paperwork for some folks is you don't get to sell tobacco anymore," Bookman told the news source. The new regulations were signed into law last August by New York City Mayor Bill de Blasio and designed to reduce the number of tobacco retail licenses across the city by half.

Businesses will also need a separate license for electronic cigarettes with all applications due April 25, of which a business will need to prove it was selling electronic cigarettes on or before August 28, 2017, to receive a license. Starting August 23, 2018, it will be illegal to sell electronic cigarettes without a license, and no pharmacies or businesses containing pharmacies will be allowed to sell electronic cigarettes.

On June 1, 2018, the price of a pack of cigarettes will jump to at least \$13 in New York City, the highest price for cigarettes in the nation. Right now, New Yorkers have a minimum per price pack of \$10.50 for cigarettes.

Next Generation Cumberland Farms Stores Coming to Long Island

Cumberland Farms will roll out its first Next Generation c-store and super-pumper in Long Island later this month in a move that might strike some fear among traditional "Ma & Pa" retailers in the area. Long Island boasts a population of about 8 million, but like many New York City suburbs, expensive real estate and tough zoning has resulted in relatively few large footprint c-stores.

The first large Cumberland Farms should be open by March in Lake Ronkonkoma, and more stores are planned in Long Island within the next year. The Next Generation store will boast 4,700 square feet, with three outdoor patio tables and 12 fueling positions. Gasoline station analysts believe that it's a store targeted for some 250,000 gal/month or more of fuel sales.

Cumberland Farms currently has a store count of 558 across eight states: Massachusetts, New Hampshire, Rhode Island, Vermont, Connecticut, Florida, New York and Maine. Within those totals there are three Next Generation sites in

Massachusetts, six in New York when Lake Ronkonkoma is counted, four in Connecticut, two in Maine, one in New Hampshire and three in Florida.

--Tom Kloza, tkloza@opisnet.com

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Because You Asked

Question. What is the proper wording for a warranty on repair shop invoice?

Answer. A Repair Shop is not required to guarantee its work, but if a shop voluntarily guarantees repairs, the terms and time limit of the guarantee must be listed on the invoice. An item we often see shops confusing with a guarantee is the requirement to provide quality repairs even if no guarantee is given, see below.

CR- 82.13(a) A repair shop shall perform quality repairs. Quality repairs are those repairs held by those having knowledge and expertise in the automotive field to be necessary to bring a motor vehicle to its pre-malfunction or pre-damage condition.

Keep in mind that DMV can accept complaints on a repair for 90 days and three thousand miles no matter what the invoice says

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 585-423-9924.

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 than 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.

All Petroleum Bulk Storage Facilities

YOU WERE REQUIRED TO DESIGNATE A CLASS A AND/OR B AUTHORIZED OPERATOR TO NYS DEC NO LATER THAN OCTOBER 11, 2016

THIS WAS MORE THAN A YEAR AGO

If you have not done this you are now subject to a \$500 penalty from NYS DEC. This may now be unavoidable

If you have not reported this information to NYS DEC as of yet do so immediately. Communicate this information to DEC at operatortraining@dec.ny.gov

Or call the association office



NEW YORK STATE ASSOCIATION OF SERVICE STATION & REPAIR SHOPS, INC

Declared Dividend is 30%

In 2018* the New York State Association of Service Stations & Repair Shops, Inc. is proud to declare a dividend for the Workers Compensation Safety Group #536 of **30%**. This will be the 26th consecutive year that the group will pay the dividend.

In addition to this dividend, members will enjoy as much as a 25% upfront discount on their renewal premiums.

Checks will be processed at the end of March 2018 and mailed directly to your address by The State Insurance Fund.

** Applies to Policy Term 5/1/16 - 5/1/17*

Further Details

Please contact:

Bill Adams at 716.849.8641 or by email at badams@lawleyinsurance.com if you have any questions or concerns.

***NYSASSRS & Lawley
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lawleyinsurance.com | 800.860.5741



Lawley Insurance
361 Delaware Avenue
Buffalo, NY 14202

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BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

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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

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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)?

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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:		
<input type="checkbox"/>	<input type="checkbox"/>	Property & Casualty
<input type="checkbox"/>	<input type="checkbox"/>	Workers Comp
<input type="checkbox"/>	<input type="checkbox"/>	Disability
<input type="checkbox"/>	<input type="checkbox"/>	Health
If you checked one or more of the above please provide the following information:		
Name of Current Insurer:		
Type of Insurance:		
Renewal Date:		
When/How is the best time to contact you?		

If you are interested in learning how you may save on insurance costs
Please fill out and fax to your local association at 518-452-1955

RSGDA

LEGAL PLAN

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

Covered services available to members include:

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

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

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

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

Sale	\$295.00
Purchase	\$350.00
- Simple will \$75.00 Simple will (husband and wife) \$125.00

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