NYS ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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Message From The Executive Director
Ralph Bombardiere

Each one of us face a time when we get into our vehicles, turn the key, and nothing happens. That recently happened to me when the battery was dead in my vehicle after laying around for three weeks. It was early in the morning and I was on my way to work so that was often the car was moveable. Contacted roadside service, they came over, boosted the car, and I took it to my favorite repair shop. It was early in the morning so most of the mechanics were not in. my car was parked in front of the bay with a clear view of the air tower. I remember thinking that the air tower provided inflatable air for your tires at a cost, and the price was one dollar.

It brought back memories. In the late 1970s the New York State Legislature was trying to pass legislation that required all service stations with four or more pumps provide air to the motoring public at no cost. Within the next five or six years the association and its members worked hard to eliminate the bill or at the very least have the word free taken out.

I can remember like it was yesterday when the sponsor of the bill sent for us and said he was willing to take the word free out if we allowed the bill to pass. This was a sound compromise.

So I thought to myself as I looked at that one dollar fee how much money service stations were making on this one dollar fee or maybe seventy-five cent fee. The machine itself probable cost between two and three thousand dollars and this one was at least ten years old. This one had made its money over the life of the machine plus had repaid for repairs and had made a profit for the owner.

While sitting there I thought about how many service stations there are with four or more pumps that could now be paid pay for air since 1982, how much money had been made, and had they made the cost of the dues to the association. In my mind the answer is, well over the amount of money that pay for association dues and then some.

And then it comes to mind, members of the association who pay their dues, pay for the functions of the association and benefit from it but so do those who do not. And, how many service stations with four or more pumps are selling air but not paying their fair share in dues to the association. This is only on facet of our association. There have been benefits created by the association that run into the millions of dollars, least of all "Salability of Franchise" which allowed service stations to be sold and the oil companies could not stop the sale. I could go on and on with this but just that one dollar sign, and how much money was made by the dealers, is reason enough to be a member of the association.

Inside This Issue

New Sanctions Could Affect Oil, Gasoline Prices

President Trump Wednesday announced he would order new sanctions on Iran following the weekend attack on a Saudi oil field, according to CNN.

It wasn't immediately clear what new sanctions would be applied, and analysts said the announcement may indicate the White House's desire to avoid military conflict prior to the 2020 elections. The United States ratcheted up sanctions on Iran after withdrawing last year from a multi-nation nuclear deal that constrained Iran's nuclear activity.

"The key concern for retailers will be if sanctions affect oil prices. History shows that when oil prices climb, rack prices and ultimately retail prices follow suit. Past experience demonstrates that rack prices typically go up faster than retail prices due to competitive conditions in the market, which has resulted in compressed margins," said John Eichberger, executive director for the Fuels Institute.

Meanwhile, Saudi Arabia is attempting to move beyond the worst oil disruption in its history. The damaged facility, which pumped almost 10% of the world's oil, has partially restarted and the production capacity will be back to normal within months. However, progress has been slower than was expected, reports Bloomberg, and crude oil prices remain elevated as traders factor in higher risks for Saudi supply.

"We managed to contain the damage by recovering more than half of the production that we had lost during that terrorist attack," Energy Minister Prince Abdulaziz bin Salman said in a news briefing. "The company will be able to meet all its commitments to customers this month by drawing on its crude oil reserves."

The facility should return to pre-attack levels of about 4.9 million barrels by the end of September, he said. Industry insiders believe the facility will take months to fully recover from the attack. Saudi Arabia hopes to pump 9.8 million barrels a day in October which is in line with recent production. Full output capacity of 12 million barrels a day will only be available at the end of November, with about 11 million restored by the end of this month, said Abdulaziz.

Trump Administration Rolls Back Clean Water Rule

Last week, the Trump Administration rolled back an Obama-era regulation on clean water that clarifies federal jurisdiction under the Clean Water Act, which expanded the types of waterways that receive federal protections from pollution.

Criticism of the Clean Water Act came after the loose definition caused lawmakers to have a more difficult time determining whether bodies of water fell under the definition or not. Republicans contended that the rule was an overreach of federal powers.

Law360 reports that the Waters of the United States (WOTUS) definition has been through a multitude of federal court challenges, which caused states to either follow the 2015 ruling or a ruling from the Reagan Administration, creating a "patchwork" of regulations throughout the country.

The previous rulings indicated that the Obama-era WOTUS definition, better known as the Clean Water Rule, exceeded the EPA's and Army Corps of Engineers' authority under the Clean Air Act.

Law360 says that in December, the EPA and Corps proposed the replacement rule, which would reduce the number of waterways covered by the act. The Obama-era rule was slammed by agricultural and real estate interests as a federal power grab.

The new rule would create six categories of water to be covered by WOTUS:

- Traditional navigable waters
- Tributaries to those navigable waters, meaning perennial or intermittent rivers and streams that contribute flow to a traditional navigable water in a typical year
- Certain ditches, such as those used for navigation or those affected by the tide
- Certain lakes and ponds that are similar to traditional navigable waters or that provide perennial or intermittent flow in a typical year to a traditional navigable water
- Impoundments such as check dams and perennial rivers that form lakes or ponds behind them
- Wetlands that abut or have a direct hydrologic surface connection to another water in the U.S.

Trump Revokes California Emissions Waiver

President Trump said he is revoking California's decades-long ability to set its own rules for tailpipe emissions for passenger vehicles, maintaining that such requirements should be set at the federal level, The Wall Street Journal reported. The White House first proposed the revocation last year.

The Environmental Protection Agency (EPA) and the Department of Transportation (DOT) are slated to announce details in a joint news conference this morning.

Revoking the waiver also would affect 13 other states who have signed onto California's emissions standards. The states include Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington.

As reported in NACS Daily in August, Ford Motor Co., Volkswagen AG, Honda Motor Co., and BMW AG struck a voluntary agreement with the California Air Resources Board to meet tougher tailpipe-emissions standards than proposed by the Trump Administration and increase fleet fuel economy by 3.7% year over year between model year 2022 and 2026.

Enhancing Advanced Vehicles to Safely Handle Tricky Road Situations

Hybrid and electric cars are becoming more popular because they save energy and offer a quiet drive. But a

federal regulation goes into effect next fall will require them to play sounds at certain speeds for pedestrian safety, reports The New York Times.

Because e-cars are so quiet, people often don't hear them coming. But designing appropriate sounds is a complex undertaking, according to Joel Beckerman, founder of Man Made Music, which works with Nissan to address both safety concerns and maintain a brand identity.

"If we do our job in this kind of situation, then you don't notice what we did at all," Beckerman said. "It just becomes natural, it's just a part of your life, it's a part of your environment. When you get it wrong, that's when people notice."

While the advent of quieter hybrid and electric vehicles presents an opportunity to build sounds from scratch, there is a long history of sound design in the automotive industry. Muscle cars have their distinctive throaty growl. Harley Davidson motorcycles have that syncopated "potato-potato-potato" chug. (Yes, that's really what they call it.)

In the case of hybrid and electric vehicles, the need for sound is about more than the user experience and safety. About 10 years ago, the National Highway Traffic Safety Administration found that hybrid electric vehicles were 35% more likely than those with internal combustion engines to be involved in a pedestrian crash. Hybrids were also 57% more likely to be involved in crashes involving bicycles.

In 2010, Congress passed a law to enhance pedestrian safety, instructing the agency to craft a rule mandating that hybrid and electric vehicles emit noise. Automakers requested a few changes, though, including allowing owners to choose from a range of sounds rather than just one. As a result, major carmakers have been working on crafting sounds to meet those requirements.

"It wants to be purposeful; it wants to be pleasing," said Todd Bruder, the engineer who led development of the sound. "But also have the ability to warn people that there's something coming."

Meanwhile, safety experts are also concentrating on investigating dangers that future self-driving cars may face when confronted with a railroad crossing. Train-vehicle crashes are a lot more common than most people think. According to compiled statistics, every 90 minutes in the United States a vehicle and a train collide, and there are about 500 deaths each year in the United States due to failures to safely navigate a railroad crossing, according to Forbes.

Will AI-driven self-driving cars be safer than human drivers when it comes to dealing with railroad crossings? The answer is "maybe."

True self-driving cars are those in which the AI does all the driving. Usually referred to as Level 4 and Level 5, there isn't a human driver involved in the driving act. Level 2 and Level 3 cars are considered semi-autonomous cars, requiring a human driver to co-share the driving task. But the AI system of self-driving vehicles is not an all-knowing technology that can automatically cope with any driving scenario.

This co-sharing arrangement has some inherent problems, and drivers need to be wary of over-relying on advanced driver-assistance systems.

Potentially, a self-driving car that comes upon a railroad crossing could send out a message to other self-driving cars approaching the same spot and alert those AI systems that a train is coming. In theory, the trains themselves might also be able to do V2V, meaning that a rushing train would be broadcasting to nearby vehicles that the train is coming, so watch out. Any V2V-equipped car, truck, van or other kind of vehicle would get an electronic notification from the train itself.

There are other challenges to consider. Suppose the railroad crossing gate comes down to warn that a train is coming, but a train doesn't come along and the gate arm stays down. This is dicey situation, since a human driver might be tempted to drive around the gate arm, first hopefully double-checking that there's no train within eyesight. But most self-driving cars would simply sit stopped at the gate arm because it assumes that it can only proceed when the gate arm goes up.

Recent news stories about the automatic braking system of the Nissan Rogue have suggested that the brakes at times are being suddenly and inappropriately deployed at railroad crossings, endangering the passengers of the car and certainly startling or unnerving the human driver. Whether or not the allegation is ultimately shown to be true, it nonetheless highlights the potential dangers of car automation related to railroad crossings.

Eventually, the U.S. will have fully operational AI self-driving cars that have been prepared to handle such matters, though in the meantime it is prudent to be wary about any self-driving car that comes upon a railroad crossing. It's a tough hurdle to match to the everyday human-devised mantra of stop, look and listen—even for AI.

Survey: Youngest Drivers Leading the Charge Toward EVs

Young drivers are leading the charge when it comes to adoption of electric vehicles, according to a new survey on the growth of EV use in the Northeast and California markets.

While only 16% of the total of survey respondents said they owned an electric vehicle, that number rose to 33% when looking at vehicle owners 23 or younger, according to the West Monroe consulting group.

The survey polled 1,000 respondents in California and the Northeast, as well as 280 business owners and found that younger drivers, by far, have the largest proportion of EV owners. The survey found that while about a third of the youngest responders owned an EV, only 19% of millennials, 14% of Gen Xers and 6% of baby boomers drove electric vehicles.

When it comes to planning their next vehicle purchase, 18% of respondents said it was extremely likely they'd purchase an electric vehicle while 41% said it was

"somewhat likely." Forty-one percent said it was not likely that their next vehicle would be an EV.

While the rate of ownership is similar in the two areas surveyed -- 17% in California and 15% in the Northeast tri-state region -- 22% of California consumers said they're "extremely likely" to purchase an EV as their next vehicle, compared to 14% of those in the Northeast.

The respondents said that longer-lasting batteries (54%), more charging stations (45%), a competitive cost to internal combustion engine vehicles (45%) and better tax incentives (33%) would all encourage people to consider switching to an EV. Respondents said factors deterring them from making the switch are cost of EVs (67%), a lack of local charging stations (43%) and concerns over battery life (29%), according to the survey.

Among businesses surveyed, EV use is even lower, with only 7% of business owners responding that they use EVs in their fleets. Among business owners who use EVs, half said electric vehicles now make up 50% or more of their total fleet, according to West Monroe.

In addition to concerns about cost, charging options and vehicle range, 33% of owners said there were no electric vehicle versions of the type their businesses need. When asked about factors that would have them consider purchasing EVs, 61% of business owners said saving on the cost of gasoline would be a prime consideration, and 70% said more charging stations would help change their minds.

Monroe West said there were approximately 5,894 public EV charging stations in California as of Sept. 6 -- an average of roughly one per 28 square miles -- compared to 2,125 stations in the Northeast tri-state region, for an average of one per 32 square miles.

--Steve Cronin, scronin@opisnet.com

J. Polep Distribution Services Acquired by Private Equity Firm

Palm Beach Capital Fund III LP is growing its investment in the convenience distribution space.

In its recent move, the West Pam Beach-based private equity investment firm made an investment in Consumer Products Distributors LLC, which does business as J. Polep Distribution Services, and Rachael's Food LLC, collectively known as J. Polep.

J. Polep has been in the distribution business for more than 120 years and over the past several years, the company has expanded product lines to include fresh sandwiches, salads and grocery items and has added programs and value-added services to better service the convenience store retailer, according to the company.

"We are excited about the future growth of J. Polep Distribution Services and our partnership with Palm Beach Capital. Our focus will remain our steadfast dedication to the customers we service and to the products they deliver, with the goal of making sure each of our customers and vendors achieve long-term success," said Eric Polep, president and CEO of J. Polep.

"Business will run as usual at J. Polep and this new partnership with Palm Beach Capital will only enhance our capabilities and unparalleled customer service," he added.

Palm Beach Capital's investment in J. Polep, coupled with its previous investment in Harold Levinson Associates (HLA), creates the fifth largest c-store distributor in the country with a combined $2.7 billion in revenues.

It is now the largest distributor focused exclusively on the northeast United States.

"Knowing that Palm Beach Capital believes in our family culture and the philosophies we carry, has made this partnership extremely reassuring. We believe in the value of commitment to our people, while creating opportunities for our clients, team and the industry, and nothing is going to change that," said Jeff Polep, chairman of J. Polep.

Financial terms were not disclosed.

"Our strategy is to invest in solid management teams and assist them in their long-term strategic growth plans. The management team at J. Polep and the family culture it exemplifies with its customers, vendors and employees, embodies the values that we seek in a partner," said Mike Schmickle, partner at Palm Beach Capital.

"Having made our initial venture into the convenience distribution space in 2014 with our investment in New York-based Harold Levinson Associates, we have identified the industry as one that is uniquely positioned for growth and consolidation," he added. "J. Polep and HLA will both become independent members of our new convenience distribution division and we intend to add additional members in the future."

Founded in 1898, Chicopee, Mass.-based J. Polep Distribution Services is a leading distributor to the convenience and grocery store industry by providing candy; snack items; fresh, frozen and refrigerated foods; cigarettes and cigars; and coffee products to more than 6,000 customers located throughout the Northern United States. The company services its customers from seven strategic distribution and cross-dock centers located in Massachusetts, New Hampshire, Connecticut, New York, Rhode Island and Pennsylvania.

High Number of 7-Eleven Stores Available for Franchise

A national trade group that represents 7-Eleven franchisees said that 7-Eleven is losing franchisees, creating a "glut" of available stores across the country.

Eighteen percent of 7-Eleven stores in the United States are available for franchising, according to the National Coalition of Associations of 7-Eleven Franchisees (NCASEF). The coalition said in a press release that since April 2018, that figure has increased more than 57% to 1,578 from 999.

"There is a reason 7-Eleven has fallen to No. 10 from No. 2 on the list of best franchised businesses," said NCASEF Chairman Jay Singh in the news release. "Leadership has failed to establish a collaborative, transparent way of doing business with its franchise owners.

As a result, people are not rushing in to buy available stores."

However, 7-Eleven Inc. attributed the high store availability to recent growth, citing the purchase of more than 1,000 Sunoco stores as well as organic new store growth.

"We now have 1,385 stores available to be franchised," the company said in an email. "That's 185 more stores than this time last year, with 158 of those coming from the Sunoco deal, providing more opportunity for franchisees to grow their business or new entrepreneurs to join the system."

NCASEF said 7-Eleven's management has "continued to ignore requests from franchise owners to create a more transparent relationship."

"The gross margin for franchisees has been slipping, yet 7-Eleven has started taking a bigger portion of the declining gross revenues. The new 2019 franchise agreement calls for a much steeper gross profit split, with a marginal rate as high as 59% in favor of the company, directly hitting high performing stores in California and New York," the coalition said.

"Franchisees are also required to purchase 85% of their products from 7-Eleven's supply chain, which does not guarantee the lowest cost of goods. With the remaining revenue, franchisees must pay labor and maintenance, among other operating costs," the release said.

7-Eleven said that during the past 10 years, the brand has generated more than $15 billion in earnings for franchisees across the country and that franchisee gross income is at an "all-time high."

"The opportunity with the brand is tremendous, as attested by the 4,700 franchisees that signed a new 15-year franchise agreement in the last 12 months and continued robust interest from entrepreneurs looking to franchise with this system," the company said.

NCASEF said that since April of last year, stores owned by a franchisee and put up for sale have increased by more than 95% in California, 39% in New York, 314% in Illinois, 84% in Virginia and 60% in Washington state. Completed sales of franchised stores more than quadrupled from 2013 to 2018, and the turnover of franchised stores due to terminations, non-renewals and abandonments doubled to 314 in 2018 from 150 in 2013, the group said.

7-Eleven did not respond to an inquiry on those figures.

--Donna Harris, dharris@opisnet.com

Marathon Petroleum Investor Calls for Three-Way Company Split

hree years ago, Marathon Petroleum Corp. (MPC) rejected calls from a shareholder group to spin off its retail network, Speedway LLC. Now, it faces calls for the company to split into three.

"MPC engages in regular communication with its shareholders and welcomes constructive input related to enhancing shareholder value. The company's board of directors and management team remain focused on delivering long-term value for shareholders, and will continue to take actions to achieve that objective," the company said in a statement.

According to MPC, since becoming an independent company in 2011, it has generated total shareholder return of 254 percent, exceeding the S&P, which has returned 174 percent. In addition, it returned more than $20 billion to shareholders through dividends and share repurchases.

Our strong operational results and cash flow generation have allowed us to build upon our commitment to returning capital to our shareholders, having returned approximately $850 million to our shareholders in the second quarter of 2019 and more than $2.1 billion year-to-date through a mix of dividends and share repurchases," MPC explained.

"We look forward to maintaining an ongoing dialogue with our shareholders as we continue to evaluate opportunities to deliver more value for our shareholders. We will thoroughly evaluate Elliott's proposal and look forward to continuing our constructive engagement around these issues," it added.

On Sept. 25, Elliot Management Corp., which manages funds that collectively own common stock and economic equivalents representing approximately a 2.5-percent economic interest in MPC, call on MPC's board to "create three strong, independent companies — each a leader in its sector."

According to Elliot Management, the companies would break out as followed:

- RetailCo would become standalone Speedway, which upon separation would be the largest U.S.-listed convenience store operator;
- MidstreamCo would become standalone MPLX, which upon separation would be a top-five U.S. midstream operator by enterprise value; and
- RefiningCo would become New Marathon, which following the transactions, would be the largest independent merchant refiner by U.S. throughput.

As Elliot stated, it believes the board can unlock more than $22 billion in value for shareholders with no change in the operating assumptions — an increase to today's stock price of 61 percent. The board can also unlock an incremental $17 billion in value through achieving the operating full potential of Marathon’s asset – a total potential upside of more than 100 percent.

In November 2016, Elliot Management Corp. sent a letter to the MPC board stating the company was "severely undervalued and that there are readily available steps by which the board can unlock $14–$19 billion in value for shareholders," as Convenience Store News previously reported.

The group recommended the board drop down all MLP-qualifying assets to MPLX and conduct a full strategic review to reassess Marathon's current structure. Elliot Management called for the review "to evaluate whether a tax-free separation of Speedway or a full tax-free separation of the company into three separate standalone businesses

(Speedway, Refining Co., and Midstream Co.) best serves shareholders over the long term."

In its recent letter to the board, Elliott said it "previously engaged with the current management extensively regarding ideas to create value, which concluded with promises from management and the Board that certain steps would be taken to improve performance. Those promises have not been kept, and Elliott continues to believe that Marathon is severely undervalued."

New York Tobacco 21 Signed Into Law

ALBANY, N.Y. (CBSNewYork/AP) — New York will raise its smoking age from 18 to 21 under legislation signed into law by Gov. Cuomo.

The change takes effect on Nov. 13, and will apply to the sales of traditional tobacco products as well as electronic cigarettes and vaping devices.

Gov. Cuomo said too many children and teens pick up smoking despite decades of efforts to snuff out the habit. The governor blamed part of that on marketing he says is aimed directly at young people.

"By raising the smoking age from 18 to 21, we can stop cigarettes and e-cigarettes from getting into the hands of young people in the first place and prevent an entire generation of New Yorkers from forming costly and potentially deadly addictions," he said in a statement.

The governor's office added that, according to the Surgeon General, 88 percent of adult smokers start using tobacco before age 18 and 90 percent of the people who buy cigarettes for underage children are between ages 18 and 20.

"Tobacco 21 is a no-brainer," said Julie Hart, senior government relations director for the American Cancer Society Cancer Action Network of New York.

Sixteen states have approved raising the smoking age to 21, though the changes won't take effect in some of those states until late 2019 or some time after.

In addition, hundreds of local communities around the nation have made the move to 21. In New York state they include New York City, Long Island, Albany and a dozen other counties.

"Tobacco use is harmful to New Yorkers and leads to cancer, major health problems, and death. Raising the age of purchase to 21 will help ensure fewer children start this deadly habit," senate majority leader Andrea Stewart-Cousins added.

New York E-Cig Ban Temporarily Stopped

The New York State Health Department has begun telling callers that the e-cigarette flavor ban from the Cuomo administration is "not in effect at this time," according to a press release by the New York Association of Convenience Stores. The move comes from the Appellate Division of State Supreme Court, Third Department, which has stated that "Governor Cuomo and his Health Department [are] 'temporarily enjoined and prevented' from enforcing the ban."

Few details regarding the temporary restraining order are available at this time. Reports allege that the Cuomo administration is appealing the ruling to get the ban reinstated and little is known regarding how long the restraining order would remain in effect. However, for the time being, New York retailers may continue the sale of flavored e-cigarettes.

Many wholesalers and retailers have already cleared their shelves of the banned products in accordance with the original October 4 deadline. The temporary restraining order causes these retailers and others about to follow in suit to be stuck in a state of hiatus regarding deciding what to do in regard to the products. The decision to keep or reorder products puts them at risk of being liable under the Cuomo administration's ban. Thus, for retailers it is critical for a ruling regarding the appeal to be issued swiftly and give sufficient notice for retailers to adjust their sales practices prior to coming into compliance.

The next legal step is a determination by the State Supreme Court in Albany County on the Vaping Technology Association's motion for a preliminary injunction against the ban. As more details emerge, NACS will work to provide its members with the most up-to-date information regarding this unfolding case.

New York City Sues Online E-Cigarette Sellers

The City of New York has sued more than a dozen online retailers for allegedly selling e-cigarettes to underage residents, Bloomberg reports. This comes amid a nationwide wave of crackdowns as health concerns from vaping rise after 18 deaths in the U.S. were tied to the practice.

The case, New York City v. Artisan Vapor Franchise, filed in the U.S. District Court, Eastern District of New York (Brooklyn), addresses the city's call to block 22 online retailers from selling e-cigarettes to residents who are younger than 21 and demands that the companies install age verification systems.

"The kids of New York are the pride of our city, but to these companies, they're just a source of profit," Mayor Bill de Blasio said in a statement. "Preying on minors and hooking them on a potentially lethal, lifelong nicotine addiction is unconscionable."

Artisan Vapor Franchise, the first company named in the suit, was surprised by the news and said the company uses a third-party service to verify customers' ages and is looking into how a minor could have purchased a product. Another company, JUUL Labs Inc., is a defendant in nearly a dozen federal lawsuits and more than 40 suits in state courts.

Earlier this month, New York state instituted an emergency ban on flavored e-cigarettes, but it was blocked by a state appeals court after a challenge from the Vapor Technology Association. Additionally, late last week, a U.S. House panel asked four e-cigarette companies to stop all

print, broadcast and digital advertising of their products in the United States, reports U.S. News.

Bipartisan E-Cig Bill Would Ban Flavors, Add Taxes

Reps. Tom Suozzi (D-NY) and Pete King (R-NY) introduced a proposal to ban flavored e-cigarettes and tax the products for the first time at the national level, Politico reports. The proposed tax would be the equivalent of $3 per pack of cigarettes, while tripling the federal taxes on traditional cigarettes to reach $3 per pack, as well.

"I've been increasingly concerned by the number of teenagers who use and are becoming addicted to e-cigarettes," Rep. Suozzi said in a statement. "I've become even more disturbed in recent weeks since we've learned that hundreds of people have contracted a mysterious vaping-related lung disease that has killed at least seven people."

In the Senate, Sen. Mitt Romney (R-UT) and Jeff Merkley (D-OR) have a similar bill to ban flavored vaping products and tax e-cigs. Already, 19 states and the District of Columbia have added taxes on e-cigarettes. This week, California announced it will launch a public awareness campaign about the dangers of vaping. Michigan and New York recently banned vaping flavors.

Last week, the Trump Administration announced that the Food and Drug Administration will finalize a compliance policy in the coming weeks aimed at clearing the marketplace of unauthorized, non-tobacco-flavored e-cigarette products, including mint-, menthol- and fruit-flavored vape products.

Walmart to Stop Selling E-Cigarettes

Walmart announced Friday it will stop selling all electronic cigarettes as it sells through its current inventory. The retail giant cited the regulatory uncertainty surrounding vaping products amid White House plans to ban most flavored e-cigarettes.

The move applies to both Walmart and Sam's Clubs stores in the United States, the Wall Street Journal reports.

"Given the growing federal, state and local regulatory complexity and uncertainty regarding e-cigarettes, we plan to discontinue the sale of electronic nicotine delivery products at all Walmart and Sam's Club U.S. locations," Walmart said in a statement. "We will complete our exit after selling through current inventory."

In May, Walmart said it would raise the minimum age to 21 to purchase tobacco products across all U.S. stores starting July 1 and also discontinue the sale of fruit- and dessert-flavored electronic cigarettes as part of efforts to battle increased vaping among teens.

The "Vapocalypse" Has Begun

The news that New York and Michigan will ban most flavored e-liquids used for vaping, along with the Trump Administration's plans to do the same nationwide, have some vaping enthusiasts stocking up on flavors like Dinner Lady Lemon Sherbet and Aqua Sweet Cereal Milk.

According to CNN, the motivation for this vape stockpiling is similar to people who load up on weapons amid anticipated challenges to the Second Amendment.

Corinne Gaines, 30, of Maryland, has invested $100 on an assortment of fruity flavors like Apple Twist and Amazing Mango, an amount that should last her about eight months. She decided to stock up because of her health.

"I've gotten sinus infections and walking pneumonia from smoking cigarettes," she said. "I tried to quit many times using nicotine products, such as the patch and gum, and was never able to do so until I started vaping. I have never gotten sick from vaping. I believe the Trump Administration's ban on flavored e-liquids and cartridges is ridiculous and unnecessary."

Gaines was one of a dozen people who has shared photos of their hauls on Reddit's vaping forum during the past two weeks. The photos included one from a 29-year-old man from Georgia, who has stockpiled 400 milliliters so far thanks to a sale he spotted and another from a Nebraska man who spent $75 on 400 milliliters of nicotine-flavored juice that should last four months.

"It's a moral imperative to disobey unethical laws, and they're going to fight and not relapse back to smoking," said Gregory Conley, president of the American Vaping Association. "These are the type of hardcore former smokers, who if they can't access nicotine in a way that they enjoy, are heavily at risk to going back to smoking."

While the link between cigarettes and lung cancer has been well documented, information on vaping's health consequences is nascent. A recent outbreak of a vaping-related illness in the U.S. has left hundreds sick and some dead. As of September 19, there have been 530 cases of lung injury from vaping reported from 38 states and one U.S. territory. Vaping reportedly has accounted for seven deaths in six states, but cigarette smoking will account for roughly 480,000 deaths this year in the U.S., according to the Centers for Disease Control.

Mike Helms, firearms historian, suspects that the proposed bans may lead to a rise in black market vape flavors and accelerate stockpiling. This sort of acceleration has been well documented in the firearms community. Speaking on the matter, Helms stated, "Bans often inspire a knee-jerk reaction from the people they affect the most."

Vape-related Illnesses Point to THC

Products containing THC, the psychoactive ingredient in marijuana, are the most prominent link to hundreds of lung illnesses and a dozen deaths tied to vaping and e-cigarettes, according to U.S. News.

"The outbreak currently is pointing to a greater concern around THC-containing products. However, we do not know whether it's the only risky substance for lung injury," said Dr. Anne Schuchat of the Centers for Disease Control and Prevention. "If you're concerned about this very serious

disease, consider refraining from vaping or using e-cigarette products, especially those containing THC."

Two recently released reports, the CDC's Morbidity and Mortality Weekly Report, outline common characteristics of vape-related lung problems that have been reported around the county. The number of lung illness cases has passed 800 in 46 states and the U.S. Virgin Islands. Twelve deaths connected to illnesses have been confirmed in 10 states.

The latest national report found that in 514 cases, most patients (76.9%) vaped products containing THC either exclusively or in combination with nicotine, though some patients (16%) said they only vaped nicotine.

Data from 771 of the reported cases showed more than two-thirds of patients (69%) are male, are between the ages of 18 and 34 (62%) and were hospitalized (91%). Among the 12 deaths, the national report said seven occurred in men, and the median age was 50 years, though these results don't eliminate "the risk of death from this condition" among young people, the CDC reported.

While all patients said they either used e-cigarettes or vaped, federal officials have not yet identified a specific brand, product or single substance responsible for these injuries, Schuchat said.

The second report released Friday focused on analysis of 86 patient interviews in Wisconsin and Illinois. Of those, 75 interviewees (87%) reported using e-cigarette products containing THC, whether exclusively or with nicotine-containing products, in the three months before the onset of their illnesses, while 11 (13%) reported exclusive use of nicotine-containing products.

The 86 patients interviewed identified 234 unique e-cigarette or vaping products labeled with 87 different brand names, and nearly all THC-containing products reported were packaged and pre-filled before use, with no patients reportedly adding substances to the devices. No single brand name was reported by all patients; however, a pre-filled THC cartridge sold under the brand Dank Vapes was reported by 57 (66%).

"Individual patients used numerous products and brands before becoming ill," with some reportedly using up to seven different THC-containing products, said Dr. Jennifer Layden, chief medical officer for the Illinois Department of Public Health. "The majority of patients used products at least daily and often numerous times throughout the day."

Among the 112 THC-containing products reported, 100 (89%) were informally acquired, "such as on the street, from friends or from a dealer," Layden said. But officials don't yet know if the products linked with lung disease in Illinois and Wisconsin are also linked to cases in other parts of the country.

The surge in cases has propelled both state and federal regulatory action. Massachusetts has banned the sale of all e-cigarette products for four months, while New York, Michigan and Rhode Island have moved to ban most flavored vaping products.

"CDC recommends people consider refraining from use of e-cigarette or vaping products, particularly those containing THC," Schuchat said. "We don't want to see any more vaping-related illnesses."

Data collection on e-cigarette use nationwide has been inconsistent, reports U.S. News, but 2017 figures indicate that a median of 4.6% of U.S. adults were considered current users of e-cigarettes or similar devices, compared with 10.8% of those ages 18 to 24 and an average of 13.2% of high school students. Below is a 2017 list of states with the highest shares of adults using e-cigarettes or a similar vaping device:

Altria Officially Launches IQOS in the U.S. Market

Five months after the Food and Drug Administration gave IQOS the greenlight in the United States, Altria Group Inc. introduced the heat-not-burn product to the market.

The unveiling took place in Atlanta in early October — just as the convenience store industry gathered in the city for the 2019 NACS Show.

QOS is an electronic device that heats tobacco-filled sticks wrapped in paper to generate a nicotine-containing aerosol. Under and exclusive licensing agreement with Philip Morris International (PMI), Altria's Philip Morris USA (PM USA) is commercializing IQOS in the U.S. with Marlboro Heatsticks.

The alternative tobacco product made its retail debut at the new IQOS store in Lenox Square in Atlanta on Oct. 4, CNBC reported.

According to the report, Altria will only sell the device at its stores and kiosks. It will sell the heatsticks in about 500 stores in the Atlanta area; however, people who order IQOS online must pick it up in the store.

At its first store, employees scan customers' IDs and ask if they smoke. Those under 21 or who do not smoke will be turned away. Once inside, customers can test IQOS in the "guided trial room," a separate area behind automatic glass and doors with its own ventilation system.

Altria will sell a bundle containing the holder and 200 heatsticks for $80. The holder costs $100 by itself, Altria spokesman David Sutton told CNBC.

According to the news outlet, Altria will open another store in the Mall of Georgia later this month and open mobile stores around the city and pop-up kiosks in its existing retailers, such as convenience stores.

The company chose Atlanta as its launch market because it's a tech-focused city with "several hundred thousands" of adult smokers, Sutton said. Altria will monitor the results before bringing IQOS to other cities, though the company has said it plans to expand rapidly, CNBC added.

In late 2013, PMI and Altria teamed up to establish a framework to commercialize reduced-risk products and electronic cigarettes, as Convenience Store News previously reported.

Subsidiaries of the two tobacco companies entered into a series of agreements to address intellectual property licensing, regulatory engagement and contract manufacturing. Specifically:

Altria is providing PMI with an exclusive license to commercialize Altria's e-vapor products internationally. PMI is providing Altria, on an exclusive basis, two of PMI's heated tobacco products for commercialization in the United States.

The companies are cooperating on scientific assessment, regulatory engagement and sharing improvements regarding those products.

In July 2015, the two tobacco leaders expanded that pact to include a joint research, development and technology-sharing agreement.

Bay Drains

Several questions have been asked of the association office on bay drains. Attached is a reminder that bay drains guidelines come from EPA. However, if any government agency make you to change or update your bay drains call the association office
https://www.epa.gov/uic/motor-vehicle-waste-disposal-wells

MVAC Training

Any person who repairs or services a motor vehicle air conditioning (MVAC) system for consideration (payment or bartering) must be properly trained and certified under section 609 of the Clean Air Act by an EPA-approved program. All technicians servicing MVAC-like appliances must be certified.

This means that in order to purchase refrigerant, you must be certified for EPA section 609. To get that training, go to nyssasrs-training.com and follow the links.

This restriction does not apply to do-it yourselfers.

DMV Record Retrieval

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

Sexual Harassment Compliance Date -- 10/09/18

The deadline for sexual harassment training and other compliance is October 9, 2018. The association has developed a program with sample questions and answers targeted for the Service station/Repair shop industry. See News and Announcement column at www.nysassrs,com .

Selling Your Inspection License

If you are thinking of retiring or selling your business and have a New York State DMV Inspection license, your license may be valuable depending on the county where your shop is located. If you have questions on the sale and/or transfer of an inspection license call the association office at 518-452-4367.

Attention Inspection Stations

The Association has received a flurry of requests for legal representation for violations of the DMV commissioner regulations known as "clean scanning." that is when a vehicle other that the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

If you cannot pass a vehicle for any reason, get help. That help could come from DMV. This violation almost always results in revocation.

All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN TWO YEARS 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

SERVICE STATIONS
REPAIR SHOPS
USED CAR DEALER
ATTENTION

Do you have problems

1. Getting into business - going out of business?
2. With government, Federal, State and Local?
3. Are you trying to settle a violation?
4. Need an attorney?
5. Have a small claims case?
6. Need a license, renew a license?
7. Learn and understand the laws that regulate your business?

We can help with almost any problem, legal environmental or regulatory.

Just call us 518-452-4367

SSDA-AT WEEKLY LEGISLATIVE UPDATE

September 30, 2019

U.S. Department of Labor Issues Final Overtime Rule

On September 24th, the Department of Labor (DOL) issued its highly anticipated final rule modifying the exemptions to the Fair Labor Standards Act (FLSA) overtime rules for certain white collar employees (executive, administrative, professional, and computing positions) and highly compensated employees.

These new regulations have been a long time in the making. Many may remember that the Obama Administration first attempted to issue new rules, only to have them blocked by a federal court injunction on the eve of their effective date. Rather than continuing the legal fight in support of the Obama Administration's rules, the DOL under the Trump Administration decided to walk away from those rules and instead began the rulemaking process anew - which ultimately led to this latest set of final rules.

The final rule, which goes into effect on January 1, 2020, increases the minimum salary that employees must be paid to qualify for the white collar or highly compensated exemptions. However, as described further below, these increases are significantly smaller than those that were enacted, but never went into effect, under the Obama Administration. The new rules also do not make any changes to the duties tests associated with the exemptions.

In May, SSDA-AT submitted comments on the DOL's proposed version of the rule. SSDA-AT did not oppose the proposed increase to the white collar salary threshold but did (successfully) push back on the new threshold for the highly compensated exemption and advocate for additional changes that would make the rule better for small businesses. The DOL made multiple references to SSDA's comments when describing the feedback it received and while the DOL did not heed all of the SSDA's comments it did address some.

The key regulatory changes embodied in the final rules are as follows:

- On January 1, 2020, the salary threshold for the white collar exemption will increase approximately 50% from the current $455 per week (or $23,660 annually) to $684 per week (or $35,568 annually).

This increase is consistent with the proposed rule and is considerably less than the $913 per week (or $47,476 annually) that was part of the Obama-era rules. The fact that the proposed increase was much more moderate than that contained in the Obama-era rule was the primary reason that the SSDA-AT membership agreed that SSDA-AT should not oppose the increase. The preexisting $455 per week threshold was set in 2004 and, simply in light of the inflation that has occurred over the last fifteen years, it is hard to argue that it is not outdated. As such, SSDA-AT, and a large number of other associations and businesses focused groups, made the prudent decision to support the DOL's efforts to make a manageable increase to the threshold now instead of putting the changes off to a future Administration that might look to increase the thresholds more dramatically. Though, of course, there is nothing to prevent future changes, the fact the thresholds have now been updated since 2004 will relieve much of the pressure that has been building surrounding the need to increase the thresholds and will make any further changes to the rules a lower priority for any new Administration in the near future. Had this Administration let the rules lie with the 2004 rates - particularly if a Democrat takes the White House in 2020 or 2024, updating the thresholds would have been a top priority.

The DOL calculated the new salary threshold based on the 20th percentile of weekly earnings for full-time salaried workers in the lowest paid Census Region (currently the South) as calculated by Bureau of Labor Statistics (BLS). Thus, although the $684 per week was calculated based on the average salaries in the South, the thresholds will apply to the whole country. This is the same mythology that the Obama-era rules used, however, those rules used the 40th percentile rather than the 20th.

- On January 1, 2020, the salary threshold for the highly compensated will increase from $100,000 annually to $107,432 annually.

This increase is significantly lower than that proposed by the DOL in March. Under the proposed rule, the threshold would have been increased to $147,414 (the 90th percentile of weekly earnings nationally). Based on the comments that it received, including strong opposition from SSDA-AT, in the final rules the DOL decided the lower the threshold to the 80th percentile of weekly earnings nationally, thus arriving at the $107,432 annual rate.

- The salary thresholds for the white collar and highly compensated exemptions will not be subject to automatic increases.

The Obama-era rules marked the first time that the regulations included a system for automatically increasing the salary thresholds. In the new final rule the DOL has abandoned this concept and instead simply committed to more regularly updating the salary thresholds through the notice and comment process. SSDA-AT has consistently opposed automatic increases to the salary thresholds. In doing so SSDA-AT has emphasized that imposing such increases is likely to create a lack of certainty and stability for small employers who are typically less able to absorb frequent new costs and workforce changes.

- Under the new rule, employers will be permitted to count non-discretionary bonuses and incentive compensation (including commission) towards up to 10% of the white collar salary threshold as long as the payments are made at least annually.

Under the preexisting rules, employers were not permitted to include any types of bonuses or incentive compensation in calculating whether an employee's compensation meets the white collar salary threshold.

The Obama-era rules introduced the notion of allowing employers to satisfy a portion of the white collar salary threshold through non-discretionary bonuses or incentive compensation. The only difference between the Obama-era rules and the new final rules is that, while the Obama rules required that these payments be made at least quarterly to qualify, the new rules only require payment of the bonuses or incentive compensation on an annual basis.

In short, under the new rules employers can satisfy up to 10% of the new white collar salary threshold (i.e. $3,556.80 per year) through the at least annual payment of non-discretionary bonuses or incentive compensation. SSDA-AT urged the DOL to increase the amount of bonuses or incentive compensation that may be included above 10% but the DOL declined to do so in its final rule, sticking instead with its original proposal. To account for the fact that an employer may not be able to calculate in advance what an employee's non-discretionary bonus or incentive compensation will be, the new rule also allows employers to make catch-up payments to bring employee's up to the salary threshold as long as the catch-up payments are made within one week of the last pay period of the end of the year. Such a catch up payment will be credited towards the prior year and will not count towards the threshold for the year in which it is paid.

Prior to the new rules, employers were permitted to include certain types of bonus and incentive payments for the purposes of the highly compensated salary threshold and the new rules do not make any changes to how bonuses and incentive compensation are treated for the purposes of the highly compensated exemption.

- The new rule will make no changes to the duties tests for the white collar or highly compensated exemptions.

As with the Obama-era rules, the DOL did not propose or make any changes to the duties tests, which, together with the salary threshold, apply to qualify an employee for the white collar or highly compensated exemptions. Both during the Obama-era rulemaking process and the most recent round of rulemaking, the SBLC advocated strongly for keeping the existing duties tests on the basis that employers have finally gotten a handle on the duties tests and precedent and guidance has been developed around the existing duties test to help employers navigate them. The SBLC emphasized that starting back at square one with a new set of duties tests would be an undue burden for businesses, particularly small businesses that might not ample resources to hire experts to help them parse the new rules in the absence of developed guidance and legal precedent.

Bringing together the preexisting rules with the new rules going forward:

-To be exempt under a white collar exemption, an employee's primary duties must be executive, administrative, professional, computing, or outside sales (as defined by regulation) and the employee must be paid a salary of at least $684 a week. Employees in computer-related positions can either be paid a salary of at least $684 a week or on an hourly basis at a rate of no less than $27.63 (unchanged by the final rule).

-To be exempt as a highly compensated employee, the employee must regularly and customarily perform one or more of the duties of an executive, administrative or professional employee (as defined by regulations) and the employee must earn at least $107,432, which includes at least $684 per week on a salary basis.

-Although outside sales employees are generally included in the definition of white collar employees, they are not subject to the same salary thresholds as other white collar employees so, because the new regulations do not impact the duties test, the exemption for outside sales employees is unchanged by these regulations.

Because the Obama-era rules were just a week shy of their effective date when the injunction was issued, many businesses already took action in 2016 to increase employee salaries and review exemptions in preparation for the rules that never went into effect. Nonetheless, although it is not as disruptive as it could have been, these new rule will have a significant impact on many businesses. Businesses that have employees who were previously classified as exempt but who do not earn enough to meet the new salary thresholds will have to decide whether to reclassify these employees as non-exempt (in which case they will be eligible for overtime) or to increase their compensation to meet the new thresholds.

From a financial standpoint, this will largely require businesses to make an employee-by-employee assessment of the amount of overtime that a particular employee works versus the amount that the employee's salary would need to be increased to meet the new threshold. Businesses can, of course, place strict limitations on the amount of overtime it will allow a newly non-exempt employee to work in order to avoid increased payroll costs. However, this will need to be balanced with productivity concerns, particularly where the employee has traditionally worked significantly more than forty hours per week. For employers who do end up reclassifying employees as nonexempt, they will also have to start tracking hours in order to calculate when and how much overtime is due.

While the new rules do not make any changes to the duties test, businesses that are evaluating employee exemptions will also want to make sure that all employees that they are classifying as exempt meet both the preexisting duties test AND the new salary thresholds.

More information about the final rule is available at www.dol.gov/whd/overtime2019/

NYVIP MESSAGE No. 253

DATE: OCTOBER 24, 2019

TO: ALL INSPECTION STATIONS

FROM: NYS DEPARTMENT OF MOTOR VEHICLES

SUBJECT: 2021 STICKER ORDERING NOW AVAILABLE

Below are instructions for ordering next year's stickers.

**PLEASE PRINT A COPY OF THIS MESSAGE AND DELIVER IT TO THE PERSON WHO ORDERS YOUR INSPECTION STICKERS. **

Inspection stickers with an expiration year of 2021 are now available to order.

HOW TO ORDER STICKERS:

To order stickers on the NYS DMV website go to

http://dmv.ny.gov/sticker/default.html

It is your responsibility to order next year's stickers promptly so that you have proper supply on hand by January 1, 2020. Sticker orders are processed in the order received. Please allow 3-4 weeks for processing.

If you have any questions, please contact Sticker Issuance at (518) 474-2398.

NYVIP2 MESSAGE No. 252

DATE: 10/9/2019

TO: ALL INSPECTION STATIONS

FROM: NYS DEPT. OF MOTOR VEHICLES

SUBJECT: ALTERED VEHICLE (STRETCH LIMOUSINE) REPORTING

Effective immediately, Vehicle and Traffic Law Section 308-a requires all **inspection stations to report to DMV** any time an altered vehicle is presented for inspection, regardless if an inspection is conducted.

A vehicle is "altered" if it has been stretched or widened to increase passenger capacity.

Within 24 hours of an altered vehicle being presented for inspection, you must send an "Altered Vehicle Report" (VS-1074SL - attached) to DMV via email at limoreport@dmv.ny.gov or fax to **(518) 474-2739**.

IMPORTANT: The guidance provided to you in NYVIP Message No. 250 has changed. You must first determine if the altered vehicle has a Federal Alterer's Safety Certificate affixed to it (SAMPLES ATTACHED).

Reject Inspection:

I. An altered vehicle that DOES NOT have a Federal Alterer's Safety Certificate affixed to the vehicle (normally found on the door jamb) must be **REJECTED**.

II. An altered vehicle that seats 11 or more persons (including driver) and whose operator does not possess a NYS Department of Transportation (NYSDOT) exemption letter must be **REJECTED**.

Inspection Allowed:

I. An altered vehicle that seats less than 11 persons (including driver) and has a Federal Alterer's Safety Certificate affixed to the vehicle can be inspected.

II. An altered vehicle that seats 11 or more persons (including driver) and has a Federal Alterer's Safety Certificate affixed to the vehicle can be inspected only if a NYSDOT exemption letter is presented.

If you have any questions regarding this new reporting requirement, please call the DMV Office of Clean Air at (518) 473-0597, and select option #4.

Please share this information with all appropriate staff.

NEW YORK STATE OF OPPORTUNITY. Department of Motor Vehicles

ALTERED VEHICLE REPORT

DATE

An inspection station must complete this form and notify the DMV within 24 hours any time an altered vehicle is presented for inspection, whether or not an inspection is conducted.

An altered vehicle is defined as a vehicle that has been stretched or widened to increase passenger capacity.

INSTRUCTIONS

1. Complete sections 1-6. Do not leave any fields blank.
2. Email a copy of the completed form or send an email with all required information to limoreport@dmv.ny.gov or fax the completed form to (518) 474-2739.

SECTION 1

VEHICLE PLATE INFORMATION

PLATE NUMBER	STATE

SECTION 2

VEHICLE INFORMATION

VEHICLE IDENTIFICATION NUMBER

SECTION 3

SEATING CAPACITY

From the observations of the inspector, how many passengers will this vehicle hold (including the driver)? _____

SECTION 4

DOT EXEMPTION

If the vehicle seats 11 passengers (including the driver) or more, were you given a DOT exemption letter?

☐ No ☐ Yes If "Yes", you must email or fax a copy of the exemption letter with this form.

SECTION 5

ALTERER INFORMATION

Is there a Federal Alterer's Safety Certificate affixed to the vehicle (normally found on the door jamb)?

☐ No ☐ Yes

SECTION 6

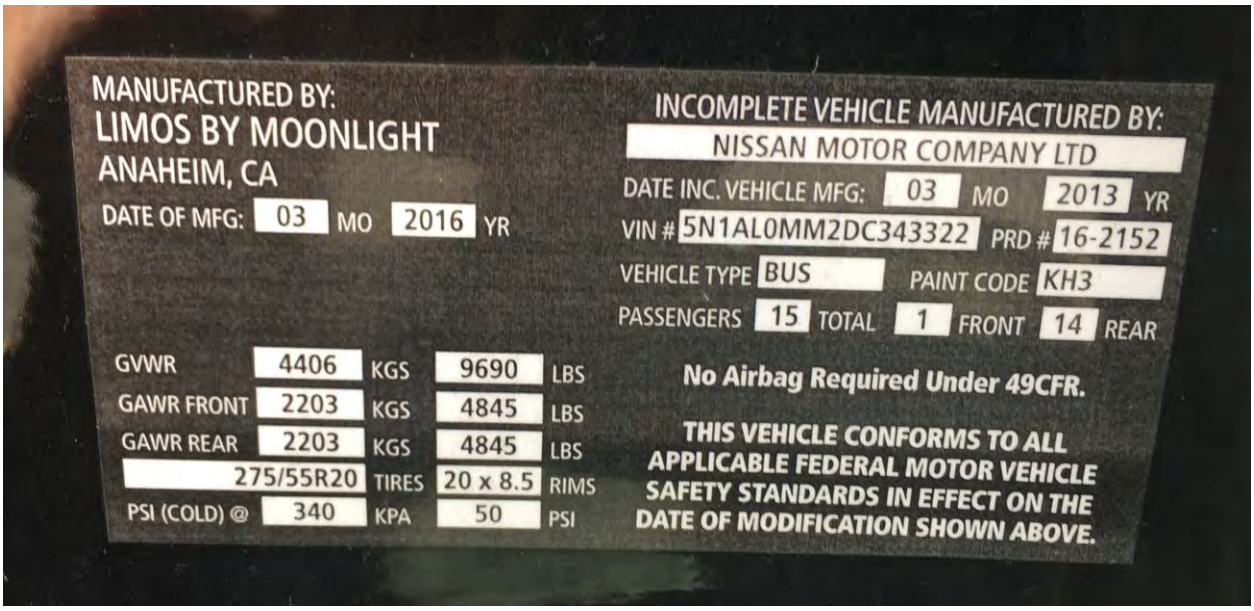
FACILITY INFORMATION

FACILITY NAME	FACILITY NUMBER
NAME OF FACILITY REPRESENTATIVE/INSPECTOR	

If you have questions about this process, contact DMV at (518) 473-0597.

SAMPLES

Federal Alterer's Safety Certificate (FASC)



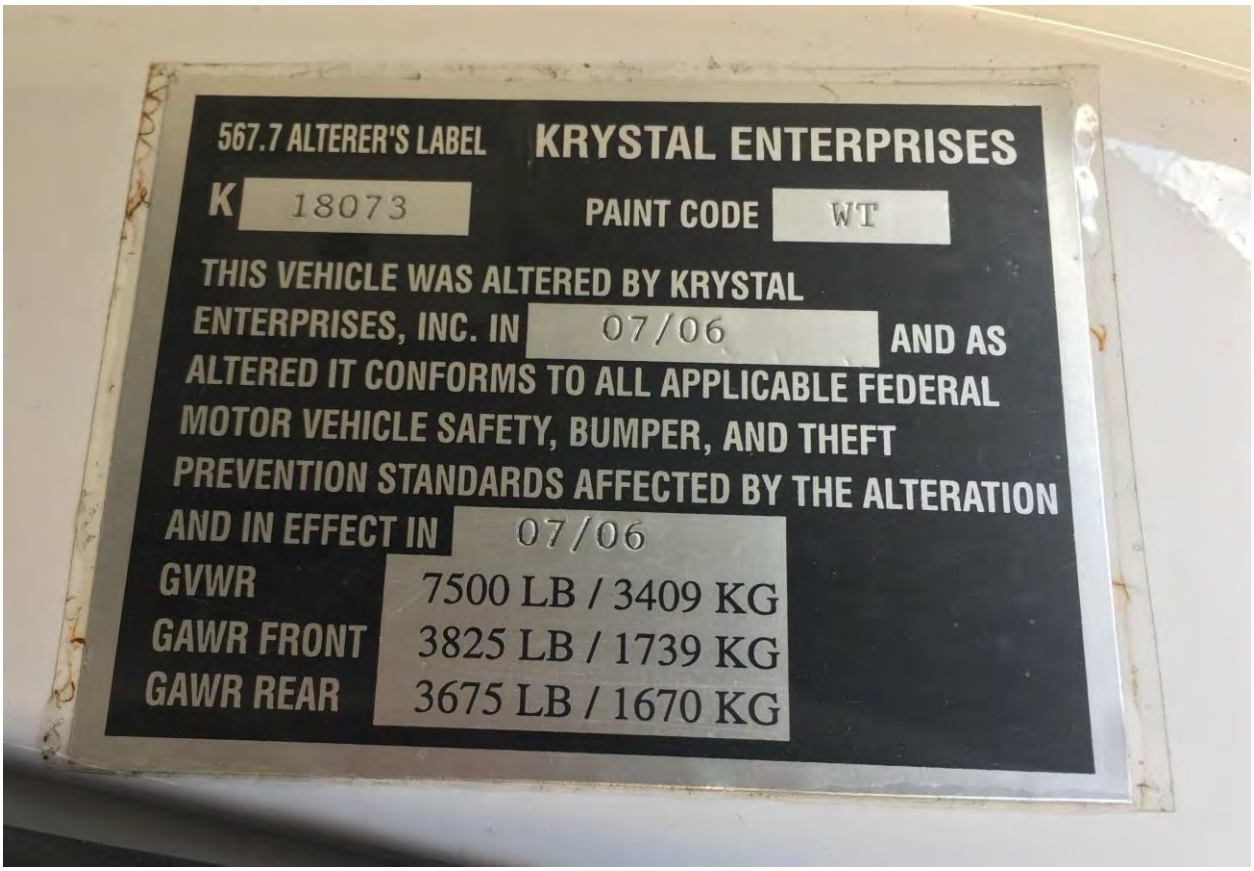
MANUFACTURED BY:
LIMOS BY MOONLIGHT
ANAHEIM, CA
DATE OF MFG: 03 MO 2016 YR

GVWR	4406	KGS	9690	LBS
GAWR FRONT	2203	KGS	4845	LBS
GAWR REAR	2203	KGS	4845	LBS
	275/55R20	TIRES	20 x 8.5	RIMS
PSI (COLD) @	340	KPA	50	PSI

INCOMPLETE VEHICLE MANUFACTURED BY:
NISSAN MOTOR COMPANY LTD
DATE INC. VEHICLE MFG: 03 MO 2013 YR
VIN # 5N1AL0MM2DC343322 PRD # 16-2152
VEHICLE TYPE BUS PAINT CODE KH3
PASSENGERS 15 TOTAL 1 FRONT 14 REAR

No Airbag Required Under 49CFR.

THIS VEHICLE CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY STANDARDS IN EFFECT ON THE DATE OF MODIFICATION SHOWN ABOVE.



567.7 ALTERER'S LABEL KRYSTAL ENTERPRISES
K 18073 PAINT CODE WT
THIS VEHICLE WAS ALTERED BY KRYSTAL ENTERPRISES, INC. IN 07/06 AND AS ALTERED IT CONFORMS TO ALL APPLICABLE FEDERAL MOTOR VEHICLE SAFETY, BUMPER, AND THEFT PREVENTION STANDARDS AFFECTED BY THE ALTERATION AND IN EFFECT IN 07/06

GVWR	7500 LB / 3409 KG
GAWR FRONT	3825 LB / 1739 KG
GAWR REAR	3675 LB / 1670 KG

NYVIP2 MESSAGE No.252

DATE: 9/30/2019

TO: ALL INSPECTION STATIONS

FROM: OPUS INSPECTION

SUBJECT: NYVIP2 SOFTWARE VERSION LOCKOUT MONDAY 10/7/2019

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

You need to take immediate action! On August 20, 2019 stations received NYVIP2 Message #249 which announced the rollout of software versions 19.05.02.

Please be sure that your NYVIP2 software is current and updated as required with version 19.05.02. The version number is displayed in the upper right hand corner of the NYVIP2 screen.

Stations that have not installed 19.05.02 software will be locked out on Monday 10/7/19.

A lockout will interrupt your ability to inspect vehicles until you successfully update to software version 19.05.02.

If you need assistance installing the update, or you haven't received the update, contact the Opus Inspection Help Desk at 1-866-623-8378 (1-866-OBD-TEST).

NYVIP2 Messages can be viewed at WWW.NYVIP.ORG under "Program News" on the Home Page.

Or from your stations NYVIP2 Computerized Vehicle Inspection System (CVIS) by going to the Main Menu – Utilities Menu – Documents and Information – View Bulletins/Messages - Log-in with your inspector's ID card to scroll through all NYVIP2 messages by clicking the drop-down arrow under "Message Center."

Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

Together we have returned $51,188,750 to policy holders since 1991

NYS Worker's Compensation Program Highlights

- Up to a 25% upfront discount offered
- Over 30% Average Annual Dividend (27 Years)
- Save up to 60% off your current premium*
- Last year's dividend was 35% ($3,061,456)
- Dividend checks as high as $65,433 have been issued to our policy holders
- Easy quoting process
- Program available to all members

*Based on 25% up-front discount + declared dividends

Bill Adams

716.849.8641 | badams@lawleyinsurance.com

lawleyinsurance.com | 361 Delaware Ave, Buffalo, New York

Lawley

You owe it to yourself to make sure you are getting the best deal.

NEW YORK STATE
ASSOCIATION OF SERVICE STATIONS AND REPAIR SHOPS

Web Training for:

DMV INSPECTOR TRAINING

(Instructions on how to sign in and take the training)

1. Enter our nysassrs.com website either by cell phone or computer.

2. Find the training tab on the top of the screen (if in full screen view). If smaller there is a menu tab on the left of the screen. Click that and you will find the training tab there. It will bring you to an intro page to our training.

3. Inside the blue column SITE MAP you will see Inspector Training Material.

   (Make sure you have an updated form of adobe flash player, if not you can access the abobe website from this page.)

4. Click on whichever inspector training you would like to download. We have:

   a) Light/medium duty, and
   b) Heavy duty inspection training available.
   c) Motorcycle,

   Note it may take a few minutes to download depending on your internet speed.

5. When download is complete you may access our full audio presentation.

6. You may also choose to access the DMV's version of the training which we provide the link for if you like. There is no audio or PowerPoint but DMV's presentation may differ a little to give you variety in training.

7. Besides training, our presentation takes you step by step to register for the testing for inspector certification.

8. If you have any questions contact the association office at 518 452-4367.

REGULATIONS ON USED CAR BONDS

Surety Bond

To get a surety bond, you must contact a surety insurance company. Make sure that the business name and mailing address on the bond exactly match the business name and mailing address on your DMV facility license, Make sure that you write your Facility Number on the bond.

Bond amount required from a dealer

The bond amount depends on the number of vehicles that the dealer sold in the previous calendar year, or if the dealer is licensed as a franchised new dealer. Refer to the chart below.

Number of vehicles sold in Previous calendar year	**Bond amount**
50 or fewer	$20,000
More than 50	$100,000
Franchise dealers selling cars, SUVs, light trucks, etc. Dealers selling only trailers motorcycles. Vehicles over 10,000 pounds, ATV's,boats and snowmobiles are exempt from the bond requirements.	$50,000

Need help getting a bond?

Call the association office.

NYSASSRS now offering "PAY AS YOU GO" billing

We are pleased to announce our newest Member Benefit Partner, Heartland Payroll Solutions. Through this partnership, any safety group participant can take advantage of their integrated billing solution with the NYSASSRS Safety Group.

Benefits of Pay As You Go:

- **You pay premiums each pay period based on current payroll information.**
- **Improved cash flow management by sending accurate workers' comp premium to the carrier based on actual payroll**
- **Premium payments are automatically deducted by the NYS Insurance Fund**
- **Reduces the risk of year-end audit payments**
- **Better option than "direct bill policies" or "self-reported policies" that require periodic, larger premium payments**

About Heartland:

- **NYSASSRS members get an exclusive discount on payroll processing with Heartland**
- **Pay As You Go billing is FREE**
- **Processes payroll for more than 36,000 customers**
- **Cloud-based, feature-rich solution**
- **Three-year price lock on processing fees**
- **Dedicated Single Point Of Contact**

For more information contact:

Chandler James
518-452-4367
chandler@nysassrs.com

FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES
FILL OUT THIS FORM AND FAX BACK TO US
BUY $7500 IN PARTS IN ONE QUARTER FROM YOUR **NAPA DEALER**
RECEIVE A REBATE CHECK FOR 2% OF YOUR PURCHASES (MINIMUM OF $150 REBATE)
PUT THE MONEY IN YOUR POCKET
NOTE: YOU CAN NOT BE A MEMBER OF THIS AND ANOTHER NATIONAL NAPA PROGRAM

FREE MONEY

Name of Your Business:		
Business Address Street:		
City:	State:	Zip:
Phone:	Fax:	E-Mail:
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Additional NAPA Dealer(s) you do business with:		
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	
Name of NAPA Dealer:		
NAPA Street Address:		
City:	State:	Zip:
Phone:	Fax:	

FAX this form back to:
518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

DO YOU WANT TO PROTECT YOUR BUSINESS FROM EXCESSIVE FINES
OR
THE POSSIBLE LOSS OF YOUR:
TOBACCO LICENSE
LOTTO LICENSE
ALCOHOL LICENSE?

DO YOU WANT TO BE CERTIFIED IN SECTION 609 MOTOR VEHICLE AIR CONDITIONING (MVAC)?

THE NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS
OFFERS ON-LINE COURSES THAT NOT ONLY PROVIDE TRAINING AT YOUR CONVENIENCE, BUT AT VERY COMPETITIVE PRICES FOR BOTH MEMBERS AND NON-MEMBERS OF OUR AFFILIATES

ALL INFORMATION AND MATERIALS ARE PROVIDED THROUGH OUR WEBSITE AT:
NYSASSRS.COM

QUESTIONS CAN BE DIRECTED TO (518) 452-4367. WE ARE AVAILABLE TO PROVIDE PERSONAL ASSISTANCE.

Garage Insurance Survey

Name of Business:			
Street Address:			
City:	State:	Zip:	
Phone #	Fax #	E-Mail:	
Contact Person:		Phone # (if different from above)	
Are you happy with the cost and service provided by your carrier/agent?		Yes	No
If yes STOP here… If NO or NOT SURE you may want to look at the following			
Is your coverage insufficient?		Yes	No
Is the service poor to non-existent?		Yes	No
Is the cost too high?		Yes	No
Are you satisfied with your current coverage?		Yes	No
Are you interested in a quote from another insurer?		Yes	No
Is so please check each that apply:			
		Property & Casualty	
		Workers Comp	
		Disability	
		Health	
If you checked one or more of the above please provide the following information:			
Name of Current Insurer:			
Type of Insurance:			
Renewal Date:			
When/How is the best time to contact you?			

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

NEW YORK STATE OF OPPORTUNITY. | Department of Motor Vehicles

APPLICATION FOR CERTIFICATION AS A MOTOR VEHICLE INSPECTOR

FOR OFFICE USE ONLY	
CIA CIO CIC CIS CIG CID	
Certificate Number	County
CIRCLE ONE: OE ADD Note: Check or money order must be attached to enter OE or ADD	
Group(s) 1 2 3 A A A A Y N ☐ Address Change	
TEST RESULTS Group(s) 1 2 3 P P P P F F F F N N N N W W W W Y N N Y	

- **FOR ORIGINAL APPLICATIONS:** Answer **ALL** questions on **Page 1 and Page 2** that apply to you, and **SIGN** the application on **PAGE 2** or it will be returned to you for completion. You **MUST** be at least 17 years old and have **AT LEAST ONE YEAR OF MOTOR VEHICLE REPAIR EXPERIENCE** in the last 5 years immediately preceding this application, in the area in which you apply to be certified, or you must provide a copy of an acceptable school diploma in vocational motor vehicle trades. When your application is approved, DMV will notify you by mail of the date, time and location of the inspector training class. You **MUST** present photo ID at the class as proof of identity. If you have difficulty reading or understanding written material, please contact the office identified at the bottom of page 2 of this form.
- **FOR AMENDMENT AND DUPLICATE APPLICATIONS:** Answer questions 1-21 and **SIGN** in #25.
- **REQUIRED FEES**
  Non-refundable application fee ($10) and three-year certification fee ($15).
  Make check or money order for $25 payable to the Commissioner of Motor Vehicles. You MUST send your check with this application. Starter checks are not accepted.

1 Check type of application: ☐ ORIGINAL ☐ AMENDMENT (**No Fee**) ☐ DUPLICATE (**No Fee**)

2 Have you ever applied for or taken a test to become a Certified Motor Vehicle Inspector? ☐ Yes ☐ No

3 Have you ever been a Certified Motor Vehicle Inspector and/or Body Damage Estimator?
☐ Yes ☐ No If "Yes," please write your Certification No. _____

4 Check all certification groups for which you are applying.
- ☐ **Group 1** (Allows an individual to conduct safety, diesel emissions, OBDII emissions, and low enhanced emissions inspections of motor vehicles that have a seating capacity under fifteen passengers, and motor vehicles and trailers that have a MGW under 18,001 pounds, except motorcycles and semi-trailers)
- ☐ **Group 2** (Allows an individual to conduct safety and diesel emissions inspections of motor vehicles that have a seating capacity over fourteen passengers, motor vehicles and trailers that have a MGW over 18,000 pounds, and semi-trailers, except motorcycles)
- ☐ **Group 3** (Allows an individual to conduct safety inspections of motorcycles)

*Please **print** or **type** in the open spaces next to the arrows.*

5 LAST NAME FIRST M.I.

6 DATE OF BIRTH Month / Day / Year

7 SEX Male ☐ Female ☐

8 **MAILING ADDRESS** (Include Street No., Rural Delivery and/or Box No.)

9 HEIGHT Feet Inches

10 EYE COLOR

11 STREET NAME **APT. NO.**

12 HOME TELEPHONE (Include Area Code) ( )

13 CITY OR TOWN STATE ZIP CODE

14 COUNTY

15 HOME ADDRESS (If Different From Mailing Address)
NUMBER AND STREET (Include Street No., Rural Delivery and/or Box No.) APARTMENT NO. CITY STATE ZIP CODE

16 Has your address changed since your last certification was issued? ☐ Yes ☐ No

17 CLIENT IDENTIFICATION NUMBER (From New York State driver license or non-driver ID)
NOTE: Failure to provide a valid Client ID number will prevent issuance of a Certified Inspector card.

☐ Check this box if you do not currently have a New York State driver license or non-driver ID. A form (ID-5 VSCI) will be mailed to you with instructions on how to obtain a Client ID number.

PLEASE CONTINUE, AND SIGN ON PAGE 2.

CLIENT IDENTIFICATION NUMBER (From New York State driver license or non-driver ID)

NOTE: Failure to provide a valid Client ID number will prevent issuance of a Certified Inspector card.

18 PRESENT EMPLOYER	19 FACILITY NUMBER	20 BUSINESS TELEPHONE NUMBER ( )

21 BUSINESS ADDRESS (NUMBER AND STREET)	CITY	STATE	ZIP CODE

22 **FOR ORIGINAL APPLICATIONS ONLY**

Have you ever been convicted of any felony, misdemeanor or improper motor vehicle inspection?

☐ Yes ☐ No If "YES," give details below: *(Applicants will not necessarily be rejected because of a conviction record. Such applications will be reviewed on an individual basis.)*

Date of Violation	Nature of Violation	Date of Conviction	Disposition & Fine	Court Location

23 **FOR ORIGINAL APPLICATIONS ONLY**

By month and year, list the dates of all your motor vehicle repair experience. You must have at least one year of motor vehicle repair experience in the last five years **immediately preceding** the date of this application. Attach additional sheets if necessary.

Dates (From - To)	Employer's Name and Address	Describe Type of Repairs Performed *(be specific)*

24 **FOR ORIGINAL APPLICATIONS ONLY**

List any trade school, vocational school, or other motor vehicle repair courses taken. Only approved schools are acceptable. You must provide a ***COPY*** *of your diploma if you have less than one year of work experience.*

Dates Attended	School Name and Address	Type of Course	Degree, Diploma or Certificate

Section 304(a) of the Vehicle & Traffic Law provides for the certification of motor vehicle inspection personnel. A Certified Inspector agrees to comply with the rules and regulations promulgated by the Commissioner of Motor Vehicles. Failure to comply with these rules and regulations may result in the revocation of this certification.

FALSE STATEMENTS MADE ON THIS APPLICATION ARE PUNISHABLE UNDER THE PENAL LAW.

25 **NAME** (PLEASE PRINT) _____

SIGNATURE _____ Date _____

(Sign Name in Full - DO NOT PRINT - No Nicknames)

- **SEND APPLICATION AND CHECK TO:**

BUREAU OF CONSUMER AND FACILITY SERVICES
Attn: Certification Unit
PO Box 2700
Albany NY 12220-0700
Telephone (518) 474-7998

NOTE: Notify this office of any change in your address.

reset/clear