

NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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State Budget Passed

The Governors Budget Bills approved by the legislature include two deleterious provisions. What follows is an outline of those two provisions and the Associations reason for objection.

Retail Tobacco Registration Fee – S.58a - A.158a, Section 125

This increase is a jump in the annual registration fee with the Department of Tax and Finance as a retail tobacco dealer. This fee has been set at \$100 since 1990. This years budget increases the fee to a sliding fee schedule between \$1000 and \$5000 based on gross sales *including gasoline*. Specifically, the fee schedule is as follows:

<u>Annual Gross Sales</u>	<u>Current</u>	<u>New</u>
< \$1 million	\$100	\$1,000
\$1 million -- \$10 million	\$100	\$2,500
> \$10 million	\$100	\$5,000

There are two problems. First this huge increase comes at the same time as when cigarette sales by law abiding retailers have dropped by two-thirds as tax evasion sales from Indian reservations and internet sales go unpunished. Clearly the State should be taking every action possible to collect taxes from those who owe them, before raising taxes and fees on law abiding citizens.

The second difficulty with this section of the bill is that the fee is based on total sales and not merely cigarette sales. With gasoline sales representing an estimated two-thirds of petroleum retailer sales, this places our members at a distinct disadvantage. In fact it does just the opposite of what such a fee should do. It punishes those who rely least on cigarettes for their profits.

Bottle Bill Expansion – S.59A- A.159A Part SS

The second provision of the budget that will affect us, expands the state’s “Bottle Bill” to

cover additional beverage containers, and to provide for the return of unclaimed deposits on beverage containers to the state for deposit into the Environmental Protection Fund.

Specifically, the Bottle Bill is expanded to cover additional beverage containers, with exceptions for liquor, wine, infant formula, milk, milk substitutes, nutritional supplements, medications, concentrates and soups. The bill also increases the industry “handling fee” from two cents to three-and-a-half cents.

Additionally, the bill establishes a mechanism by which deposit initiators (generally, bottlers or distributors) would be required to pay unclaimed deposits to the Department of Tax and Finance quarterly. These moneys would be deposited in the EPF. Under current law, unclaimed deposit revenues are kept by the industry. Bottle Bill revenues from unclaimed deposits are estimated at \$118 million annually.

Currently, redemption and storage of returnable bottles and cans is a nuisance for smaller stores. The provisions of this bill, requiring additional storage and increased sanitation risks, will only harm these small businesses. Replacing curbside recycling with another method designed purely to close the budget gap, does no one a service.

“Motor Vehicle Owners Right to Repair Act” A6634 – Assemblyman Towns S333 - – Senator Monserrate

The subject bill amends the New York State Vehicle and Traffic Law, in relation to mandating automobile manufacturers to release vehicle repair information to vehicle owners. The bill identifies the problem that the ability to diagnose, service, and repair a

motor vehicle in a timely, reliable, and affordable manner is essential to the safety and well being of automotive consumers in the State of New York. In many instances, vehicle access codes prevent owners from making the necessary diagnosis, service, and repair of motor vehicles in a timely, convenient, reliable and affordable manner. This bill provides that the access codes or special equipment retained by the manufacturer be provided to the motor vehicle owners and the motor vehicle repair shops. This will permit consumers, who wish, to have this availability. Consumers in New York and nationwide have always benefited from the accessibility of an after market parts supply, or parts and accessories used in the repair, maintenance or enhancement of a motor vehicle.

This legislation requires that manufacturers of motor vehicles and trailers sold in New York, to provide to the vehicle owner, via the motor vehicle repair shop, information that will permit the after market to supply parts and to repair late model vehicles. The information necessary to diagnose, service or repair must include information necessary to integrate replacement equipment, and any kind used to diagnose, service, repair, activate, certify, or install any motor vehicle equipment into a motor.

It allows for vehicle owners in New York to receive the information necessary to permit the diagnosis, service, and repair of their vehicles. It gives the vehicle owner the option to choose between original parts and after market parts when repairing their motor vehicles and to make repairs necessary to keep their vehicles in reasonably good and serviceable condition during expected vehicle life.

Manufacturer's repair facilities traditionally charge more than the independent repair shops and are not easily accessible. The independent repair facilities are numerous,

accessible and competitive. The removal of this competition from the market place will limit the motorist choices, increase cost and lead to more down time for the vehicles.

The Right to Repair Act was the impetus for a study which provided valuable insights to the aftermarket industry and the consumer. It should also be helpful in assisting legislators to support this bill. The findings of the survey reveal significant differences in repair cost between new car dealerships and independent repair shops, reinforcing the long-standing contention that independent repair shops are less costly and more convenient than new car dealerships.

The key findings of the survey were:

- Vehicles repairs for part and labor average 34.3 percent more at the new car dealerships than at independent repair shops.
- Foreign nameplate repairs for parts and labor averaged 36.8 percent more at new car dealerships than at independent repair shops.
- Domestic nameplate repairs for parts and labor averaged 31.5 percent more at the new car dealerships than at the independent repair shops.
- The total difference for consumers having repair work performed at new car dealerships rather than independent repair shops for the jobs, projected to the total market for these jobs, equaled \$11.7 billion.

Added to the high cost of repairs is the ability to have the vehicle repaired in a timely manner. Independent repair shops perform repairs with fewer delays than new car dealers. Also, it is estimated that twelve percent, of 2,500 new car dealerships will close in 2009 added to the number that have already closed. Motorists will have to travel further and wait longer to have their cars repaired at new car dealerships.

For the above reasons the Association of Service Stations and Repair Shops, supports this bill. The Assembly bill currently resides in the committee on consumer protection. The Senate version has been referred to the committee on finance.

Nationwide Poll Finds Strong Support For Right To Repair

A nationwide survey of randomly-chosen car owners and independent repair shops on the Motor Vehicle Owners' Right to Repair Act was released today by AAIA and the Coalition for Auto Repair Choice (CARE). The survey of 800 consumers and an additional 800 independent repair shops concluded that 82 percent of the car owners favor the Right to Repair Act with 65 percent strongly favoring its passage. An overwhelming 94 percent of independent repair shops favor passage of the bill.

The poll, conducted by the bi-partisan combination of the Tarrance Group and Lake Research Partners, showed 81 percent of 18- to 34-year-old vehicle owners strongly favor the legislation, while seniors strongly favored the bill by 72 percent. In addition, the survey shows the Right to Repair Act crosses party lines, demonstrating strong support among proclaimed Republicans, Democrats and Independents. The breakdown among party affiliation was almost equal, with 81 percent of Republicans, 85 percent of Democrats and 78 percent of Independents supporting passage.

Among the independent repair shops, 72 percent said they had to turn away work because of a lack of needed information or tools, while 90 percent reported losing productive time every month, including losing more than 10 hours a month. A majority, 59 percent, take at least one car per

month to a new car dealership themselves to have the repairs completed, while 69 percent reported having problems getting access to needed information and equipment to perform the repairs. According to the survey, 80 percent of repairers are forced to use "back door" channels or friends at new car dealerships, in order to access repair information, and 78 percent reported that they must often tell car owners to return to a new car dealership for repairs.

Environmental Conservation Bill A1588 – Assemblyman Englebright S3776 – Senator Thompson

The subject bill amends the New York State Navigation Law, in relation to notification of petroleum discharge. The bill requires the New York State Department of Environmental Conservation (DEC), upon notification of a petroleum discharge, to immediately notify all potentially impacted tenants and neighbors.

Current law requires any person responsible for a petroleum discharge to notify DEC within two hours. This requirement is more than adequate, and in fact, it results in more discharges being reported than necessary. By DEC's own admission most discharges are so insignificant that they require no action. Notifying the neighborhood people will result in unnecessary concern and actions. If the neighboring properties are found to be damaged, after an investigation, then the neighborhood should be notified.

The New York State Department of Environmental Conservation has all the resources needed to protect the citizens of the State. They have been doing so for almost thirty years. This bill is unnecessary and could create more problems by alarming people for no reason.

The Association urges the bill be defeated. The bill passed the Assembly March 9th and has been referred to the Senate committee on environmental conservation.

Replacement Tire Energy Efficiency Bill
A197 – Assemblyman Hevesi
S2766 – Senator Thompson

The subject bill amends the New York State Environmental Conservation Law, in relation to establishing the replacement tire fuel efficiency consumer information program for passenger cars and light-duty trucks. It directs the New York State Department of Environmental Conservation to create and manage a replacement tire energy efficiency consumer information program.

This legislation refers to a database, rating system, and test procedures for the energy efficiency of replacement tires as well as establishing the replacement tire energy efficiency program. It also tries to establish the parameters of replacement tire fuel efficiency ratings standards.

The bill's intent is to curb fuel consumption, minimize carbon emissions, and reduce costs for drivers in New York State. The bill proposes the creation of a replacement tire energy efficiency program. Energy efficient tires perform better in terms of fuel economy by minimizing rolling resistance, which is the measure of the amount of energy needed to move a tire. The higher the rolling resistance, the more gas a car consumes. By reducing the rolling resistance level (friction on the road), the widespread use of energy efficient tires will allow New York State consumers to save money by using less gas.

This bill attempts to address this problem by directing the New York State Department

of Transportation (NYSDOT) to create a tire efficiency program analogous to the ENERGY STAR program for household appliances. The department will create a database of the energy efficiency of a representative sample of replacement tires sold in the state. It will also create a rating system which will enable consumers to make more informed decisions when purchasing tires through point of sale information or signs. The standards adopted by the department will not adversely affect tire safety, the average life of the replacement tire, or the effective management of scrap tires in New York State.

The legislation expects that the energy efficiency standards created by the NYSDOT will give New Yorkers more information to make choices about replacement tire purchases, which will save consumers money over the life of the tire, decrease demand for imported oil, and reduce emissions of greenhouse and smog forming gases.

While we applaud the efforts of the supporters of the bill they are not taking into consideration the adverse results of creating a boutique tire for New York. The price of these tires will be higher than conventional tires, which will drive sales to other states and to the internet. New York legislators must recognize that while we are expected to help bridge New York's budget shortfalls it cannot happen if they drive away our business. The State needs only wait for the federal government to enact these requirements and the playing field will be level.

For the above reason the Association opposes this bill and urges it be defeated. The Assembly bill has been reported by the Assembly committee on conservation and has been committed to ways and means. The Senate bill has been reported by the

Senate committee on environmental conservation and committed to the Senate committee on finance

Tobacco Products Margin
A6636 – Assemblyman Morelle
S1891 – Senator Klein

Last year a bill was introduced to increase the margin on the sale of tobacco products at different levels of the supply chain. The original bill did not include the retailer. It was later amended to include the retailer. Please look over this information and let us know if we should support or oppose it.

The subject bill amends the New York State Tax Law, in relation to revising the percentages used to determine the presumed cost of doing business for agents and wholesale dealers of cigarettes. The bill recognizes the rising costs to wholesale and retail sellers of storing and transporting cigarettes and the decreased sales volume due to recent increases in New York's cigarette tax.

It amends the 1988 laws by increasing the presumed cost of doing business from seven-eighths of a percent to three percent of the basic cost of cigarettes for sales to wholesale dealers. It increases from one and one-half percent to four and one-half percent the percentage of the basic cost for sales to chain stores and from three and seven-eighths percent to seven percent of basic costs for sales to retail dealers.

All percentages are in addition to a fixed component. Unchanged is the plus one-cent per package of ten cigarettes, the two cents per package of twenty cigarettes, and two and one-half cents per package exceeding twenty cigarettes. The bill also provides that the cost of doing business of the wholesale dealer making a sale to retail dealers will be

presumed to be increased from three to four percent of the basic cost and from five-eighths to one and five-eighths percent of the basic cost with respect to sales to chain stores.

Section 2 amends subparagraph (8) of paragraph 3 of subdivision (b) of section 483 of the tax law, as amended by chapter 744 of the laws of 1990 to provide that the cost of doing business by the retail dealer shall be presumed to be increased from seven to ten and one-quarter percent of the basic cost plus the cost of doing business by the agent with respect to cigarettes sold to retail dealers

The Assembly version of the bill resides in ways and means. The Senate version of the bill has been amended twice and is currently in the Senate committee on investigations and government operations.

Indian Tax Negotiation Bill
A929 – Assemblywoman DelMontie
S1906 – Senator Klein

The subject bill amends the New York State Tax Law, in relation to providing for the sharing of tax revenues from both excise and sales and compensating use taxes with Indian tribal councils having jurisdiction over Indian reservations from sales of cigarettes occurring on such Indian reservations. It also amends the State Finance Law, and establishes a fund for the management of the tax revenues. The bill authorizes the state to negotiate a cigarette tax revenue sharing plan with tribal entities and creating an Indian reservation tobacco tax revenue fund.

Under this bill the Governor and the Tax Commissioner are to negotiate with tribes to collect cigarette taxes on reservation sales to non-Indian customers and allows for the

payment of one-half of the amount collected to be returned to the tribes.

The state currently loses over a billion dollars per year in uncollected cigarette and motor fuel taxes. Most of these losses can be attributed to sales on Native American Reservations. This bill addresses the cigarette tax only. The taxes on both motor fuel and tobacco products are legally due the State and have been for many years. It is the State's obligation to collect these taxes and they must do so. This bill compromises the law. The law must be enforced just as it is against any New York State business.

For the above reasons the Association opposes this bill and asks it be defeated and that the State do its duty and collect the outstanding taxes. They have the legal and legislative authority to do so.

The bill currently resides in the Assembly committee on ways and means. The Senate version has been reported by the Senate committee on investigations and government operations and has been referred to the finance committee.

Minimum Volume Legislation
A4113 – Assemblyman Brodsky

The subject bill amends the environmental conservation law, in relation to prohibiting contracts requiring purchase of minimum amounts of motor fuel by a dealer. It prohibits agreements between service stations and motor fuel distributors that require the service station to purchase a minimum amount of fuel. It includes clauses requiring dealers to purchase and/or sell a minimum amount of motor fuel in supply agreements.

One of justifications of the bill is that it will help reduce pollution while assisting

conservation. There is evidence that the use of motor fuel is a pollutant, federal and state governments worked to protect public health and safety by passing legislation aimed at promoting conservation.

However, the resulting reduction in gasoline usage will impair the ability of service stations to maintain their traditional business relationships with their customers and suppliers. Franchise and supply agreements requiring a motor fuel dealer to purchase a minimum amount of motor fuel from a distributor will adversely impact small service stations. A violation of these provisions could lead to termination of the service station's franchise.

For the above reasons the Association supports this bill. The bill currently resides in the Assembly committee on environmental conservation.

Motor Fuel Sales To Motorists
With Disabled Windshield Tags
A.629 – Assemblywoman Paulin
S2752 – Senator Craig Johnson

The subject bill would amend the New York State General Business Law, in relation to the sale of motor fuels to disabled persons. Its intent is to ensure that disabled persons are treated in accordance with the Americans with Disabilities Act when purchasing gasoline.

Currently the New York State General Business Law requires a disabled person to receive assistance at the gas pumps when they have a valid New York State disabled persons license plate. This law was passed many years ago with the approval of the handicapped community. At the time we offered the handicapped community leadership that they contact us if there were any individual problems of a handicapped

person being unable to receive self-service prices. To date we have not receive one complaint.

Prior to the law this association and the service station industry had a voluntary program in place that was successful. This bill seeks to expand the responsibility of the services station industry by including temporary handicap parking permitted vehicles to receive full service at the self service price.

Temporary handicapped tags are abused. Their abuse dishonors those that are truly handicapped by making a mockery of the people who truly need help. We challenge the sponsor of this bill to monitor a shopping center's handicapped parking spaces and see the drivers with handicapped tags hanging from the rearview mirror running to the bank. These permits are easily obtained and, although they are dated, there is no enforcement of them being used after their expiration date or by non-handicapped drivers.

For the above reasons the Association opposes this bill. The bill has been reported from the committee on economic development and is on the calendar in the Assembly. In the Senate, the bill resides in the committee on consumer protection.

Motor Fuel Sales To Senior Citizens
A5923 – Assemblyman Diaz
S1893 – Senator Klein

The subject bill amends the New York State General Business Law, relating to the sale of motor fuels to senior citizens. It provides that senior citizens, who find it necessary to patronize a full-service gasoline pump, will be charged the same price as customers at the gas station's self-service pumps.

Current law requires operators of retail gas stations that provide both self-service and full-service pumps be required to provide full service to disabled persons at the same price charged at the self-service islands. This legislation would expand this provision to include senior citizens.

The Association and it members oppose this bill. Even the massive Americans with Disabilities Act does not require this type of service. The service station industry which services ten million motorists in this State challenges the sponsors of this bill to provide any complaints that a senior citizen or handicapped person did not receive service when needed. If there is a person in New York that needs service in a certain area we will be happy to provide that assistance. Just give us the person's name and telephone number and they will be accommodated. We do not need to legislate every aspect of life in New York State.

For the above reason this Association asks that this legislation be defeated. The Assembly version of the bill resides in the house's committee on aging. The Senate version has been reported by the Senate committee on aging and is currently in the finance committee.

General Counsel Corner
By Peter H. Gunst, Esquire
General Counsel, SSDA-AT
Arguments for State Right
of First Refusal Legislation

Facing the plans of major refiners – especially ExxonMobil and Shell – to assign station leases and supply agreements to branded distributors, independent dealers have sought relief in several state legislatures to obtain a right of first refusal providing them an opportunity to purchase their stations.

The legislation that the dealers purpose generally follows the model of the ground-breaking California right-of-first-refusal law found in §20999.25(a) the California Business and Professions Code.

In arguing their case to state legislators, dealers point to the disastrous result of far too many previous assignments of franchise agreements to branded distributors: increased rents and uncompetitive pricing policies that have forced numerous dealers to turn in their keys.

Generally, legislators have sympathized with the dealers' contention that it is only fair that they – who have built up their businesses over many years or decades and now face the prospect of seeing their businesses destroyed – be given an opportunity to acquire their stations before they are turned over to branded distributors.

Opponents of the bills have raised several legal objections, which appear to be complete red herrings. Following are the principal legal objections opponents have raised along with brief rejoinders.

1. Independent dealers already are fully protected by the PMPA. NOT SO.

The purpose of state right-of-first-refusal laws is to plug a hole in the protections provided the federal Petroleum Marketing Practices Act ("PMPA"). 15 U.S.C. §§2801-2807.

The PMPA applies only when a dealer's franchise is ended through termination or nonrenewal, while the proposed state legislation is directed to situations where the franchisor intends to sell the service station premises to a third party and then assign (but not end) the dealer's franchise. The PMPA provides the dealer with no direct protection in that circumstance.

It is true that dealers occasionally have attempted to argue in court that the effects of a particular assignment would be so dire as to be tantamount to termination. Generally, however, courts have been unreceptive to such "construction termination" claims, concluding that the injuries feared by the dealers are too hypothetical to provide a basis for relief under the PMPA.

Dealers are told to come back to court only after they have been driven out of business, when they no longer possess the financial means to pursue expensive federal court litigation. Some remedy!

Moreover, assigning refiners have argued that all claims of constructive termination are barred by the PMPA's termination or nonrenewal requirement. Indeed, Shell is presently pursuing a petition to the Supreme Court seeking a determination that the PMPA includes no remedy whatsoever for constructive termination. It is two-faced for them to argue that dealers are fully protected by the PMPA.

2. The proposed legislation is preempted by the PMPA. NOT SO.

One of the attacks commonly launched against state legislation intended to protect independent dealers is that the entire field is preempted by federal legislation, the PMPA. The argument runs that – as a matter of law – proposed state legislation like the right-of-first-refusal bills improperly interferes with the operation of superseding federal legislation.

Upholding the California right-of-first-refusal law and rejecting just such a preemption argument, a California state appeals court recognized the valid and independent purpose of the California law. *Forty-Niner Truck Plaza, Inc v. Union Oil Co.*, 58 Cal. App. 4th 1361 (1997).

In so ruling, the California court emphasized that the state statute “foreclose[s] a franchisor from impermissibly using an assignment ... to skirt the termination or nonrenewal requirements of the PMPA.” 58 Cal. App. 4th 1274-75.

The California law, the court said, is not preempted because its reach is limited to instances where a dealer’s lease and supply agreement is merely assigned to a third party, and does not address instances where a supplier expressly terminates or nonrenews a dealer’s franchise.

Indeed, the reason why major oil companies like ExxonMobil and Shell are utilizing the assignment device is to avoid the protections against termination and nonrenewal conferred upon dealers by the PMPA. Once again, it is two-faced for the oil companies to argue that right-of-first-refusal provisions are preempted by the PMPA, even while they structure their assignments to eliminate dealers’ PMPA rights.

Moreover, the PMPA contains an express preemption provision which refers only to termination or nonrenewal of the franchise relationship, and not to assignment. See 15 U.S.C. §2806(a). Rather, the PMPA expressly leaves issues of the validity of assignment to state and not federal law. See 15 U.S.C. §2806(b).

3. The proposed legislation constitutes an illegal impairment of contract. NOT SO.

In the Forty-Niner Truck Plaza case, the California appeals court also rejected the argument that the California statute constituted an unconstitutional taking of the franchisor’s property rights because it conditioned the supplier’s contractual right of assignment upon offering the dealer a right of first refusal.

The court held that the California legislature

properly enacted the law because it “substantially advances a legitimate state interest” in that “[i]t facilitates the purchase of retail service stations by their independent lessee-franchisee in contexts outside franchise termination or nonrenewal, thereby ensuring the motoring public access to service and furthering a more dynamic and full-service oriented retailing atmosphere.” 58 Cal. App. 4th at 1273.

Also significant is a decision of Maryland’s highest court upholding the constitutionality of state legislation in an analogous context, which decision was subsequently affirmed by the United States Supreme Court. *Governor of Maryland v. Exxon Corp.*, 279 Md. 410 (1977), affirmed, 437 U.S. 117 (1978).

In the Maryland case, the courts rejected the oil companies’ argument that an act prohibiting major oil companies from opening or operating retail service stations with company personnel imposed an unconstitutional burden on the oil companies.

In reaching that conclusion, Maryland’s highest court noted that oil companies were not deprived of “all beneficial uses” of their properties. Likewise, merely requiring that a right of first refusal be provided to independent dealers does not deprive an oil company of “all beneficial uses” of a service station property.

Federal Bill – Employee Free Choice Act

The Employee Free Choice Act (EFCA) was an important issue for this year’s Aftermarket Legislative Summit, held March 11-12 in Washington, D.C. The federal legislation is supported by the labor unions. The bill would make it easier for shops to become unionized by stripping

workers of their right to a federally supervised private ballot when deciding whether or not to join a union. The long-standing tradition of casting a private ballot would be replaced by a system of card checks, which would allow a union to organize if a majority of workers sign the card. The process would be overseen by paid union organizers, not the federal government, and each worker's choice is ultimately made known to their employer, co-workers and the union organizers.

Additionally, the Employee Free Choice Act contains a provision that mandates compulsory, binding arbitration on the employer and the employees as part of the collective bargaining process if an agreement cannot be reached within the first 120 days of negotiations. This provision would permit a third-party government official to impose terms of a labor contract that are binding upon both parties, even if one or both parties find those terms unacceptable. Under this provision, unionized employees could find themselves with no say in the imposition of a contract that could have a major impact on their livelihood.

Bill to Limit Toxic Substances in Brake Pads Introduced in California

Legislation (S.B. 346) has been introduced in the California Senate that would prohibit, beginning Jan. 1, 2014, the sale of any motor vehicle brakes that contain certain concentrations of cadmium (.01 percent by weight), lead (.1 percent by weight) and mercury (.1 percent by weight). Introduced by State Senator Christine Kehoe (D), the bill further would restrict the concentration of copper (.5 percent by weight) in brakes beginning on Jan. 1, 2023. Brake manufacturers used on new vehicles, and those sold as replacement parts, would need

to obtain certification from a third-party testing agency and to mark proof of certification on the friction materials. The legislation also would require the Department of Toxic Substances Control to establish a fee on each new axle brake set sold in the state to help fund efforts needed to enforce the bill's requirements.

The legislation also would require the Department of Toxic Substances control to conduct a baseline survey on or before Jan. 1, 2013 of the concentration levels of nickel, zinc and antimony in motor vehicle friction materials. Following that survey, the department would be required to monitor the concentration levels of those constituents every three years to ensure that those levels do not increase more than 50 percent above baseline levels. The department would be required to evaluate the need to establish a maximum concentration of any or all of the monitored constituents should they move above the 50 percent level.

AAIA, along with the California Automotive Wholesalers Association, has been working with the Brake Pad Partnership, working to reduce the levels of toxic substances found in water supplies caused by their use in brake pads.

Reduce Your Electricity Costs – Everyday Tips from Energy Plus™

For all businesses, energy costs are top of mind. To help offset these costs, NYSASSRS has partnered with Energy Plus™, one of the fastest growing energy supply companies in New York today. Join over one million New Yorkers that have already switched to an alternative energy supply company like Energy Plus.

By choosing Energy Plus as your electricity supplier, you'll eliminate the sales tax on

your delivery charges AND you'll be earning cash back on your supply charges! If you sign up a business, you'll receive a sales tax waiver of up to 9.75% on the delivery portion of your bill each month and you'll be eligible for a 3% cash back rebate on your electricity supply charges every year. If you enroll your home, you'll receive a 2% cash back rebate and the same tax savings.

The best part is that you'll keep the same reliable service from their utility company. Your utility company will continue to deliver your electricity, send you your statement, read your meter, and handle any power outages. Switching is easy as there are no sign-up fees, cancellation fees, or long-term commitments. To be eligible, you must simply have an address within the Energy Plus service area, which covers all areas except those covered by the Long Island Power Authority (LIPA).

Learn more about the tax savings and cash back benefits available to you. Call Energy Plus at 1-877-320-0356 and mention Offer Code "0059" or visit www.EnergyPlusRewards.com/NYSASSRS59.

Minimum Age For Cashiers Who Sell Alcoholic Beverages

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

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

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of drivers license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. To use this service, please call 518-452-4367 or 716-656-1035

We Have Changed Our Web Address

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

www.nysassrs.com

Our e-mail address has changed to:

state@nysassrs.com

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

WARNING

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

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

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