

## ATTORNEY'S CORNER

By Larry Culley

*THE HOLIDAYS ARE OVER AND IT'S TIME TO BUCKLE DOWN AND FLY RIGHT IN 2020!*

*ARE YOU READY FOR 2020? HERE'S HOW!*

ARE ALL YOUR PERMITS AND LICENSES (INCLUDING YOUR OWN AND YOUR EMPLOYEE'S DRIVER'S LINCENSES VALID?

ARE YOU PAYING YOUR EMPLOYEES UNDER THE NEW MINIMUM WAGE LAW AS FOLLOWS:  
Workers in New York City, employed by large business (at least 11 employees) - \$15.00  
Workers in New York City employed by small business (10 employees or fewer) - \$13.50  
Workers in Long Island and Westchester Counties - \$12.00  
Workers in all other areas of the state - \$11.10?

ARE YOU PERFORMING INSPECTIONS WITH A TWO-PIECE WINDOW TINT METER IN ACCORDANCE WITH THE NEW INSPECTION REGULATIONS REGARDING TINTED GLASS?

ARE YOU DISPLAYING SIGNS MANDATED BY D.M.V. AND OTHER GOVERNMENT AGENCIES INCLUDING THE POSTING OF LICENSED INSPECTORS AT INSPECTION STATIONS?

ARE YOU COMPLETING AND FILING THE IMMIGRATION FORMS FOR ALL NEW EMPLOYEES, "I-9"? ARE YOU COMPLETING AND FILING THE N.Y.S. "NEWLY HIRED EMPLOYEES" FORM?

ARE YOU CHECKING YOUR VAPOR RECOVERY EQUIPMENT & COMPLYING WITH THE NEEDED 5 YEAR TEST (THIS IS BEING PHASED OUT BUT IS STILL ENFORCEABLE AT THIS TIME)?

ARE YOU FILING YOUR YEAR END TAXES?

ARE YOU PREPARED TO MAINTAIN DAILY, ACCURATE, GASOLINE INVENTORY RECORDS AS REQUIRED BY LAW (DIP BOOKS ARE AVAILABLE FROM YOUR ASSOCIATION)?

ARE YOU MAINTAINING THE PROPER COLOR CODE ON YOUR GASOLINE FILL LINES?

ARE YOU DISPLAYING THE OIL SIGN: "WE ACCEPT WASTE OIL FOR RECYCLING"? ARE YOU HANDLING USED OIL FILTERS PROPERLY?

ARE YOU DISPLAYING THE SIGN: "WE MUST ACCEPT VEHICLE BATTERIES FOR RECYCLING"?

ARE YOU MAINTAINING THE FILE OF MATERIAL SAFETY DATA SHEETS (MSDS)?

ARE YOU AND YOUR EMPLOYEES AWARE OF THE POSSIBLE HEALTH HAZARDS ASSOCIATED WITH THE VARIOUS CHEMICALS AND THE PRECAUTIONS THAT SHOULD BE TAKEN?

HAVE YOU FILED YOUR "COMMUNITY RIGHT TO KNOW" FORM ON STORED SUBSTANCES IN N.Y.C.? THE DEADLINE IS MARCH 1ST.

ARE YOU MAINTAINING A SAFE WORKING ENVIRONMENT? ARE ALL YOUR FIRE EXTINGUISHERS AND SUPPRESSION SYSTEMS PROPERLY CHARGED AND WORKING?  
***SAFETY IS FREE! USE IT GENEROUSLY.***

ARE YOU USING APPROVED REPAIR ORDER FORMS? ARE YOU PROVIDING ALL INFORMATION REQUIRED ON THE ORDER FORM BY D.M.V.?

ARE YOU A MEMBER OF YOUR ASSOCIATION SPONSORED WORKER'S COMPENSATION GROUP? THOSE WHO ARE RECEIVED DIVIDENDS FOR OVER 25 YEARS. ARE YOU ALSO PROVIDING DISABILITY INSURANCE FOR YOUR EMPLOYEES AS REQUIRED BY N.Y.S.?

ARE YOU PROVIDING QUALITY REPAIRS? ARE YOU USING QUALITY PARTS? DON'T CREATE FUTURE PROBLEMS WITH A FALSE ECONOMY?

ARE YOU AND YOUR TECHNICIANS MAKING TIME FOR EDUCATION (WORK SMARTER NOT HARDER)?

ARE YOU MAINTAINING A CLEAN, ATTRACTIVE LOCATION? LOOK AROUND, YOU MAY BE SURPRISED. ARE YOU MAINTAINING A SENSIBLE PROFIT MARGIN? YOU CANNOT SURVIVE WITHOUT IT. ARE YOU PREPARED TO SIT DOWN WITH YOUR ACCOUNTANT AND REVIEW YOUR OPERATIONS?

ARE YOU PERFORMING INSPECTIONS PROPERLY? DO IT RIGHT OR DON'T DO IT AT ALL! ARE YOU GIVING WRITTEN INSPECTION APPOINTMENTS? WRITTEN APPOINTMENTS MUST BE ON YOUR LETTERHEAD.

DO YOU CARD FOR CIGARETTES AND ALCOHOLIC BEVERAGES? DO YOU HAVE SOFTWARE AT YOUR P.O.S. PREVENTING SALES OF THESE PRODUCTS WITHOUT AN I.D. BEING SUBMITTED?

IF YOU HAVE DUAL ISLANDS WITH SELF SERVE - FULL SERVE, IS THE "HANDICAP" SIGN POSTED?

ARE YOUR CLERKS TRAINED AND CERTIFIED UNDER THE TOBACCO LAW AND ALCOHOL LAW?

DOES THE OWNER, MANAGER AND CLERKS HAVE AN "A", "B" OR "C" CERTIFICATION UNDER THE UNDERGROUND STORAGE TANK REGULATIONS?

ARE YOU READY? ONLY YOU KNOW THE ANSWER. IF YOU'RE UNSURE, CALL YOUR AREA REPRESENTATIVE.

***ARE YOU READY FOR FREDDIE IN 2020? BE THERE OR BE SQUARE!***

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# GRANY

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### **FDA Bans Mint- And Fruit-Flavored Vaping Products But Exempts Menthol And Tobacco**

*Ken Alltucker*

USA TODAY

The Food and Drug Administration said Thursday that it will ban fruit- and mint-flavored products used in e-cigarettes and vaping products while allowing vape shops to sell flavors from tank-based systems.

The FDA will begin enforcing the rule banning fruit and mint flavors within 30 days, and the regulatory agency will target companies that market to youths.

The flavoring ban does not apply to menthol and tobacco-flavored products. Vaping shops won a concession that will temporarily allow them to sell flavors in stores from tank-based systems, which allow people to mix their own nicotine and vaping juice.

U.S. Health and Human Services Secretary Alex Azar said the rule aims to "strike the right public health balance" by targeting products widely used by children while allowing vaping as a "potential off-ramp" for adults who want to quit smoking.

The long-anticipated action comes amid a sharp rise in teenagers vaping nicotine and THC and a vaping-related lung injury epidemic that has hospitalized 2,561 and led to 55 deaths.

"We will not stand idly by as this crisis among America's youth grows and evolves, and we will continue monitoring the situation and take further actions as necessary," Azar said.

Public health and anti-tobacco groups criticized the plan as not going far enough to stem an emerging public health threat.

The American Heart Association said in a statement that permitting menthol and flavors from open tank systems to remain on the market would "leave a wide pathway for continued e-cigarette use among our nation's children."

The limited ban is more nuanced than the Trump administration's plan last September that called for a wider ban of vaping products. At the time, officials cited preliminary data from the 2019 National Youth Tobacco Survey showing more than one-quarter of high school students used e-cigarettes in the past 30 days. Most of those underage vapers cited the use of fruit, menthol or mint flavors, the FDA said.

Reports last Thursday said that data last month from the National Institute on Drug Abuse's Monitoring the Future report showed a tiny percentage of high school students vaped menthol flavors. Kids who vaped nicotine overwhelmingly chose mint, mango and fruit flavors, he said.

"Our efforts have always been how do we balance?" Azar said. "How do we make sure products remain available for adults who are using them to get off or stay off combustible tobacco ... but also keep the most attractive products or flavors away from kids?"

Kids prefer using pods or cartridges to deliver flavored nicotine, not tank systems found at vape shops.

American Lung Association President and CEO Harold Wimmer said the limited ban does not go far enough to prevent youths from becoming hooked on nicotine.

"We know that children will obtain flavored products at vape shops," Wimmer said, citing a study last year that reported 45% of vape shops in California sold e-cigarettes to minors. "This new plan is riddled with loopholes and will leave children unprotected."

Gregory Conley, president of the American Vaping Association, described the limited ban as a "partial victory" that will allow thousands of small businesses to remain open. He warned the short-term exemption will require federal action this year.

A federal court order requires all vaping products to file an authorization application by May 12 to continue marketing products. Companies that do not meet the deadline are subject to FDA enforcement action under the court order.

"We are now 130 days away from the exact class of vaping products President Trump exempted from his ban – open tank systems – being banned because of the sky high costs associated with Obama-era rules the FDA is retroactively enforcing on vaping companies," Conley said. "President Trump will get the blame if America's vape shops are forced to close their doors in May."

Mitch Zeller, director of the FDA's Center for Tobacco Products, said the agency has advised vape shop owners about the May 12 deadline through guidance documents, webinars and other training.

"A vape shop that is in the business of manufacturing, by mixing nicotine and flavors, has a decision that it has to make about what business it wants to be," Zeller said. "If a vape shops wants to continue that mixing, this isn't a matter of policy. This is the law. That is a manufacturing practice and they are subject to that deadline."

#### **FDA: Federal Tobacco 21 Law Is Now in Effect**

Although the Food and Drug Administration (FDA) has six months to finalize the federal Tobacco 21 law, the agency announced it is now illegal for retailers to sell any tobacco product to consumers under 21 years old.

On Dec. 20, President Trump signed legislation increasing the federal legal minimum age to buy tobacco products from 18 to 21. With the stroke of his pen, the FDA had 180 days to update its regulations — with the change taking hold 90 days later.

In total, the shift in the legal age was expected to go into effect in roughly nine months, as Convenience Store News previously reported.

However, the agency posted a message on its website announcing the new legal age is now in effect.

"On Dec. 20, 2019, the president signed legislation to amend the Federal Food, Drug, and Cosmetic Act, and raise the federal minimum age of sale of tobacco products from 18 to 21 years. It is now illegal for a retailer to sell any tobacco product — including cigarettes, cigars and e-cigarettes — to anyone under 21. FDA will provide additional details on this issue as they become available," the agency stated.

According to NACS, the law contemplates a regulation to provide retailers with clear direction on the new rules, including a requirement to verify the age of any purchaser under the age of 30. However, the law does not require a delay the shift to 21.

"While there are unanswered questions about when FDA plans to enforce this requirement and whether the agency can legally enforce it before updating its regulations, retailers should be aware that FDA views any sale to a person under 21 as a violation of the new law," the association said.

#### **Cuomo Proposes Menthol, Flavored Vape Ban**

Gov. Andrew Cuomo will propose a ban on the sale of flavored nicotine vaping products as part of his 2020 budget, he announced this morning.

Cuomo attempted to impose such a ban through executive action earlier this year but a state court blocked the move. His legislative proposal includes a ban on menthol flavors and limits on online sales of vaping products.

It would also empower the Department of Health to prohibit additive chemicals that have been linked to vaping-related illnesses and deaths nationwide.

"Vaping is a public health crisis, claiming too many lives and making countless others sick in a short period of time," Cuomo said in a statement. "While the federal administration continues its empty rhetoric on an issue impacting more than a quarter of all high school students, in New York we're using every tool at our disposal to keep help children safe and stop them from forming an unhealthy and potentially deadly lifelong addiction."

Cuomo also wants to ban all vaping ads targeted at young people and prohibit claims about their effectiveness for smoking cessation without FDA approval.

Earlier this year, a state health council voted to approve a ban that would have gone into effect on Oct. 4 but the state Appellate Division granted a temporary restraining order against the move.

Counties and municipalities across the state have considered enacting their own local bans in wake of the court action.

#### **Cuomo To Call For Tobacco Sales Crackdown In 2020 State Of The State**

Gov. Andrew Cuomo today announced that his 2020 legislative agenda will include proposals to crack down on

retailers who illegally sell untaxed cigarettes or who sell tobacco products to individuals under age 21.

Cuomo, who highlighted the measures while previewing his State of the State address, said his administration "will not turn a blind eye to retailers who deliberately flout the law just to make an extra buck at the expense of the health of New Yorkers."

"Trafficking untaxed cigarettes and selling tobacco to underage people isn't just unethical — it's also illegal. ... With this proposal, unscrupulous businesses will face steeper fines or closure instead of just a slap on the wrist," he said in a statement.

Under the governor's proposal, retailers found to have untaxed tobacco products would face new penalties, including possible closure or revocation of licenses for lottery, liquor, wine or beer sales. The Department of Taxation and Finance, which currently fines retailers selling untaxed cigarettes, would specifically be empowered to shut down such businesses by revoking their authority to collect retail sales and other taxes — a prerequisite to operating in New York, according to the governor's office.

Cuomo will further use his Jan. 8 speech to call for raising penalties and fines for retailers that sell cigarettes or other tobacco products to individuals under age 21 — the new minimum purchasing age which took effect in November — from a minimum of \$300 to \$1,000. Repeat offenders, meanwhile, could lose their registration for a year.

The Association suggests that you train and certify every one of your clerks to help salvage your state tobacco license. For help call the Association office 518 452 4367

### **Tobacco Products On Sale At Retail**

The Massachusetts Public Health Council approved new rules restricting the sale of nicotine vapor, and flavored vapor and tobacco products.

The move comes a month after the state legislature approved legislation to ban the sale of flavored tobacco and vapor products — including menthol cigarettes — across the state. Gov. Charles Baker signed it into law on Nov. 27.

The new law, An Act Modernizing Tobacco Control, includes a number of restrictions on the sale of tobacco products, including limiting the sale of flavored nicotine vaping products to licensed smoking bars where they may only be smoked on-site.

Baker's signature also gave the Massachusetts Department of Public Health (DPH) new authority to regulate the sale of nicotine vaping products, to ensure the public is informed about the potential dangers of vaping and to implement other provisions of the law in order to protect the public health.

With the Dec. 11 action by the state health panel, the new regulations effective immediately are:

Retail stores licensed to sell tobacco products, such as convenience stores, gas stations, and other retail outlets, are restricted to the sale of non-flavored nicotine products with a nicotine content of 35 milligrams per milliliter or less.

The sale of non-flavored nicotine vaping products (with a nicotine content more than 35 milligrams per milliliter) is restricted to licensed, adult-only retail tobacco stores and smoking bars.

The sale and consumption of all flavored nicotine vaping products may only occur within licensed smoking bars.

Beginning June 1, 2020, the sale of flavored combustible cigarettes and other tobacco products, including menthol cigarettes and flavored chewing tobacco, will be restricted to licensed smoking bars where they may be sold only for on-site consumption.

A 75-percent excise tax on the wholesale price of nicotine vaping products, in addition to the state's 6.75 percent sales tax, will also go into effect on June 1.

"Massachusetts has taken important steps to protect its residents from the emerging public health risk posed by vaping products, and with the new law signed by Gov. Baker and the introduction of today's regulations, we continue to prioritize actions that protect the public health," said Public Health Commissioner Monica Bharel.

The new regulations also lay out a roadmap for the implementation of the new law, including enforcement authority, penalties for non-compliance, legal signage, and advertising requirements. A public hearing on the regulations will be scheduled within the next 90 days.

### **Cuomo: State Labor Department Eliminates Sub-Minimum Wage For 'Miscellaneous' Jobs**

Governor Cuomo has announced that State Department of Labor is eliminating the sub-minimum wage for 'miscellaneous' industries statewide.

The order will affect around 70,000 New Yorkers and end the confusion and wage theft.

According to a release, workers that will be impacted by the new measure include: nail salon workers, hairdressers, aestheticians, car wash workers, valet parking attendants, door-persons, tow truck drivers, dog groomers and tour guides.

"In New York, we believe in a fair day's pay for a fair day's work," Governor Cuomo said. "But after an exhaustive investigation conducted by the Department of Labor, it's clear the tip system in many situations is needlessly complicated, allowing unscrupulous businesses to flout our nation-leading minimum wage laws and robbing workers of the paycheck they earned. That ends now. Today, I am directing the labor department to put an end to the tip credit in the industries with the highest risk of wage theft to help restore fairness for workers, many of whom are critical to the service industries that keep our economy moving forward."

This elimination will phased in over the next year.

### **Regulatory Relief Bill Signed into Law**

This bill which was signed into law by the Governor amends the New York Executive law concerning regulatory

finer for small businesses. This bill is intended to reduce regulatory fines on businesses and to create a productive relationship between the state and business owners that will allow them to work closely together.

The bill amends the Executive Law by adding a new section to provide a small business with the opportunity to cure for a first violation of such agency's regulations unless explicitly exempted.

Violation must be paperwork related, or omissions that are de minimus. Successful completion will prevent the imposition of penalties. However, no waiver may be given if the agency determines the violation resulted in a natural resource damage claim or serious actual harm, or may have Presented an imminent and substantial endangerment to public safety, human health or the environment; is a violation of human rights or civil rights law in loss of employee wages or benefits; interferes with any remedy, review, or resolution related to harassment or discrimination claims; was a willful violation; violates requirements related to federal funding; relates to state procurement; is similar to other violations; is a penal law violation; or relates to a substantive part of the business. Upon first violation a state agency shall provide the small business with a copy of any applicable small business regulation guide, or provide an in person meeting, teleconference or videoconference to help with the small business' compliance with the agency's rules and regulations.

Changes have been incorporated into the bill language to address the veto message concerns and to increase the appropriate period of time to allow for such ameliorative action to occur to ninety days.

According to supporters New York's small businesses are heavily regulated and are not always aware of the numerous current and new regulations. Various regulations can cost small businesses thousands of dollars in implementation and penalties. According to CNBC, New York state is currently ranked 29th when comparing top business states across the country (2016).

For small business to effectively abide by state regulations, they should be provided with essential resources such as literature or an in-person meeting that informs the owner(s) of their obligations to New York's state agencies. This includes frequent updates on updated rules or regulations.

By allowing our small businesses the opportunity to cure as opposed to an immediate fine, the state would be improving communication with our small businesses and working to improve our business climate.

The law became effective immediately.

Whether the law will have a real positive affect and benefit the small business industry will depend on enforcement. We suggest a NY violation received be evaluated against this law se determine if it provides any relief. Members are urged to send violations to the association office for an evaluation.

## **Legislation To Monitor 2020**

An Assembly bill, A4782 from 2018/19 legislative session increases penalties for inspection stations including a mandate for suspension of the inspection license. It was not co-sponsored last year in the Senate but you saw the an article in the Times Union in September highlighting the bill. The memo in support references the unauthorized inspection of a limo by an inspection station as the impetus for the bill. It is however much broader in application.

The bill was generated due to a multi-death accident where twenty people we killed and the modification to the passenger size of the vehicle and a poor inspection and failure to repair the inspection failure all were causes of the accident.

The bill places much of the future blame for this type of accident on New York State inspection stations.

A 2019 law, Section 2 of this bill makes it mandatory for the DMV Commissioner to suspend a license to operate an official inspection station for any of the listed causes in the statute including failure to conduct inspections in conformance with rules and regulations or improper issuance of certificates of inspection. Under current law the Commissioner has discretion as to whether to suspend a certificate of inspection, it is not mandatory except in the case of a third or subsequent violation of rules and regulations committed within an eighteen month period. This provision was added by an article vii budget bill S. 1509B as chapter 59 of the laws of 2019. Inspection station must also send a mandatory form to the State with information on the vehicle that has been modified to increase it's passenger capacity by even one person.

If read correctly, Bill 4792 from 2019 provisions require a mandatory suspension for any violation of the rules and regulations is a significant because a potentially minor violation would result in a suspension. It is also inconsistent with the provision under current law requiring suspension after a third or subsequent violation.

We expect A4792 to return in the 2020/21 legislative session. We will need to monitor this bill's activities carefully.

If you have any questions, please call the association office.

## **Trump Signs Government Spending Bill That Includes Multiyear BTC Extension**

President Donald Trump on Friday signed a massive spending bill that includes an extension of the \$1/gal federal biomass-based diesel blender's tax credit (BTC) through 2022.

Under the bill, the BTC would be retroactively reinstated for 2018 and 2019 production and remain in place for 2000-2022.

Enactment of the extension marks a major victory for biomass-based diesel producers, who have been struggling with low margins amid demand losses caused in part by the large number of small refinery exemptions approved by EPA since 2017.

"Reinstatement of the biodiesel tax credit immediately incentivizes fuel retailers to once again begin buying and blending biofuels after years of market uncertainty," NATSO, which represents truck stop and travel plaza owners, said in a news release. "It is an enormous victory for not only the travel center industry, but also for the environment and America's truck drivers and consumers."

--Patrick Newkumet, pnewkumet@opisnet.com

Copyright, Oil Price Information Service

### **Federal Oil Spill Liability Coming Back Tomorrow**

The federal Oil Spill Liability Tax is coming back after a one-year hiatus. The fee, which expired on Dec. 31, 2018 has been reauthorized, although it is not coming back on a retroactive basis. It will simply reappear as a charge beginning Jan. 1, 2020.

The fee may appear as a line item on some invoices, but other companies will simply build it into the rack price. Refiners are responsible for the fee which is 9cts per barrel of crude.

Since the fee only applies to crude, and crude-sourced hydrocarbons, it amounts to different charges on various products. For diesel fuel, it works out to 0.2143cts/gal; for a 5% biodiesel blend, it amounts to 0.2036cts/gal; and for B20, it runs 0.1714cts/gal. On a typical 10% ethanol blend of finished motor fuel, the fee will be 0.1929cts/gal, and for and E0 (all hydrocarbon gasoline), the charge is 0.1929cts/gal.

--Tom Kloza, tkloza@opisnet.com

### **Court Recognizes Retailer Rights**

On December 10, Judge Margo Brodie of the U.S. District Court for the Eastern District of New York approved a new notice to merchants relating to the settlement in the long-running litigation against Visa, MasterCard and the largest card-issuing banks (In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation, MDL 1720). The notice addresses concerns raised that at least one oil brand had settled their merchants' claims in the case without being authorized to do so. There were also concerns that additional oil brands (and perhaps franchisors in other retail sectors) intended to do the same thing.

The notice provides merchants, whose claims were settled without their authorization, to inform the court and request to be included in the monetary settlement of the class action. The notice indicates that merchants whose claims were settled without their authorization can request and receive funds from the class settlement. Merchants who were originally excluded from the class settlement but now want to be included, however, must respond to the notice and let the settlement administrator know that they want to receive funds from the class settlement. A deadline for informing the administrator has not yet been set, but it will be part of the notice when merchants receive it.

The notice does not indicate what will happen if additional oil brands settled claims on behalf of their

merchants without authorization. During the fairness hearing, counsel for the defendants indicated that they understood that entering into any such settlements would carry risk that they would have to pay the oil brand and separately pay the merchant if the oil brand did not have authority to settle that merchant's claim. It remains to be seen how any disputes about a brand's authority to settle on behalf of their outlets will be resolved.

The class settlement itself has not yet been approved, though that formal approval could happen soon. For now, NACS members should look for the new notice and respond promptly if their brand settled for them without authorization.

### **Report Outlines How Credit Card Networks Undermine Security, Block Competition**

EMVCo, a global payments organization owned by the six largest card companies, has advanced standards that have diminished payment security in the United States and increased fraud risk, while helping its owners dominate the payments market, maintains a new white paper published by the Secure Payments Partnership (SPP). The report calls for payment standards to be drafted by organizations that meet the standards of open and fair membership and proceedings that apply to standard-setting in other areas of the economy.

Conducted by industry research firm Retail Payments Global Consulting Group (RPGCG), the report, "Payment Insecurity: How Visa and Mastercard Use Standard-Setting to Restrict Competition and Thwart Payment Innovation," explores how EMVCo's owners have driven up costs for businesses and consumers and left the United States with a fraud-prone payment card system, lagging behind other international markets.

EMVCo is run by Visa, Mastercard, American Express, Discover, JCB and China UnionPay. The organization produces technical specifications to ensure interoperability of payments, but the SPP report charges that those specifications become de facto standards with implications far beyond technical compatibility. Because EMVCo is run by the major card companies, it is not an appropriate organization to develop standards that have such high impact on the U.S. payments industry, the report states.

The Secure Payments Partnership (SPP), founded in 2018, represents and advocates for industries that span the payments system. NACS is a founding member, along with the Food Marketing Institute, National Retail Federation, National Grocers Association, First Data's STAR Network and SHAZAM.

René Pelegero, the report's author and RPGC president and managing director, said "It is our conclusion that the U.S. payments industry is being harmed by the card companies and EMVCo." Pelegero said, "EMVCo's ownership by the credit card companies has put profits ahead of security, driven up costs for businesses and consumers alike, and has left the United States with a fraud-prone payments card system even as fraud has been reduced in the rest of the world."

Said National Retail Federation Senior Vice President and General Counsel Stephanie Martz, "This study shows that the card industry has repeatedly ignored innovations that could have given us a more secure system, and that cannot be allowed to continue."

Dan Kramer, executive vice president, government and community affairs at SHAZAM, noted, "No single sector of the industry should be able to control the standards process to use it as a tool to shut down its competitors. The industry must work together to give consumers a more secure, transparent experience at card terminals."

### **GM Customers Rage as Automaker Struggles With Strike-Related Parts Delay**

*Written by Jamie L. LaReau, Detroit Free Press*

Buick owner Ben Baby is on his third and last Buick. Baby, 41, has been waiting since Oct. 4. for General Motors (GM) to supply a Texas body shop with the parts needed to repair his 2018 Buick Enclave.

The delay, caused by the UAW's 40-day strike that started Sept. 16, has made Baby increasingly frustrated.

More than 20 parts are backordered, he said, and neither GM nor the body shop manager can estimate when Baby will be back in his car, he said.

"I'm done," said Baby, who lives in McKinney, Texas, about 30 miles north of Dallas. "All of this happened because of the GM strike. GM should have taken care of these things and been prepared, offered rental cars or something ... it is their responsibility."

A GM spokesman said preparing for a parts shortage is difficult, given that the automaker did not expect a strike. GM is sorry, the spokesman said, for the inconvenience that strike-related parts delays have caused some customers.

"We are doing our best to recover as quickly as possible," spokesman Jim Cain said in an email to the Free Press.

GM is running its parts plants in "emergency status" with maximum overtime, among other things, to return the parts operations to normal, said Cain. But it's a massive, complicated task to get caught up and fulfill back orders for specific parts.

#### **EXHAUSTIVE WAITING**

On Oct. 4, Baby was driving on the Sam Rayburn Tollway in Dallas when a driver three cars ahead of him suddenly stopped, triggering a four-car pileup. Baby was the last car in the chain reaction.

He was uninjured, but his Enclave had extensive damage to the front. His insurance company said it was repairable and refused to total the car, he said. The body shop manager told him it would be a long wait on repair parts because some 48,000 UAW workers at all of GM's U.S. plants had been on strike since Sept. 16.

For more than two months now, Baby and his wife have shared one vehicle. She drove it to her job, he worked from home.

### **Subaru Forester Passenger Airbag Sensor Lawsuit Filed**

*Written by David A. Wood, CarComplaints.com*

Subaru Forester passenger airbag sensor lawsuit alleges the occupant detection systems have errors that cause the airbags to deactivate when adults are in the passenger seats. According to the plaintiff, 2015-2018 Subaru Foresters are affected by the problems, and her 2018 Forester is a good example.

The lawsuit alleges the plaintiff took the vehicle to a dealership which found problems with the detection system. Technicians allegedly didn't make any repairs but told the plaintiff not to place electronic items in the passenger seat.

The plaintiff says the airbags work part of the time and fail other times whether a passenger is in the seat or not. This is a danger that can cause an occupant their life, and Subaru allegedly knows there are problems but has failed to warn consumers.

The National Highway Traffic Safety Administration (NHTSA) opened an investigation in August into passenger airbag sensor problems after receiving 51 complaints about 2016-2018 Subaru Foresters.

According to NHTSA, Subaru owners said the passenger airbag warning lights indicated the airbags were turned off when adults were in the seats. Customers reported the airbag sensors deactivated the airbags and also caused the seat belt alarms to continually give audible warnings.

Forester owners also reported paying as much as \$1,000 to repair the passenger airbag systems, and many times the waits were long because replacement parts were backordered.

Subaru recalled more than 366,000 model year 2015-2018 Foresters in October after finding the passenger occupant detection system sensor mat harnesses could experience problems because of contact pressure between the terminals.

According to the automaker, the passenger airbags could deactivate and then reactivate without warning because of the terminal problems. Subaru also admitted what customers were reporting, namely that the airbag warning lights indicated the airbags were off when they should have been on.

In documents submitted to NHTSA, Subaru said turning off the ignition then turning it back on would reset the system and correct the faults. But the automaker also said this could be a temporary condition until the problem reoccurred while driving.

### **Convenience Channel Builds Up Electric Vehicle Charging Station Network**

More electric vehicle (EV) charging stations will be popping up in the United States, thanks in part to the convenience stores industry.

Parker's unveiled six Tesla Superchargers at its convenience store in Metter, Ga. The first V3 Tesla charging site to open in Georgia, it is strategically situated for drivers traveling between Atlanta and Savannah along I-16.



The Tesla Superchargers complement two existing EV charging stations installed on-site by Georgia Power.

"Now, every electric vehicle on the market can be charged at our Metter store," said Parker's CEO Greg Parker. "We're thrilled that the new V3 Tesla charging site features the fastest chargers currently available in the United States. The new Tesla Superchargers offer a tremendous benefit for Parker's customers and for anyone traveling along the I-16 corridor in a Tesla vehicle."

These are the first Tesla Superchargers in the Parker's network, and the company has plans to add additional locations in the future. Savannah, Ga.-based Parker's operates 64 c-stores throughout coastal Georgia and South Carolina.

"We recognize the shifting fuel demands of our customers and always strive to meet those demands," said Parker's President Jeff Bush. "As a larger percentage of our customers begin driving electric vehicles, we want to provide them with a state-of-the-art charging infrastructure at strategic Parker's locations."

Ankeny, Iowa-based Casey's General Stores Inc. is also building up the number of EV charging stations at its c-stores.

The expansion comes as part of MidAmerican Energy Co.'s plans to build a fast-charger network throughout Iowa. According to MidAmerican Energy, it will begin constructing publicly accessible electric vehicle fast-charging stations in five Iowa cities by the end of this year, and 13 more next year, including nearly a dozen "ultra-fast" chargers.

### **Cumberland Farms' Suit Against Rhode Island's Truck Toll Program Moves Closer to Federal Court**

The United States Court of Appeals for the First Circuit upheld a lawsuit challenging Rhode Island's truck-only toll program, ruling the suit can proceed in federal court.

The lawsuit was brought by Westborough-based Cumberland Farms, the American Trucking Associations (ATA), M&M Transport Services Inc. and New England Motor Freight in the summer of 2018. In the suit filed in Providence, R.I., the plaintiffs argue that Rhode Island's new toll system violates the commerce clause of the U.S. Constitution by discriminating against out-of-state trucking companies.

The toll plan launched in June 2018.

However, in March 2019, a federal judge dismissed the lawsuit, ruling that the court lacks jurisdiction and the case should be brought in the state court system, as Convenience Store News previously reported.

On Dec. 5, the First Circuit ruled today that despite the Rhode Island's assertion, the lawsuit was not barred by the federal Tax Injunction Act, which generally prohibits federal courts from hearing challenges to state taxes, according to ATA.

"We have long believed that Rhode Island's RhodeWorks truck-only toll scheme was a violation of the Constitution and an attempt to use our industry as a piggy

bank," said ATA President and CEO Chris Spear. "Today's decision by the First Circuit paves the way for us to make that argument in federal court and we look forward to the chance to vindicate our case on the merits."

The court, which is located in Boston, held that the RhodeWorks tolls are not a "tax," and was not immune from challenge in federal court," the Arlington, Va.-based association said.

"Today's ruling is just another step in getting these extortionary tolls torn down and we would urge the governor and her allies to do the right thing and put an end to this unfair and unconstitutional toll scheme so we can get serious about working together on how to equitably and effectively rebuild our infrastructure," said Rhode Island Trucking Association President Chris Maxwell. "With this ruling in hand, we are confident we will prevail in this suit once it is decided on the merits."

Connecticut lawmakers have been considering a similar truck-only toll; however, the recent appeals court's ruling could out a stop to the proposal, the Hartford Courant reported.

### **New Rules Limit Food Stamp Program**

About 117,000 convenience stores are authorized to accept food stamps, based on a government estimate, and this important segment of their business faces new limitations.

The United States Department of Agriculture, which administers the Supplemental Nutrition Assistance Program, today announced a final rule that requires able-bodied adults without dependents (ABAWDs) ages 18-49 who have been receiving SNAP benefits for three months to work in order to stay on the program.

Specifically, these ABAWDs are limited to three months on food stamps within a 36-month period unless they are working or participating in a work program for at least 80 hours per month or volunteering. The law allows states to waive the limits in areas lacking employment opportunities.

States can also exempt people who are unable to work from the limitation.

In 2018, the USDA said that there were 2.9 million ABAWDs on SNAP rolls, and nearly 74%, or 2.1 million, were not working.

U.S. Secretary of Agriculture Sonny Perdue said the rule is designed to move more able-bodied food stamp recipients towards self-sufficiency and into employment. The rule restores the system to what Congress intended: assistance through difficult times, not a way of life, the USDA said.

In 2000, the unemployment rate was 4% and the number of Americans receiving SNAP benefits was just over 17 million. However, in 2019, the unemployment rate is 3.6% and the number of Americans receiving SNAP is more than 36 million.

--Donna Harris, dharris@opisnet.com

Copyright, Oil Price Information Service

### **Vapor Tax**

Effective December 1, 2019, a new 20% supplemental sales tax will apply to retail sales of vapor products in New York. The tax is collected by a vapor products dealer. Beginning on December 1, 2019, any business that intends to sell vapor products must be registered as a vapor products dealer before making sales of vapor products.

### **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](http://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](http://www.nysassrs.com).

### **UST Compliance Materials**

The association has gathered information on the new EPA testing requirements for UST's. See the News and Announcement column at [www.nysassrs.com](http://www.nysassrs.com) for two valuable resources.

### **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 than the one to be inspected is substitute for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

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

### **All Petroleum Bulk Storage Facilities**

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

THIS WAS MORE THAN 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](mailto: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

**FOR SALE  
ULSTER COUNTY ONLY**

**INSPECTION MACHINE  
AND LICENSE**

**FOR FURTHER INFO CALL**

**DON AT 845-943-0678**

**OR**

**CINDY AT 845-594-4447**

## NEW YORK CITY - 10 Employees or Fewer

	Current	12/31/2018	12/31/2019	12/31/2020	12/31/2021
Gen Minimum Wage	\$12.00	\$13.50	\$15.00	\$15.00	\$15.00
Fast Food Min Wage	\$13.50	\$15.00	\$15.00	\$15.00	\$15.00
<i>Fast Food Differential</i>	<i>\$1.50</i>	<i>\$1.50</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
Minimum Weekly Salary	\$900.00	\$1,012.50	\$1,125.00	\$1,125.00	\$1,125.00

## NEW YORK CITY - 11 Employees or More

	Current	12/31/2018	12/31/2019	12/31/2020	12/31/2021
Gen Minimum Wage	\$13.00	\$15.00	\$15.00	\$15.00	\$15.00
Fast Food Min Wage	\$13.50	\$15.00	\$15.00	\$15.00	\$15.00
<i>Fast Food Differential</i>	<i>\$0.50</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>	<i>\$0.00</i>
Minimum Weekly Salary	\$975.00	\$1,125.00	\$1,125.00	\$1,125.00	\$1,125.00

## NASSAU, SUFFOLK and WESTCHESTER COUNTIES

	Current	12/31/2018	12/31/2019	12/31/2020	12/31/2021
Gen Minimum Wage	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00
Fast Food Min Wage	\$11.75	\$12.75	\$13.75	\$14.50	\$15.00
<i>Fast Food Differential</i>	<i>\$0.75</i>	<i>\$0.75</i>	<i>\$0.75</i>	<i>\$0.50</i>	<i>\$0.00</i>
Minimum Weekly Salary	\$825.00	\$900.00	\$975.00	\$1,050.00	\$1,125.00

## UPSTATE -- ALL OTHER COUNTIES

	Current	12/31/2018	12/31/2019	12/31/2020	12/31/2021
Gen Minimum Wage	\$10.40	\$11.10	\$11.80	\$12.50	Indexed to Inflation
Fast Food Min Wage	\$11.75	\$12.75	\$13.75	\$14.50	\$15.00
<i>Fast Food Differential</i>	<i>\$1.35</i>	<i>\$1.65</i>	<i>\$1.95</i>	<i>\$2.00</i>	<i>??</i>
Minimum Weekly Salary	\$780.00	\$832.00	\$885.00	\$937.50	??

# 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](mailto:badams@lawleyinsurance.com)**

[lawleyinsurance.com](http://lawleyinsurance.com) | 361 Delaware Ave, Buffalo, New York

**Lawley**

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

**FOR SALE  
REPAIR SHOP  
KINGSTON, NY**

4000 square feet

(4) 10x10 overhead doors

(2) stand-up lifts

(1) post lift

Hunter Hawkeye Elite 4 wheel alignment machine

Tire machine and balancer

Engine lift and presses

Waste oil furnace and Radiant heat facility

Many Fleet Maintenance and Repair Contracts

Large Local Customer Base

*Current Business*

*Being Sold For Turnkey Operation*

**FOR MORE INFO  
CALL DAVE  
845-401-8645**

**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.**





**Heartland**

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

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

# **Bradley & Associates, Inc.**

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## **ACCOUNTANTS & CONSULTANTS**

P.O. Box 1093 • Latham, NY 12110  
417 Troy-Schenectady Road

- *Monthly Financial Statement*
  - *Quarterly Payroll & Sales Tax Reports*
    - *Year End Reports & Tax Returns*
- 

*Specialized Reports For The  
Service Station Industry*

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Call For Your Free Consultation & Evaluation  
**(518) 783-8492**

# GRANY

## LEGAL PLAN

As a member in good standing of the Association, you are entitled to participate in our group legal service plan. If you are in need of this service, you must first call the Association office at (518) 452-4367. An appointment will be arranged that will be convenient for you and the attorney.

*Covered services available to members include:*

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

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

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

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

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

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



**CIGARETTE SALES TO MINORS  
CLERK CERTIFICATION**  
COMPLIANCE .WITH THE NEW STATE CERTIFICATION OF  
CLERKS WHO SELL TOBACCO PRODUCTS

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS  
POINT REDUCTION CLASS

NEW YORK STATE AMENDED ITS POLICY OF ENFORCEMENT FOR RETAILERS WHO SELL TOBACCO. UNDER THE NEW LAW A POINT SYSTEM HAS BEEN ESTABLISHED. EACH VIOLATION OF A TOBACCO SALE TO A MINOR WILL GENERATE A FINE AND TWO POINTS. THREE POINTS AND THE RETAILER'S LICENSE TO SELL CIGARETTES WILL BE SUSPENDED. HOWEVER, IF THE CLERK HAS RECEIVED A CERTIFICATION BY TAKING AN APPROVED SEMINAR, THE VIOLATION WILL RECEIVE ONE POINT.

**THE STATE IS ENFORCING THIS LAW**  
*IN ORDER TO ACCOMMODATE OUR MEMBERS,  
WE ARE CERTIFIED TO PROVIDE THIS TRAINING.*  
*PLEASE NOTE DATES, TIME, AND LOCATION OF THE NEXT SEMINAR*

WHERE:

ASSOCIATION OFFICE  
6 Walker Way  
Albany, New York 12205

WHEN:

The First Tuesday of every month at 2:00 PM  
The Third Wednesday of every month at 10:00 AM

COST:

MEMBERS: \$15.00 - NON-MEMBERS \$30.00

**PLEASE CALL FOR RESERVATIONS AT (518) 452-4367**

**SPONSORED BY: GRANY**



Department of  
Motor Vehicles

APPLICATION FOR CERTIFICATION AS A  
MOTOR VEHICLE INSPECTOR

♦ **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.**

FOR OFFICE USE ONLY					
CIA	CIO	CIC	CIS	CIG	CID
Certificate Number		County			
CIRCLE ONE: <b>OE</b> <b>ADD</b>					
Note: Check or money order <b>must</b> be attached to enter OE or ADD					
Group(s)	1	2	3		
	A	A	A	A	
		Y	N		
<input type="checkbox"/> Address Change					
<b>TEST RESULTS</b>					
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	

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.

LAST NAME		FIRST	M.I.	DATE OF BIRTH Month / Day / Year		SEX Male <input type="checkbox"/> Female <input type="checkbox"/>	
MAILING ADDRESS (Include Street No., Rural Delivery and/or Box No.)				HEIGHT Feet Inches		EYE COLOR	
STREET NAME			APT. NO.	HOME TELEPHONE (Include Area Code)			
CITY OR TOWN			STATE	ZIP CODE	COUNTY		
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

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.

17♦ 

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☐ 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.





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** \_\_\_\_\_

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

Date \_\_\_\_\_

♦ **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.

