RSGDA

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Attorney's Corner

By Larry Culley

As most of you know by now, or should know, the N. Y. S. Department of Environmental Conservation ("DEC") requires all underground tank storage systems to be operated by an 'Authorized Operator'. The three categories of operator are "A", "B" and "C" operators.

An "A" operator is to be the owner of the property. The "Facility Owner" means any person who has legal or equitable title to the real property of a facility. The "B" operator is the person running the facility. The "C" operator(s) is an employee(s) of the facility. The testing of "A", "B" and "C" class operators should have been done no later than October 11, 2016, so if somehow you haven't taken this testing yet please arrange to be tested immediately on the DEC website at www.dec.ny.gov/chemical/102202.html as you are already in default.

What many Dealers fail to realize is that the foregoing requirements also apply to all underground tanks storing petroleum products. This includes underground tanks containing waste oil and heating oil.

Finally, always remember that every facility must maintain a list of designated Class "A", Class "B" and Class "C" operators and maintain records (paper or electronic) verifying that training and testing, as applicable, have been successfully completed.

A word to those who are wise should be sufficient.

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

Inside This Issue

Facts and Myths About Harassment

You don't have to look far to see stories about harassment in the workplace. Yet, even with the prevalence of stories about harassment, there are still many misconceptions about it. As a manager, it's up to you to make sure your staff members understand the facts about harassment in the workplace. In addition to a company-wide harassment training program, be sure to address these common myths and facts with your employees.

Myth #1: Sexual harassment is the only unlawful form of harassment in the workplace. Fact: The EEOC defines harassment as "…unwelcome conduct that is based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information."

Myth #2: If a person doesn't complain about being harassed, then it's not harassment. Fact: harassment creates a hostile work environment whether or not it is reported. Some victims of harassment are afraid to make a report, especially when the harasser is their boss. This can lead to escalating harassment that puts the victim and the business at even more risk.

Myth #3: It's only harassment if a manager or supervisor harasses a subordinate. Fact: Harassment can be unlawful and result in disciplinary action regardless of who is involved. A harasser can be a supervisor, subordinate, co-worker, vendor, or even a customer. It is the company's responsibility to protect employees against all types of harassment.

Myth #4: The only person who can report harassment is the person being harassed. Fact: every employee – regardless of their position – has an obligation to report workplace harassment if they witness it. It is the company's responsibility to make sure employees understand reporting policies.

Myth #5: Employees can be terminated for reporting harassment that can't be proven. Fact: Companies cannot retaliate against employees who report harassment in good faith. Managers should maintain an open-door policy and encourage all concerns to be reported.

Employee complaints of harassment can lead to expensive court case and fees fines of settlements.

BP Turns to Text to Increase Customer Loyalty

BP is on a mission to understand its customers' taste for technology.

As part of this mission, the fuels company has rolled out a texting-based pilot program called BP Offers. Launched at the start of this month, BP Offers easily enables BP customers to join by simply texting "MOBILE" to 38831. Once BP Offers members, they start receiving personalized messages, interactive games, and discount codes directly to their phone.

The importance of the loyalty side of the fuels business cannot be overstated, which is why BP is making a push to its customers through text.

"All of the communications we send will be based on cents-per-gallon discount codes. The first one we sent was a bit more generic; there was a really fun, kind of spin-to-win game that you could just play on your phone and you could win a different level of cents-per-gallon reward," Jo Brecknock, director of US Fuels Brand & Communications for BP, told Convenience Store News, noting that more interactive games are in the works.

"Once we get a bit more into the program, we'll target those messages based on someone's transaction history. So, depending on whether we're going to pull them back in to buy more fuel at BP, or just want to reward them for coming to BP regularly," Brecknock added.

As Brecknock pointed out, BP is not alone in its desire to get closer to the customers who go to its sites and buy its products, and to understand the best way to go about effectively building relationships with these consumers.

"It's a really tricky balance of inserting the brand into the consumers' lives vs. the consumer inviting us in. Particularly in the case of a fuels brand. What we're trying to test here is if texting is potentially one of those preferred channels that consumers would like to use to engage with BP," Brecknock explained. "[We're] trying to test if consumers — specifically the younger consumers that come to BP sites — whether they're more interested in engaging with brands through different types of technology."

BP seeks to gain loyalty through doling out limited-time offers and cents-off-per-gallon discounts as rewards for consumer-brand interactions, according to Christy Ford, brand manager, Interactive Marketing for BP, further articulating the idea behind BP Offers.

"Really, the message is around getting [consumers] engaged with our site and then rewarding them for engaging with our site," Ford told CSNews. "There will be some fun ways that we'll be able to test giving different types of offers to consumers."

BP will primarily promote the BP Offers program onsite using point-of-purchase (POP) signage. The company will also tap social media, email, and digital advertising on mybpstation.com.

Getting the word out, however, is just part of the battle. Once consumers join BP Offers, the question remains whether or not they'll be active participants in the texting loyalty program. If it works, BP will continue the program; if it doesn't, the company will set about finding a channel that proves more appealing to its customers.

"We're super keen to see if consumers like [BP Offers]. That's really why we're doing this. We're building some learning in the first six months," explained Brecknock.

"Based on if we're able to acquire consumers into the database, if we see consumers engaging with BP through this channel and, obviously importantly, if we see fuel volume increasing as a result… those are the things we would consider when we think about continuing this as a channel of communication," Brecknock continued. "We always have more ideas, and are definitely looking at different channels of communications and different ways of getting consumers to engage. There will definitely be things coming."

Sunoco on Pace To Exit

Company-Operated Stores By Year's End

With four months to go before the end of the year, Sunoco LP is on track to leave the company-operated store business before it rings in 2018.

According to CEO Bob Owens, the company's sale of roughly 1,110 company-operated c-stores to Irving, Texas-based 7-Eleven Inc. is in "typical and customary regulatory discussions with the Federal Trade Commission" and Sunoco expects the transaction to close by the end of the fourth quarter.

The $3.3-billion deal also includes the trademarks and intellectual property of The Laredo Taco Co. and Stripes. Not included in the deal is Sunoco's Aloha Petroleum Ltd. business unit in Hawaii or Sunoco's APlus franchisee-operated stores.

Owens, who addressed the sale of Sunoco's company-operated stores during the company's second-quarter earnings call on Aug. 9, also noted that the company is in the process of completing advanced stage discussions with final bidders regarding the sale of its West Texas assets.

In April, Sunoco retained JP Morgan Securities LLC to manage the marketing process for the remaining approximately 200 company-operated convenience stores in North and West Texas, New Mexico and Oklahoma in a separate process. Those stores are not part of the 7-Eleven transaction.

That deal is also on track to close by year's end, he said. "We are seeking to maximize unit holder value in this transaction," Owens added.

In addition, Sunoco's sale of approximately 100 retail locations through NRC Realty & Capital Advisors LLC is "ongoing," he said.

According to the chief executive, NRC has sold or has under contract to sell approximately 35 percent to 40 percent of the initial 100 sites and is actively marketing an additional roughly 20 percent, including active sites land bank and excess land.

He added that approximately 30 percent of the original 100 sites were included in the 7-Eleven transaction and another 10 percent migrated to Sunoco's West Texas sales process.

"We remain on track to substantially exit the company-operated retail convenience store space within the continental United States by the end of 2017," Owens said. "As these are active processes, we are limited in what we can say and we will provide any meaningful updates as is appropriate at the appropriate time."

Other Store Moves

As it moves to exit the company-operated c-store business in the continental U.S., Sunoco is in the process of rebuilding and outfitting locations along the Indiana Toll Road. The first four rebuilt plazas reopened in April and another in June, according to Owens.

In Hawaii, the company's Aloha Petroleum chain previously entered into a store development agreement with Dunkin' Donut to build and operate 15 Dunkin' Donut restaurants over an initial eight-year term. The first location — a freestanding drive-thru near the Honolulu airport — opened in late July.

Aloha expects to open the next two stores later this year, he added.

Dallas-based Sunoco is a master limited partnership that operates 1,353 convenience stores and retail fuel sites and distributes motor fuel to 7,937 convenience stores, independent dealers, commercial customers and distributors located in 30 states. Its parent company, Energy Transfer Equity LP, owns Sunoco's general partner and incentive distribution rights.

California May See Highest Gasoline Price in U.S. in Future: Stillwater

While it would be impossible to predict the exact retail gasoline prices Californians would pay in the future, one component of the retail price formula in the Golden State is expected to become dominant.

Californians, already paying one of the highest gasoline taxes in the country, will see a hike in total fuel tax at the pump on Nov. 1 and a further increase in climate change fuel costs in 2020, according to Stillwater Associates. These higher taxes could make California retail gasoline prices significantly more expensive in the future, compared with other states in the country.

As of July 1, 2017, total fuel-related taxes in California were pegged at $0.78/gal, or about 26% of today's average gasoline price of $2.976/gal in California, the consulting firm said. By Nov. 1, 2017, total fuel taxes in California will rise to $0.90/gal due to the SB 1 tax increase, it said.

This fuel tax in California is expected to jump above the $1/gal threshold in 2020 to $1.15/gal, mainly due to the higher cost associated with the Low Carbon Fuel Standard (LCFS) and Cap and Trade, Stillwater said.

According to the Tax Foundation, California had the seventh-highest gasoline tax, including state tax and fees, in the country at $0.3813/gal, as of Jan. 1, 2017. Pennsylvania had the highest gasoline tax at $0.582/gal, and Alaska the lowest at $0.1225/gal.

However, California could be one of the highest in the country after factoring the other taxes. Besides federal and state fuel taxes, as of July 1, 2017, California retail gasoline prices included a state underground storage tank fee of $0.02/gal and cost of Renewable Fuel Standards for 2017 Renewable Volume Obligation at $0.07/gal, cost to fuel of LCFS at $0.04/gal and cost to fuel of Cap and Trade at $0.11/gal, Stillwater said.

On Monday, California has the second-highest average retail regular gasoline price in the country at $2.976/gal, according to the Daily Fuel Gauge. Hawaii has the highest price at $3.085/gal.

Leigh Noda, a consultant at Stillwater, said that the LCFS cost in transportation fuels is the growing hidden tax in California.

The LCFS increases the cost of the gasoline and diesel fuels produced from crude oil by requiring credits to offset the LCFS deficits, he said. Stillwater projects that this LCFS

program will add another 20cts/gal to the consumer price of gasoline by 2020, Noda said.

As of July 1, the LCFS cost had been relatively low, about 4cts/gal for CARBOB, currently compared to an 11ct/gal cost for Cap and Trade for fuels under the cap, Noda said. However, going forward, the cost for the LCFS is expected to grow and overtake the Cap and Trade costs, he added.

Noda said that renewable and alternative producers and suppliers effectively increase the value of their products by the value of the LCFS credit. The same fuel that creates a credit in California has more value than if that product were sold in a state without a low carbon fuel standard, like Washington or Nevada, he said.

Since most of the transportation fuel sold within the state comes from crude oil, and all suppliers of fuels from crude oil are regulated parties in the LCFS program, the cost of the LCFS is a cost that is passed along to the consumer, Noda said. Therefore, it is expected that any increased cost of the LCFS due to an increase in LCFS credit price will be reflected in the pump price. As such, the LCFS cost is in effect a "hidden tax" on the consumer, he added.

Bullish Expectations

Meanwhile, Stillwater said that it has developed a projection for the LCFS cost in gasoline and diesel based on several assumptions, including the consulting firm's expectation of LCFS credit prices to rise in 2018 as the rate of deficit generation approaches the rate of credit generation.

Also, in 2019, 2020 and in each year to 2030, LCFS credit prices will be at the Credit Clearance Market price since each year is a net credit deficit, it said. The LCFS will be a straight-line progression to 18% reduction in 2030, Stillwater said.

The current regulation is treated as extended to 2030 with a linear extension of the standard to an 18% reduction, and changes to the fuel mix and fuel carbon intensities (CIs) are not significant enough to increase LCFS credit generation enough to relieve yearly deficits, Stillwater said.

Stillwater also assumes that the LCFS cost in gasoline as sold (10% ethanol) includes the value of the LCFS credits associated with 79.9 CI ethanol, and the LCFS cost in diesel as sold assumes 5% vegetable/soy biodiesel and includes the value of the LCFS credits associated with vegetable/soy biodiesel. This assumes no changes as a result of the recent Appeals Court ruling, Poet I, on the adequacy of CARB's rule-making regarding their baseline for biodiesel NOx emissions.

"If our assumptions about 2030 hold true, the LCFS cost will rise to 58 cts/gal on gasoline. In the future, the LCFS will increasingly impact (raise) the price of gasoline and diesel fuels for California consumers," Noda said.

"So far, this pending increase is not on the public's radar. Perhaps a closer look is warranted to look at the cumulative impacts of SB1, Cap and Trade, and the LCFS on the price of fuels during the next five years," he said.

The enacted taxes and hidden taxes increase by 37cts/gal for gasoline and 56cts/gal for diesel fuel from June 2017 to 2020, Noda said.

The level of the increase are multiples of the increases in SB 1 alone, he said. Gasoline prices in California are among the highest in the nation, the changes above will extend California's lead, Noda said.

--Edgar Ang, eang@opisnet.com

BAT's Acquisition Of Reynolds A Done Deal

Reynolds American Inc. (RAI) is now officially an indirect wholly owned subsidiary of British American Tobacco plc (BAT).

The move comes as BAT wrapped up its acquisition of the remaining 57.8 percent of RAI it did not previously own in a $49-billion deal struck between the two companies in January.

According to BAT, the acquisition creates a stronger, global tobacco and Next Generation Products company committed to delivering sustained long-term profit growth and returns.

BAT now has a balanced presence in high growth emerging markets and high profitability developed markets, combined with direct access to the attractive U.S. market, the company added.

"This is a transformational deal. We will take the best of the best from both businesses across all areas to create a stronger, more sustainable company. We are pleased to welcome Reynolds group employees to British American Tobacco and look forward to progressing what we are confident will be a smooth integration," said BAT's Chief Executive Nicandro Durante.

"Work has already begun to realize the projected cost synergies and we are committed to driving continued, sustainable profit growth and returns for shareholders long into the future," Durante added.

Among the immediate changes post acquisition, RAI shares are no longer trading on the New York Stock Exchange (NYSE) and will be delisted from the NYSE as soon as practicable. In addition, Lionel L. Nowell, Holly Keller Koeppel and Luc Jobin join the BAT board of directors as of July 21. All three previously served on RAI's board.

Based in Winston-Salem, RAI is the parent company of R.J. Reynolds Tobacco Co., Santa Fe Natural Tobacco Co. Inc., American Snuff Co. LLC, Niconovum USA Inc., Niconovum AB and R.J. Reynolds Vapor Co.

London-based BAT is a global tobacco group with brands sold in more than 200 markets.

New York City Restricts Consumer Access To Tobacco Products

Last week, the New York City Council passed legislation that further restricts access to tobacco products throughout the city. The legislation, introduced in April by Mayor Bill de Blasio and members of the council, will:

- Raise the minimum price for a pack of cigarettes from $10.50 to $13, set minimum prices and minimum pack

sizes for other tobacco products and set a 10% tax on tobacco products other than cigarettes.

- Prohibit the sale of all tobacco products in pharmacies.
- Cap the number of tobacco retailers in the city and cut the number in half through attrition.
- Require a retail license to sell electronic cigarettes and cap e-cigarette licenses in a similar way to other tobacco licenses.
- Increase the fee for tobacco retail licenses.
- Require residential buildings to establish smoking policies and disclose them to both current and prospective residents.
- New York Daily News writes that nine council members voted against the bill to boost the cost of cigarettes, many citing concerns it would disproportionately burden low income New Yorkers.

A coalition of convenience and grocery stores, bodegas and newsstand operators slammed the bills:

"These measures will destroy the business investment of retailers who have been leading the effort to prevent youth access to tobacco products, and the result will be lost revenue, lost jobs and an increasing number of sales in unregulated and illegal settings," Jim Calvin, president of the New York Association of Convenience Stores, told the news source.

New Jersey Raises Tobacco Purchase Age To 21

New Jersey has become the latest state to change the tobacco buying age to 21, AOL.com reports. Gov. Chris Christie signed the new law on Friday. "By raising the minimum age to purchase tobacco products to 21, we are giving young people more time to develop a maturity and better understanding of how dangerous smoking can be and that it is better to not start smoking in the first place," Christie said in a statement.

New Jersey's law applies to all tobacco products, including electronic cigarettes. The new law will go into effect on November 1.

Meanwhile, merchants are disappointed about the change, given that neighboring states will still sell tobacco products to those between the ages of 19 and 21, WFMZ-TV reports. "It's going to be a negative business-wise," said Sal Cassar, owner of Towne Market in Phillipsburg, N.J. "There's no two ways about that."

Cassar estimated that customers between the ages of 19 and 21 buy around a third of his tobacco sales. "You don't only lose the cigarette sell, [you also lose] any other associated product that the customer was going to buy," he told the news source.

Meanwhile, in Maine, Gov. Paul LePage vetoed a bill that would have increased the state's tobacco buying age to 21, the Press-Herald reports. "I believe that at 18 they are mature enough to make a decision and I'm tired of living in a society where we social engineer our lives," the governor said of his veto.

Maine Smoking Age Jumps To 21

Next July, Maine will become the fourth state to have a smoking age of 21 and older, the New York Times reports. This week, legislators voted to overturn Gov. Paul LePage's veto of the measure.

LePage had objected to the bill, labeling it as trying to "engineer our lives." He also said it wasn't fair to ask 18-year-olds to join the military and not have a choice on tobacco usage.

State Sen. Paul Davis, who sponsored the bill, said LePage didn't get the purpose of the new law. "People who join the military don't have 15-year-old kids following them around and being impressed by their actions," Davis said. "It's about the availability of cigarettes in schools."

The law will take effect July 1, 2018. The change applies to hookah pipes, smoking accessories and electronic cigarettes, as well as traditional tobacco products.

Oregon Raises Smoking Age To 21

This week, Oregon becomes the fifth state to designate 21 as the legal age to purchase tobacco products, the Independent reports. Gov. Kate Brown signed the bill, which applies to traditional tobacco products as well as electronic cigarettes.

"I want to make sure that we continue to reduce the number of young people starting to smoke, but it's also critical that we reduce the number of people smoking," Brown said.

The new law will focus on tobacco retailers who sell to minors rather than the buyers themselves, The Oregonian reports. Fines for cashiers and managers who allow anyone under 21 to buy tobacco products start at $50 and $250, respectively, but can jump to $500 and $1,000 for multiple instances.

Overall, smoking rates have been falling in the United States, with adult smoking rates dropping from 21% in 2005 to 15% in 2015.

Other states considering upping the age restriction to 21 for tobacco products this year include Michigan, Washington, Texas, Arizona, Nebraska, Connecticut, Vermont and Florida. Currently, only California, Maine, New Jersey and Hawaii have statewide restrictions on being 21 to buy tobacco, although around 200 other localities have also raised the minimum tobacco purchase age above 18. For more, read "Must Be 21 to Buy" in NACS Magazine.

Minneapolis Restricts The Sale Of Menthol Cigarettes

Last Friday, the Minneapolis City Council voted to restrict the sale of menthol cigarettes in the city to tobacco shops and off-sale liquor stores, reports the Minneapolis Star Tribune. The new regulations on menthol, mint and wintergreen tobacco products will take effect in August 2018. The city says the restrictions will cut the products' availability from 318 outlets to 23 tobacco shops and 24 liquor stores.

The restriction adds to an already existing citywide limit on flavored tobacco sales. The news source writes that convenience store owners have raised concerns about the restriction, which they say will hurt their businesses.

After the vote, convenience store owners in red T-shirts reading "Enough is Enough" gathered outside the council chambers, according to the news source. The retailers say the new menthol ban will cut into profits at a time when their operations are already challenged by the flavored tobacco restriction, citywide paid sick leave requirements and the upcoming $15 minimum wage hike.

Richard Bohnen, who owns two gas stations in south Minneapolis, says he can continue to operate his stores but isn't sure how much he wants to.

"It's an absolute joke being in Minneapolis right now," he told the news source. "Between the $15 an hour, the paid sick leave … I don't want to be there."

Cook County Soda Tax In Effect

A judge lifted the temporary restraining order on Cook County's penny-per-ounce tax on soda, which means merchants will have to start collecting the tax this Wednesday, the Chicago Sun-Times reports. The Illinois Retail Merchants Association filed a lawsuit to halt the tax, which had been slated to go into effect July 1.

"The only question and duty before this court is to determine if the merchants have set forth sufficient substance in the verified complaint to withstand the county's motion to dismiss," said Judge Daniel Kubasiak, who had halted the tax until his ruling on the lawsuit. "The court concludes that the merchants have not, and that the county's motion to dismiss must be granted."

"We're disappointed by today's ruling and we're going to consider our legal options," said Robb Karr, president and CEO of the retailer's association. "I can only imagine the outrage felt by consumers throughout Cook County as they may soon have to pay this tax."

David Ruskin, the attorney for the retailers, indicated that the association isn't ruling out an appeal. The lawsuit argued that the tax wasn't clear enough in how it classified sweetened beverages, thus making the tax too vague for distributors and consumers.

Cook County's Beverage Tax Violates Snap Rules

The Chicago Tribune wrote last week that the U.S. Department of Agriculture Food and Nutrition Service has warned Cook County that the collection of its new beverage tax is violating federal Supplemental Nutrition Assistance Program (SNAP) rules.

Federal regulations prohibit special taxes on food items purchased with SNAP benefits. However, writes the Tribune, Cook County has allowed retailers to tax such purchases "and provide refunds as a workaround for stores that haven't been able to program their point-of-sale systems."

In a letter dated August 7, Tim English, regional administrator for the Midwest Region at the USDA's Food and Nutrition Service, warned the Illinois Department of Human Services that it could lose federal funding—roughly $87 million—for administering the tax.

"[Food and Nutrition Services'] strict interpretation that retailers may not charge the tax to SNAP recipients at any time and that providing an immediate subsequent refund … does not cure the problem or the violation of the law," said James Dimas, secretary of the Illinois Department of Human Services, in a memo to Cook County President Toni Preckwinkle.

Cook County spokesman Frank Shuftan said in a statement that the county was unaware the USDA considered the county's regulation to be unacceptable after a June phone conversation, and that the county believed USDA was considering the policy and would follow up with any concerns.

"At this time, we believe we are in compliance with existing SNAP rules. We do however recognize that USDA's powers against the state in this regard are substantial and we will work collaboratively with both the state and USDA to address USDA's concerns," Shuftan said in the statement.

The Illinois Department of Human Services has until August 21 to submit a plan that details how the Cook County beverage tax will be fixed, or confirm a delay of the tax to allow retailers more time to program their point-of-sale systems for SNAP purchases.

The news source notes that it is not known how many Cook County retailers are applying the tax to SNAP purchases and then offering refunds.

Britain To Ban Fuel-Powered Vehicles In 2040

Britain's government announced this week that sales of new diesel and gas-powered cars would be banned by 2040 to combat air pollution.

The New York Times reports that Britain's plans are similar to a pledge made recently by France. Following the country's July 7 news, John Eichberger, executive director of the Fuels Institute, commented: "The progress towards a more diversified and sustainable transportation system will continue and government initiatives will spur more rapid adoption, but even France has carved out a safety net for consumers and automakers in the event electric powertrains do not develop to be commercially viable and available in sufficient numbers in time to satisfy the proposed mandate." He added that that Britain seems to have removed that safety net by including traditional hybrids in its ban.

Britain's new clean air strategy, notes the Times, calls for sales of new gas and diesel cars and vans to end by 2040. The government will also make 255 million pounds, or $332 million, available for local governments to take short-term action, such as retrofitting buses, to reduce air pollution.

"It is important that we all gear up for a significant change which deals not just with the problems to health caused by emissions, but the broader problems caused in

terms of accelerating climate change," Michael Gove, Britain's environment secretary, told the BBC.

The Times says that Britain's announcement suggests that European governments and the public have turned against diesel and internal combustion engines.

U.K. Bans Credit Card Fees

Starting in January, U.K. businesses, governments and retailers will no longer be able to add a surcharge to credit card transactions, Ars Technica UK reports. Such surcharges typically aren't levied on debit cards, although the news article pointed out that some small convenience stores will add a surcharge on any card payment.

In 2015, a European Union directive capped the swipe fees merchants would have to pay at 0.3% for credit cards and 0.2% for debit cards. In the directive, the EU said that such interchange fees cost retailers as much as €13 billion annually across Europe. The United Kingdom estimates the cost to U.K. businesses to be £473 million in 2010.

The U.K. ban will apply to Visa, MasterCard, American Express, Apple Pay and PayPal, going beyond the usual focus on only credit cards. The United Kingdom, like the United States, is moving from paying as much with cash, with cash payments only accounting for 48% of transactions in 2015.

Visa is pushing for that transition to continue with its announcement last week to give incentives to businesses that refuse to accept cash. The credit card company is running a pilot program with 50 U.S. restaurants, with plans to expand to the United Kingdom. In exchange for $10,000, the restaurants agreed to only accept mobile or card payments. "We're focused on putting cash out of business," said Al Kelly, Visa's CEO, in the Wall Street Journal.

Cash Discount / Credit Surcharge

Due to the Supreme Court Decision to return the "Expression Hair Design v. Schneiderman" back the the lower court, we requested an interpretation from New York State Agriculture and Markets on enforcement of the law that restricts our industry from charging for credit, We received a response, see below.

We will continue to pursue this matter with the Attorney General

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Dear Mr. Bombardiere

This email is in response to your letter to Commissioner Ball regarding a recent court decision involving charges for credit cards and discounts for cash.

I appreciate how important the case "Expressions Hair Design v. Schneiderman" is to you and your members, however, it is our understanding that the case is still being considered and a final decision has not been reached yet. It is also important to understand that while the Department regulates the posting of prices on retail motor fuel dispensers, it does not regulate acceptable payment options and you may want to consider contacting the Attorney General's Office for additional guidance. As of this date, enforcement practices concerning price posting have not changed, however, we will continue to monitor the case's progress.

Please feel free to contact me should you have any further questions.

Kind Regards,
Mike Sikula
Director
NYS Department of Agriculture and Markets
Bureau of Weights and Measures
10B Airline Drive, Albany, NY 12235

Skimmers Switch To 'Shimmers'

Just when you thought the tide might be shifting toward the good guys in the skimming game, the bad guys unleash a new weapon—the shimmer, WFMY-TV reports. The paper-thin device about the size of a credit card can be wedged into the card slot of a gas pump or ATM. A microchip embedded in the shimmer, along with flash storage, can grab credit and debit card data that thieves use to create a counterfeit magnetic strip card.

The good news is that shimmers only work on mag-stripe card readers, not on chip readers. The bad news is that it's even harder to see if a shimmer has been secreted inside the card reader.

The Better Business Bureau (BBB) is alerting the public to be on the lookout for shimmers by monitoring credit and debit card statements. "So, it's account information, it's pin numbers, it's the encrypted information that's already taken place. They'll take that information, and then create dummy cards from that data that was harvested from that machine," said Sandra Guile, a BBB spokeswoman.

The BBB also noted that when inserting a card into a reader with a shimmer, the card sometimes become stuck, FOX19 in Cincinnati reports. Other suggestions for consumers to protect themselves from shimmers include opting for the chip reader, withdrawing funds inside the bank instead of at the ATM and covering the keypad with your hand when entering a PIN.

More Skimmers Found In Florida

Law enforcement authorities are investigating skimmers planted inside dispensers at several gas stations in Highlands County, Fla., from mid-June through early August.

In many of these cases, the skimmers were detected after customers reported the pump malfunctioned. The Highlands County Sheriff's Office is urging motorists to notify gas station employees if the pump seems to be acting up, particularly if the keypad seems to malfunction or if the pump is slow to respond.

Skimmers, which are small devices designed to steal payment card information, were discovered Aug. 3 at two CITGO stations in Avon Park, Fla. More skimmers were found at two other CITGO stations in the same town June 17 and July 6, and at a Marathon station in Sebring on July 31.

Authorities said the skimmers were installed inside the pump, not on the card reader. The devices allow crooks to pull back up to the pump and download the data, possibly through Bluetooth technology.

Highlands County Sheriff Paul Blackman warned consumers to look for a security seal on the pump. "If the pump has been tampered with, the seal should say 'opened' or 'void' or give some other indication," Blackman said in an announcement.

The sheriff also advised consumers to pay for fuel with cash or use a payment card to pay for fuel inside the stations. If paying at the pump, he said to use a credit card -- not a debit card -- to avoid letting thieves tap right into a bank account.

--Donna Harris, dharris@opisnet.com

Japanese Carmakers Team Up To Tackle EV

Japanese automakers Toyota and Mazda announced late last week that they would jointly invest in a new manufacturing facility in the U.S., as well as work together to build up their respective electric vehicle technologies.

"The auto industry increasingly faces great challenges, including stricter environmental and safety regulations for new vehicles and the entrance of competitors from other industries, as well as the diversification of mobility- related businesses. With the future of the industry in mind, in addition to leveraging their individual strengths to further improve technologies and reinforce their business foundations, Toyota and Mazda aim to deepen collaboration and achieve sustainable growth through their partnership, rising to face and overcome these pressing challenges," the companies said in a statement released on Friday.

The deal centers around a joint-venture agreement that will see the Japanese companies split the cost of a $1.6 billion plant that would produce an estimated 300,000 vehicles annually. The plant is expected to begin operations in 2021. As part of the deal, the companies will also collaborate on EV technologies.

"With increasing demand and expectations for electric vehicles worldwide, Toyota and Mazda are to explore joint development of technologies for the basic structure of competitive electric vehicles, mobilizing and exchanging expertise freely and actively. These technologies will allow the companies to respond quickly to regulations and market trends in each country," the companies said.

Despite being one of the largest auto manufacturers in the world, Toyota has lagged behind competitors in the EV space, focusing instead on hybrid and fuel cell vehicles (FCV). The carmaker released this year its first plug-in hybrid -- the Prius Prime -- at a base price of around $27,000. The company's FCV offering -- the Mirai -- comes in at nearly $58,000. Toyota had previously stated its intention of introducing a mass-market EV by 2020.

Recognized by the EPA as the "most fuel-efficient carmaker in America" for 2015, Mazda has to date appeared disinterested in joining the EV trend. However, beginning next year, the carmaker must begin complying with California zero-emission vehicle (ZEV) requirements, forcing it to provide the market with at minimum a plug-in hybrid model or to purchase ZEV credits from competitors.

Mazda, which expects to introduce an all-electric model to the U.S. by 2019 specifically to meet the California ZEV mandate, entered into an agreement with Toyota in 2010 to use the latter's hybrid technology in its own vehicles.

Given the California ZEV mandate and a potential tightening of Corporate Average Fuel Economy standards (CAFE), carmakers can no longer afford to write off EVs as a passing trend, according to Devin Lindsay, principal automotive analyst for IHS Markit, the parent company of OPIS.

"Really, no one can afford to relax and not invest in the technology because it's going to be needed, not only to help their overall fleet score for CAFE, but also for the ZEV mandate," Lindsay said.

--James Burbridge, jburbridge@opisnet.com

Gasoline Margin Pinch Reaches Sixth Straight Week

Gasoline gross profit margins declined nationwide for the sixth straight week, a time frame that has seen station profits cut in half. The shift in fortunes for retailers is in stark contrast to second-quarter profits that were among the best of 2017.

Nationwide gasoline profits plunged another 13% to 15.9cts/gal, while diesel station margins took a bigger hit, shrinking 26%. They too have been reduced to half of what they were six weeks back.

East of the Rockies margins are uniformly tight and all markets trail the nicer profits on the West Coast. However, West Coast margins are nothing to brag about and are mired in the same slump as the rest of the country.

A look at Retail Fuel Watch's state-by-state tally reveals a number of places where gross margins start in the single digits, and most are in the south from North Carolina down into Texas and up into Missouri.

The gasoline picture across the U.S. continues to reflect a firm tone with another few weeks left in the summer gasoline season. Wholesale and retail prices have been on the upswing and demand for gasoline has been exceedingly strong, at least according to the data from the Department of Energy.

The only blemish on the demand data was Marathon's observation in its quarterly earnings earlier that July gasoline volumes were off 2% from July 2016 at its Speedway pumps blaming higher prices. Also a survey of actual station volumes by OPIS shows demand trends that trail the lustrous DOE numbers through July.

Nonetheless, the U.S. Energy Information Administration this week tallied its final May 2017 gasoline demand figures and its measurements smashed May records for any year. IEA put final May demand at 9.59 million b/d, actually revising the previously published and very brisk

weekly measurements higher. The weekly numbers had implied demand of 9.564 million b/d.

The freshest data from the DOE weekly numbers reveal the all-time highest single-week number for gasoline deliveries at 9.842 million b/d.

In Canada, retail stations pumping gasoline and diesel fuel are seeing overall station margins for both products declined for the sixth-consecutive week, the latest data compiled by Retail Fuel Watch reveals, which mirrors the experience of their U.S. counterparts where gross profits have also declined over the last month-and-a-half.

The net result for both Canada and the U.S. is that gasoline and diesel profits have hit fresh summer lows. Both nations also can testify to the fact that overall profits have been slashed in half over the last six weeks.

In Canada, gross gasoline margins now stand at a slim 4.5 cents per liter while diesel margins shriveled to 7.6 cpl. Gasoline profits slipped by 8.5% week over week, a smaller decline than the 22% slide in diesel spreads.

Not one of the 10 provinces measured by RFW show gross gasoline margins with double digits. Prince Edward shows gross margins at 9.0 cpl, the best in Canada. Manitoba sports the thinnest station profits for gasoline at 1.7 cpl, and that actually increased week to week.

Nearly all of provincial sites experienced profit declines over the week.

Diesel station margins did decline through all 10 provinces without exception. Quebec and Ontario reveal the tightest diesel margins while Newfoundland and Alberta top RFW's list.

--Ben Brockwell, bbrockwell@opisnet.com

BP Sees Oil Prices At $45-$55/Bbl In 2018, $50/Bbl In The Next Five Years

BP is expecting the price of oil to be at the $45-$55/barrel level next year, the group's chief financial officer, Brian Gilvary, said Tuesday while presenting the company's second-quarter results.

"The $45-$55/bbl a range around seems like a reasonable assumption today," the CFO told the analysts during the Q&A session. The company expects prices to be more supported in the current quarter and taper off toward the end of the year, he added.

The group is basing its capital budgeting on a price assumption of around $50/bbl over the next five years, the group's CEO, Bob Dudley, said during the same session.

"In our thinking [the $45-$55/bbl next year] that's [a] pretty good fair way for us going forward. Thinking about $50 [a barrel] oil for the next five years are the numbers we are going to use right now and keep the discipline about it," he said.

BP's organic capital expenditure was $7.9 billion in the first half of the year with $4.3 billion spend in the second quarter. The full-year spending generated from the internal funds for 2017-2021 are set at $15 billion-$17 billion per annum with flexibility at the lower end depending on the oil price, according to the company's records.

BP said today that its profit on the so called replacement cost basis -- a main industry measure -- fell to $680 million for the second half, around 5% lower than the same period a year ago and 55% lower than the first quarter of 2017, although beating analysts' expectations.

Higher exploration write-offs and lower profits from oil supply and trading contributed to the lower numbers. However, a better refining commercial optimization put a buffer to the profits, even with a higher level of refinery turnaround activity, the group said.

Second-quarter operating cash flow, excluding Gulf of Mexico oil spill payments, was $6.9 billion. Including these payments, operating cash flow for the quarter was $4.9 billion.

Upstream production was 10% higher than in the same period in 2016; first-half production was 6% higher with upstream projects on track.

--Paulina Lichwa-Garcia, plichwa-garcia@opisnet.com

Final May 2017 Gasoline Demand Numbers Smash Record

Some traders might call it a "midsummer 'head fake,' " but the Energy Information Administration today released its final numbers for May 2017 gasoline demand, and the measurement smashed records for the fifth month of any year.

EIA put final May demand at 9.59 million b/d, actually revising the previously published and very brisk weekly measurements higher. The weekly numbers had implied demand of 9.564 million b/d.

The final reckoning puts May 2017 demand some 154,000 b/d above that of May 2016, easily topping the 9.436 million b/d of consumption registered last year. Back in 2007, May gasoline demand was at 9.434 million b/d in what stood as the record year for consumption until 2016 was completed. The year-on-year increase of 1.6% this May is one of the larger increments in recent memory and follows a record April.

Cheap gasoline is apparently the catalyst for the additional demand. May 2011 produced average gasoline demand of just 8.817 million b/d, but the nationwide average price (as calculated by OPIS) was $3.717/gal that month, compared to just $2.3553/gal in May 2017.

Unlike previous revisions, there were no drastic changes in exports that could account for the upgrade. Final finished gasoline exports were put at 599,000 b/d, or just 1,000 b/d higher than what weekly estimates implied.

There are hints that the large year-on-year increases of spring may give way to flatter comparisons this summer. In its earnings conference call, Marathon noted that Speedway volumes this month were off by more than 2% from July 2016. Other retailers polled by OPIS also suggest some demand attrition.

Meanwhile, distillate statistics were mixed. On the one hand, the final reckoning of 3.969 million b/d was up a robust 224,000 b/d from May 2016. But that number

represented a downward revision from the 4.078 million b/d figure suggested by the weekly estimates. It appears as though some exports were miscounted as domestic demand during the actual May measurements at the time.Distillate exports soared to 1.515 million b/d in today's Petroleum Supply onthly, easily establishing a new record.

Some other notes:

--Crude oil production rose 59,000 b/d in May 2017 to 9.169 million b/d.

--Among key states, Alaska output dropped by 17,000 b/d and North Dakota fell

12,000 b/d. Texas saw an increase of 78,000 b/d, no doubt reflecting growth in the Permian Basin.

--The crude oil that refiners ran in May was incredibly light and sweet for the most part. In terms of API gravity, refiners haven't had a slate this light (API Gravity was 32.05) since well before many companies concentrated on upgrades to run cheaper sour and heavy crudes. One has to go back to June 1990, before billions of dollars of upgrades, when processors ran a slate that averaged API Gravity 32.14.

--Tom Kloza, tkloza@opisnet.com

ExxonMobil Doubles Q2 Earnings YOY; Downstream Results Grow 68%

ExxonMobil Corp. reported second-quarter earnings of $3.4 billion Friday, twice what they were for the April-June period of 2016.

Higher commodity prices and improved refining margins contributed to the results, according to the integrated oil major.

Upstream earnings rose $890 million to $1.2 billion even as produced volumes fell 1% to 3.9 million barrels of oil equivalent per day versus a year ago. The decrease was due to lower entitlements, ExxonMobil said, while increases from projects and work programs more than offset the impacts of field decline.

Liquids production was 61,000 b/d lower year on year at 2.3 million b/d. Natural gas output was 9.9 billion cubic feet per day, up 158 million cubic feet per day compared to Q2 2016.

In the U.S., net production of crude and NGLs was 520,000 b/d, up from 495,000 b/d in Q2 2016. ExxonMobil's U.S. natural gas output was slightly lower year on year -- 3.083 MMcf/d versus 3.097 MMcf/d.

In the downstream sector, Q2 earnings grew 68% year on year to $1.4 billion on higher refinery volumes and increased refining margins. Worldwide, Q2 refinery throughputs were up 4.6% year on year, with increases of 3% in the U.S. and 4% in Europe. Asia Pacific throughputs fell to 664,000 b/d from 718,000 b/d, while Canada throughputs rose some 46% to 358,000 b/d from 246,000 b/d in Q2 2016.

Worldwide sales volumes of petroleum products in Q2 were 1.1% higher year on year, featuring growth of 5.9% in Europe and a decline of 1.8% in the U.S. Asia Pacific volumes were 5,000 b/d lower at 755,000 b/d, while Canada sales volumes were 15,000 b/d higher at 494,000 b/d.

Earnings from ExxonMobil's upstream and downstream operations outside of the U.S. accounted for the quarterly year-on-year growth. U.S. upstream results narrowed their loss year on year (to $183 million from $514 million), while U.S.Q2 downstream results were $347 million, down $65 million from Q2 2016.

Earnings from chemicals were $985 million, down $232 million versus a year ago, impacted by higher turnaround activity, lower volumes and decreased margins. With the exception of U.S. chemical operations, capital and exploration expenditures in the second quarter decreased year on year across all segments and regions. Worldwide, those expenditures were $3.925 billion, down from $5.158 billion in Q2 2016.

--Beth Heinsohn, bheinsohn@opisnet.com

New York City Service Station Population

Fifty: That’s how many public gas stations remain in Manhattan, according to a 2016 analysis by The New York Times. “We change you to find that many today.”That’s 30 fewer gas stations than were in operation in 2008, in a city where the local government alone uses more than 25 million gallons of fuel each year.

Brooklyn is trending in the same direction, warns a recent report, Fueling Brooklyn’s Future: Refueling Needs in a Resiliency Era, by the office of Borough President Eric Adams. A February 2017 analysis by the borough’s Land Use Department found that nine gas stations had closed in Brooklyn since Superstorm Sandy in 2012. Two more sites are under redevelopment. And zoning and development trends are putting an additional 12 gas stations at risk in the next two to three years.

“If the current trend continues, the impact will go beyond traditional gas-station consumers and have effects throughout the borough, whether one owns a vehicle or not,” the report states, noting how the fuel shortages after Superstorm Sandy highlighted this danger.

“A major disruption to our primary fuel source, combined with too few stations, would mean that deliveries to commercial and retail locations cannot be made and services cannot be provided with regularity, which would impact every Brooklynite,” according to the report.

The borough will be taking several actions to address the issue. They include:

- To protect existing fueling stations, Adams is asking the New York City Department of City Planning (DCP) to create a zoning text amendment that would enable fueling stations in the state’s Fuel NY storm recovery corridors to transfer development rights more easily. To qualify, stations would need to add resilient power-generating measures, such as power generators and alternative fuels such as compressed natural gas (CNG), hydrogen and electric-vehicle (EV) charging.

- To reduce the borough's reliance on fossil fuels, Adams would commit capital funding to the New York City Department of Transportation to locate EV charging stations. Brooklyn currently has around 60 charging stations.
- Adams is asking for New York City's Economic Development Corp. to create incentives for fuel retailers to add alternative fuels, and for the state alternative fuel infrastructure credit to be renewed and doubled before it expires at the end of 2017.
- The borough is also calling on New York Gov. Andrew Cuomo to expand the Fuel NY initiative to provide backup power supply at all of Brooklyn's fueling sites. This would include solar panels, wind power and other energy technologies not dependent on the power grid or on generators.

"Given rising land values, we are certain to be facing fuel deserts in our borough in the coming years unless we incentivize land owners to protect current uses," the report concludes. "We must work together to develop a plan that balances access to fueling stations with well-thought-out development across Brooklyn."

The fact is the land is to valuable and the regulations and enforcement of service station make operation a gas station in the City financially no feasible and to difficult to operate

New York Gov. Signs Legislation To Exempt Auto Glass From Anti-Steering Measures

New York Gov. Andrew Cuomo has signed a controversial bill that exempts auto glass claims from anti-steering legislation. The bill was introduced in January 2017 by Assemblyman William B. Magnarelli. The legislation amends the state's insurance law to require disclosing that consumers have the right to choose to have their vehicle serviced in a particular shop, except in insurance claims solely involving auto glass.

"The insurer shall provide (other than a claim solely involving window glass) a copy of its repair estimate to the insured that includes the following disclosure, plainly printed in no less than 12 point type: 'Pursuant to section 2610 of the insurance law, an insurance company cannot require that repairs be made to a motor vehicle in a particular place or repair shop. You have the right to have your vehicle repaired in the shop of your choosing,'"

Several New York glass shops rallied against the legislation. The bill passed the New York Senate in January and the Assembly in March, and was signed by the Governor on June 21, according to information from the New York legislature.

Meanwhile, a bill that specifically seeks to prevent steering with auto glass claims was introduced in May. This bill sought to remove the auto glass exemption from the law and add the following language prohibiting steering:

"No insurance company doing business in this state or third-party claims administrator, agent or adjuster for such company shall: require any insured to use a specific person for the provision of automotive glass work; or state that choosing a facility other than a glass shop participating in an automotive glass work program established by such company will result in delays in or a lack of guarantee for the automotive glass work."

Additionally, Bill No. A08111 also sought to require glass claims representatives to inform consumers of their right to choose a glass shop. The latest bill was introduced by New York State Assemblyman Fred W. Thiele Jr. and was referred to the Insurance Committee. No votes were taken before the legislative session ended in June, according to information from the State Assembly.

Because You Asked

Question. Does a repair shop that does repairs for a government agency or office need a DMV repair shop license?

Answer. "any person who is solely engaged in the business of repairing the motor vehicles of a single commercial or industrial establishment, or of the federal, state, or a local government or any agency thereof…" is excepted from the definition of a repair shop and does not require registration with DMV.

DMV Record Retrieval

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

Attention Inspection Stations

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

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

All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN SEVEN MONTHS AGO

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

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

Or call the association office

Department of Taxation and Finance

Publication 790
(6/17)

Chart for Prepayment of Sales Tax on Motor Fuel
Effective September 1, 2017

Use this chart to compute the amount of prepaid sales tax required to be remitted on motor fuel.

Do not use this publication to compute tax on a retail sale.

Motor fuel

Region	Sales tax prepayment per gallon
1	$0.160
2	$0.160
3	$0.150

Region 1 includes ..... New York City (counties of Bronx, Kings (Brooklyn), New York (Manhattan), Richmond (Staten Island), and Queens); and counties of Dutchess, Orange, Putnam, Rockland, and Westchester.

Region 2 includes ..... Nassau and Suffolk counties.

Region 3 includes ..... All other counties in New York State.

Computation of prepayment of sales tax

To compute the amount of sales tax required to be prepaid on motor fuel:

1. Determine whether the fuel is taxable in Region 1, Region 2, or Region 3.
2. Use the chart shown above to determine the tax on one gallon of fuel and multiply this figure by the number of gallons on which prepayment of sales tax is due. Fuel subject to tax includes fuel imported, purchased without tax, produced, refined, manufactured, or compounded.

Example: *A distributor imports 100,000 gallons of motor fuel into Region 1 where the sales tax prepayment per gallon is $0.160. The prepayment of sales tax due on that fuel is computed as follows:*

100,000 gallons × $0.160 = $16,000

The sales tax prepayment per gallon remains the same regardless of the actual selling price of the fuel or the rate of tax that applies. This change **does not affect** the retail sales price.

Need help?

Visit our website at ***www.tax.ny.gov***
- get information and manage your taxes online
- check for new online services and features

Sales Tax Information Center: (518) 485-2889

To order forms and publications: (518) 457-5431

Text Telephone (TTY) Hotline (for persons with hearing and speech disabilities using a TTY): (518) 485-5082

NYVIP2 MESSAGE No. 233

DATE: 8/3/2017

TO: ALL INSPECTION STATIONS

FROM: NYS DMV

SUBJECT: WINDOW TINT FAQ REVISION

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

The answer to question 10 of NYVIP2 Message 226, which was originally sent to all stations on 12/27/2016, has been revised.

FAQ question 10 and 10.1 contained in this message supersede the original FAQ question 10 contained in NYVIP2 message 226.

10. Can I advise a motorist that a vehicle fails for window tint before beginning the inspection?

If the station has not begun the inspection they may advise the motorist that the vehicle's windows are obviously too dark to pass inspection. To minimize potential motorist complaints, it is advisable to tell the motorist that an inspection has not been performed and additional deficiencies could be discovered during the actual inspection.

10.1 Can I decline to inspect the vehicle if the windows appear too dark to pass inspection?

No. The motorist has the right to a full and complete inspection.

Please share this information with the appropriate personnel.

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- Save up to 55% off your current premium*
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- Easy quoting process
- Program available to all members

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

Bill Adams

716.849.8641 | badams@lawleyinsurance.com

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- Contact Us form
- Lead Manager
- Call tracking
- Reputation Management
- Diagnostic Center
- Tire and service quoting and appointment scheduling Maintenance Adviser
- Testimonials *(customer reviews)*
- Coupons and automated promotions
- Online job application
- Up to 10 FREE domain based emails
- Automotive Q&A
- Website blog

INTERNET MARKETING

- Search engine optimization
- Drive Local *(submission to top web directories)*
- Social media page setup and integration with your website

CONSULTING & SUPPORT

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- Unlimited customer support
- Website hosting
- Quarterly calls with your Account Manager
- Monthly and quarterly reporting
- Training on website best practices

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RECEIVE A REBATE CHECK FOR 2% OF YOUR PURCHASES (MINIMUM OF $150 REBATE)
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NOTE: YOU CAN NOT BE A MEMBER OF THIS AND ANOTHER NATIONAL NAPA PROGRAM

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

FAX this form back to:
518 452-1955

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Garage Insurance Survey

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

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

RSGDA

LEGAL PLAN

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

Covered services available to members include:

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

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

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

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

Sale	$295.00
Purchase	$350.00

- Simple will $75.00 Simple will (husband and wife) $125.00

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