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Attorneys Corner
2nd Hand Dealer Licenses; Cyberattacks
By Larry Culley

Even in the Summer the Dealer gets no rest. We here at your Association try at least to keep government out of your hair a bit more so you can occasionally draw an easy breath. Two advisements follow regarding 2nd Hand Dealer Licenses in New York City, and then about Cyberattack against your business.

First, in N.Y.C., the 2nd Hand Dealer law has been in effect since June, 2018. The new rules pertain to the N.Y.C. used car sale contract cancellation option. This option must be presented to all Buyers to accept or decline, as per the Customer's Bill of Rights. You can find the required forms at nyc.gov.dca. Go to that website and then click on the "Business" tab to download the forms.

CYBERATTACK!

On the Cyberattack front, small businesses are increasingly battling costly cyberattacks. When small businesses set up their storefront they have the same requirements as a big store to make sure they are meeting all security requirements. They need to set security filters and alerts that flag fraudulent activity at levels that best suit their needs. One protection system involves two-factor authentication as a standard feature of your payment system. Hackers and thieves may try to run phony or stolen card numbers through your system or use your emails as a link to larger companies like your suppliers. If charges on bad card numbers need to be reversed you may be charged a substantial amount to reverse the charges. Dealer, you are living now in an online world and the internet can be a prime source of danger to your business. Do not take this threat lightly as the danger and the damages which can be caused are increasing daily. If you are hit hard enough it could destroy your business. There is a reason they say that an ounce of prevention is worth a pound of cure. Use it and protect yourself and your family!

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

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E15 Gasoline Blend Good for Farmers; Bad for Engines

Reactions are mixed to the Trump administration's Environmental Protection Agency lifting a summertime ban of E15, a gasoline blend made of 15 percent ethanol.

Corn and soybean farmers praise the action while officials in the boating industry and others criticize it, saying gasoline with 15 percent ethanol will damage engines.

Don LaBar, head of the service shop's marine and boat division at Caddie Labar's boat deal-er in Dallas, called E15 "junk" and said it can impact gas lines, carburetors and fuel systems and cause rubber to break down.

A spokesperson for the U.S. Environmental Protection Agency said E15 can be used in flexible-fuel vehicles, model year 2001 and newer cars and light-duty trucks. Yet, Subaru officials caution drivers with newer vehicles in their owners' manuals not to use gasoline that contains more than 10 percent ethanol.

Bobby Murray, service manager for Minooka Subaru in Moosic, said E15 could damage fuel injectors and seals. Subaru also doesn't cover E15 under warranty.

Dan DelBalso, co-owner of Pat & Dan's Del-Balso Ford in Kingston, doesn't recommend using E15 in newer Ford vehicles. If they are flexible-fuel vehicles, however, it is OK, he said.

Other automakers, including BMW, Mercedes, Mazda, Mitsubishi and Volvo, have vehicle models not approved for E15 since it can harm engines and drivers are encouraged to check their owners' manuals.

E15 should not be used in boats as well as vehicles with heavy-duty engines such as school buses, transit buses and delivery trucks, on-highway and non-road motorcycles, snow-mobiles, engines in equipment such as lawnmowers and chainsaws as well as model year 2000 and older cars, light-duty trucks and medium-duty passenger vehicles, the EPA spokesperson said.

The new rule from the Trump administration and EPA will allow some gas stations to sell blends containing up to 15 percent ethanol year-round. It ends a summertime ban that former President Barack Obama's Environ-mental Protection Agency imposed in 2011.

Some Sheetz stores in Northeast Pennsylvania, including locations in on Route 93 in Sugar-loaf Twp., West Front Street in Berwick and 500 Mount Pleasant Drive, Scranton, have E10 and E15 available.

In addition to damaging marine engines, he said E15 is prohibited by federal law to be used in small engines in lawn mowers, chain-saws and other power equipment.

Gas pumps that include E15 are marked with a very small orange label which Donahue said is not enough to protect consumers from misuse. He is concerned when people fill up at gas stations during summer boating season, a rising number of them will use the wrong fuel that contains the blend with 15% ethanol.

More than 60 percent of Americans mistakenly assume that any gas sold at their local station is safe for all their products and nearly nine in 10 say the government should do more to protect consumers from "misfueling" with E15, he said.

The Trump administration also recently announced the federal government will spend an additional $16 billion to help farmers hurt by the trade war with China.

Automakers Battle to Keep EV Tax Credit

Automobile makers are asking Congress to expand the federal tax credit for electric vehicles, triggering a battle between automakers and the oil and gas industry, the Washington Post reports.

On the behalf of automakers like General Motors, Rep. Daniel Kildee (D-MI) and Sen. Debbie Stabenow (D-MI) have introduced a bill that would increase the quota of tax credits to allow companies to sell three times as many EVs before the tax credits expire. Supporters of the measure say it would help the United States lower carbon dioxide emissions.

However, opponents view extending the tax credit as not fair to lower- and middle-class Americans who can't afford EVs. "Regardless of whether you support the tax credit for electric vehicles or not, there is no denying taxpayers are overwhelmingly subsidizing Americans that can afford to buy their own car," said Sen. John Barrasso (R-WY), who chairs the Senate Environment and Public Works Committee. "If you want an electric car, you can buy one—there are more available now than ever before."

Currently, the federal government gives buyers a tax credit of $7,500 for the first 200,000 electric vehicles sold per company. Once that number is reached by a manufacturer, the tax credit is cut in half for EVs sold over the following six months. Then that number is halved again for another six months before it goes away completely. EV supporters want Congress to allow the full consumer tax credit for up to 600,000 vehicles from each manufacturer before the phase out starts.

Utah Eyes Road-Use Fee Option for Electric Cars

Utah will soon become one of several states to test a Road Usage Charge program for electric and hybrid vehicles, reports U.S. News.

Currently, U.S. drivers pay a state gas tax with each gallon of fuel they pump, and the money is used to maintain public roads. But as more cars rely on electricity for power, states are looking at requiring an annual Road Usage Charge, or RUC, on the miles an electric or hybrid car is driven.

Currently, the only state with a permanent RUC program is Oregon, but both California and Washington have tested the fee's viability. Most states charge an annual flat fee to owners of cars that use an alternative fuel.

Utah's RUC pilot program, set to begin Jan. 1, 2020, will be voluntary. During annual registration renewal times, drivers of electric and hybrid cars choose between taking part in the program or paying the current flat fee, which will be $90 per year in 2020.

Under Utah's RUC system, participating vehicle owners will be provided in-vehicle technology to track miles driven

and will report the number to a third-party account manager. They will be required to send in a photo every year to make sure the mileage on file matches the miles driven. People concerned with privacy invasion may opt for limited data retention.

The initial fee is 1.5 cents for every mile driven, and the fee will be capped when the accumulated total matches the annual flat fee. The average annual Utah gas tax payments that owners of traditional vehicles pay in Utah is estimated to be around $187 in 2019. UDOT wants 400 to 500 hybrid car owners to participate in the pilot. According to documents from UDOT, 2% of Utah's 2.6 million registered vehicles, roughly 52,000, are electric or hybrid.

Corporate Transparency Act– We need your input!

Legislation recently introduced in Congress (H.R. 2513, "The Corporate Transparency Act") to crack down on anonymous shell companies and allow law enforcement to "follow the money", has set off a storm of protest by associations representing small businesses.

SSDA-AT is reaching out to affiliates for your thought and recommendations.

BACKGROUND

Anonymous incorporation isn't difficult for criminals to do – no U.S. states currently require companies to provide identities of the company's true, beneficial owners. This makes it very easy for criminals and other bad actors to manipulate the system and launder or hide money via anonymous shell companies.

What This Bill Does:

• Requires corporations and limited liability companies disclose their true, beneficial owners to FinCEN at the time the company is formed.

• Establishes minimum beneficial owner-ship disclosure requirements: must pro-vide beneficial owner's name, date of birth, current address, and driver's li-cense or non-expired passport number.

• Requires companies to file annually with FinCEN a list of its current beneficial owners, as well as a list of any changes in beneficial ownership that occurred during the previous year.

• Provides civil and criminal penalties for persons who willfully submit false or fraudulent beneficial ownership information, or who knowingly fail to pro-vide complete or updated beneficial ownership information.

Provides Much-Needed Transparency While Avoiding Excessive Burdens:

• Beneficial ownership information collected by Treasury or the states will only be available to: (1) law enforcement; and (2) financial institutions, with customer consent, for purposes of complying with their "Know Your Customer" requirements under Anti-Money Laundering law.

• It is narrowly tailored so as not to be overly burdensome to either businesses or the states themselves – the bill tar-gets companies that are more likely to be shell companies.

• Many companies are already required to disclose their beneficial owners, such as Federally regulated banks, credit unions, investment advisers, broker-dealers, state-regulated insurance companies, churches, and charitable organizations. As such, these companies are exempt from the bill's requirements.

• Companies with over 20 employees and over $5mm in gross receipts or sales, and which have a physical presence in the U.S., are also exempt from the bill's requirements, because companies that employ this many people and that legitimate, business-related income are very unlikely to be anonymous shell companies that were created to hide or launder illicit funds.

SSDA-AT appreciates the intent of the legislation. But would the bill as written create undue burdens on small business owners?

Should SSDA-AT weigh in on this issue?

Please give us your thoughts. Thank you.

FDA Outlines for Consumers What They Need to Know About CBD Products

As cannabidiol (CBD) products enter the marketplace at a faster pace, the Food and Drug Administration (FDA) issued an update directed at answering some consumer questions.

The agency acknowledged public interest in cannabis and cannabis-derived compounds, particularly CBD. However, it explained "there are many unanswered questions about the science, safety and quality of products containing CBD."

The update follows a public hearing on CBD the FDA held on May 31. The agency will take the feedback from that hearing, plus information and data its gathers through a public comment, to answer those questions, it added.

Public comment is open until July 16.

Though the 2018 Farm Bill removed hemp — defined as cannabis and cannabis derivatives with very low concentrations of THC — the FDA has only approved on prescription drug product containing CBD. It has not approved any other CBD products, and "there is very limited available information about CBD, including about its effects on the body," the agency explained.

The issues raised by agency include:

- The effects of CBD on the body;
- The cumulative exposure to CBD if people access it across a broad range of consumer products;
- The effects of CBD on special populations like the elderly, children or adolescents, or types of animals; and
- The safety of CBD use in animals including pets.

"The FDA is currently evaluating the regulatory frameworks that apply to certain cannabis-derived products that are intended for non-drug uses, including whether and/or how the FDA might consider updating its regulations, as well as whether potential legislation might be appropriate," the agency said. "The information we have underscores the need for further study and high-quality, scientific information about the safety and potential uses of CBD."

The agency explained it is "committed to sound, science-based policy," adding it is "raising these safety, marketing and labeling concerns with you now because we want you to know what we know

San Francisco Becomes First Major City in U.S. to Ban E-Cigarette Sales

The San Francisco Board of Supervisors approved legislation to prohibit the sale the electronic cigarettes within the city.

The measure bans the sale of e-cigarette and vapor products that have not been reviewed by the Food and Drug Administration (FDA). The agency has regulatory authority over tobacco products, including e-cigarette and vapor, and the products need FDA approval to remain on the market.

To date, the agency has not issued any approvals.

"This is a decisive step to help prevent another generation of San Francisco children from becoming addicted to nicotine. I want to thank Supervisor Shamann Walton and the rest of the Board of Supervisors for their action today," said City Attorney Dennis Herrera.

"The U.S. Surgeon General has warned that we're in the midst of a youth vaping epidemic. San Francisco is taking action to protect our kids. This temporary moratorium wouldn't be necessary if the federal government had done its job," he added. "E-cigarettes are a product that, by law, are not allowed on the market without FDA review. For some reason, the FDA has so far refused to follow the law. If the federal government is not going to act, San Francisco will."

The board's unanimous vote on June 25 made the Northern California municipality the first city to take such action. Supporters of the ban have said they legislation will help stem youth use of electronic cigarettes and vapor products. However, opponents have raised concerns that the measure will make it harder for adult cigarette smokers to switch, according to The Associated Press.

Vapor company Juul Labs Inc., which is based in San Francisco, opposes youth use vaping. The company is working on a ballot initiative that would regulate, not ban, e-cigarette and vapor sales, the AP reported.

Like numerous municipalities across the United States, San Francisco has taken tobacco regulation into its own hands in the absence of moves at the federal level.

In June 2018, San Francisco voters approved Proposition E, which prohibits tobacco retailers from selling flavored tobacco products, as Convenience Store News previously reported.

FDA Proposal Would Worsen Teen E-Cigarette Use

In an op-ed published by CNBC today, Henry Armour, NACS president and CEO, addresses the U.S. Food and Drug Administration's (FDA) proposed policy changes to deal with the public health risks associated with the increased use of e-cigarettes and other vape products among young people in the United States. Armour writes that meaningful reform is needed to address the problem and commends FDA for its attention to the issue.

The FDA's proposed policy, however, cuts against what is known about young people getting e-cigarettes, he notes. The proposal is counterproductive; it will make youth e-cigarette use and addiction worse, not better.

FDA has proposed that sales of the flavored e-cigarettes it targets should be restricted to adult-only stores, such as vape shops and tobacco stores, or on the internet. The flawed assumption central to FDA's proposal is that young people primarily get e-cigarettes from convenience stores—where minors can be in the store and most e-cigarettes are sold. That may have some superficial appeal. But the data say that's just not true.

According to an August 2018 study cited by the FDA in its policy proposal, minors get most of their e-cigarettes from adults old enough to buy them. Those e-cigarettes are then re-sold or given to minors. More than half of the minors who use e-cigarettes get them this way. In fact, the study showed that only 31.1% of minors who obtained e-cigarettes bought them in a retail transaction.

The counterproductive nature of FDA's policy becomes clear when examining the data on those retail sales, Armour writes. Almost one-third (32.2 percent) of minors who buy e-cigarettes at retail buy them online. Then, 22.3% buy them in vape shops, and 16.4% buy them in tobacco stores. Altogether, those three types of outlets account for nearly 70% of the retail purchase of e-cigarettes by minors. But those are the three types of retail outlets that the FDA is proposing will have a monopoly on selling flavors—the very flavors that FDA says are most appealing to minors. FDA's proposal will push minors to buy product from the outlets that already have the biggest problem selling to minors. That will increase youth e-cigarette use.

The data on the outlets that FDA proposes to stop from selling flavored products make FDA's proposal even more confusing. The same study showed that only 5.6% of minors who bought e-cigarettes at retail purchased them in convenience stores—so those stores are the source for less than 2% of minors. In all, vape and tobacco stores sell about 20 times as many e-cigarettes to minors as convenience stores, even though c-stores outnumber them by 15 to 1. The FDA's proposal clearly is not focused on where the problem is.

The government's numbers confirm this picture. Studies of youth e-cigarette use by both the CDC and the FDA indicate that 86% of minors who use e-cigarettes do not get them from any store. Of those that do get them from a store, 76% of them get the products from vape shops. To put things in perspective, parents are giving twice as many e-cigarettes to their underage kids than those sold to minors in convenience stores.

All this shows the FDA headed in the wrong direction. To keep e-cigarettes out of the hands of minors requires a multifaceted, even-handed approach. To target one disfavored retail channel will leave large holes in our policy. Holes that kids who want e-cigarettes will gladly exploit. Further, FDA's proposal sets a dangerous precedent of a

regulator picking economic winners and losers in the marketplace. The government should not do that, especially when it has no public health justification in the data for its decision.

To make a positive difference, FDA should actively enforce the law against sales to minors. Based on the data, enforcement should be focused on internet, vape shops and tobacco stores first—precisely the locations where kids would be pushed under FDA's proposed policy.

Armour is grateful that the Senate is taking action to address the internet sales of e-cigarettes. In early May, senators Feinstein (D-CA) and Cornyn (R-TX) introduced legislation that will update the Prevent All Cigarette Trafficking Act (PACT) to include e-cigarettes and require an ID check upon delivery of these products. Hopefully, Senate Majority Leader Mitch McConnell will support this legislation and make sure it passes the Senate quickly.

The bottom line is that FDA's policy needs to be dramatically changed. If it isn't, then the data show clearly that youth e-cigarette use will increase because of, not in spite of, FDA's actions.

7-Eleven Expands Delivery Service to Public Locations

7-Eleven is expanding its delivery service to provide customers with takeout orders to a variety of public venues such as parks, beaches, sports fields and other public locations.

The convenience store major said the latest update to its 7NOW app allows it to make deliveries without requiring a traditional, set address.

The app update includes thousands of locations, called 7NOW Pins, within the 27 major metropolitan regions where the store offers deliveries. These regions include more than 200 cities and more than 23 million households, the company said in an announcement about the new service.

"Our mission is to redefine convenience by becoming a customer obsessed, digitally enabled company," said Gurmeet Singh, 7-Eleven chief digital, information and marketing officer. "7NOW Pins make convenience more convenient, by keeping customers in the moment, whether at a game, in the park or enjoying the sun on the beach. Our customers asked for it and we are delivering."

No minimum order is required for the 7NOW app and the service is available 24/7, with the first three deliveries free within 30 days of the first order, the company said.

Items that can be ordered include fresh and hot food, beverages, snacks, cosmetics, home goods, beer and wine in some markets as well as other items.

To order delivery, shoppers open the app, which will auto locate their current location or show the nearest 7NOW Pin on the app's interactive map. Each 7NOW Pin corresponds to a public place or space where they can receive the delivery.A courier will make delivery to the 7NOW Pin location or specified address in30 minutes or less on most occasions, the company said.

Real-time tracking lets customers know when to expect their 7NOW app orders. The service is an expansion of 7-Eleven's delivery program, which was introduced in late 2017 at select stores in Dallas. Today, the delivery service is available in the following markets: Austin, Texas; Baltimore, Md.; Boston, Mass.; Charlotte, N.C.; Chicago, Ill.; Colorado Springs, Colo.; Dallas-Fort Worth, Texas; Denver, Colo.; Las Vegas, Nev.; Los Angeles, Calif.; Miami-Fort Lauderdale, Fla.; New York City; Norfolk-Portsmouth, Va.; Orlando-Daytona, Fla.; Philadelphia, Pa.; Phoenix, Ariz.; Portland, Ore.; Sacramento, Calif.; St. Louis, Mo.; Salt Lake City, Utah; San Antonio, Texas; San Diego, Calif.; San Francisco, Calif.; Seattle-Tacoma, Wash.; Tampa, Fla.; Virginia Beach, Va.; and Washington, D.C.

--Steve Cronin, scronin@opisnet.com

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Fire to Have US Northeast Lean Hard on Mogas Stks. Into July Fourth: Analyst

Ahead of the next U.S. holiday expected to boost summer road travel -- Independence Day in 10 days -- U.S. Northeast fuel marketers can be expected to look to gasoline in storage in the aftermath of Friday's fire at the Philadelphia Energy Solutions refinery, according to Houston-based energy consultant Andrew Lipow.

He estimates resupply showing up in the next two weeks in the Central Atlantic region of PADD 1. "There is ample supply of gasoline, it's just not in Philadelphia and prompt," he told OPIS on Monday.

The fire, which began with three explosions June 21 at about 4 a.m. ET, was extinguished about a day and a half later after the gas valve feeding the blaze was shut off and the sourcing propane/butane tank associated with the affected alkylation unit in the Girard Point section was isolated, according to Philadelphia's Office of Emergency Management.

"With the alkylation unit down for an extended period of time," Lipow continued, "I expect that the Girard Point side of the refinery will operate at reduced rates further increasing the demand for gasoline via Colonial Pipeline, Jones Act tankers from the Gulf Coast or imports from overseas."

OPIS notes that industry insider estimates of the fire's impact on the refinery range from the alkylation unit being destroyed to taking 18 to 24 months to rebuild (at best).

As of midday, gasoline futures (and the U.S. physical bulk markets that price off them) had climbed down from overnight highs and were trading in negative territory. The move suggested either markets taking a breather from previous supercharged trading or more confidence in smooth resupply in the short term.

--Beth Heinsohn, bheinsohn@opisnet.com

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PES Confirms Philadelphia Refinery Layoffs Delayed Until Aug. 25

Philadelphia Energy Solutions (PES) said Wednesday it had extended into late August the effective date of layoffs

for refinery workers represented by United Steelworkers union local 10-1 from the originally announced July 15.

"PES is continuing its efforts to secure the facility in anticipation of potentially rebuilding the damaged infrastructure, and preparing for a possible sale and restart," spokesperson Cherice Corley told OPIS in confirming the new

Aug. 25 date cited in a report by Reuters.

Corley did not respond to OPIS' query on the status of operations at the 335,000-b/d two-plant refining complex. The refinery suffered a massive fire in the Girard Point section on June 21 and on June 26 announced it would begin its shutdown and position it for sale and restart.

As previously reported by OPIS, shutdown work was underway at the Point Breeze section as of Tuesday, according to an industry source, on its way to being shuttered by July 4.

At the same time, union leadership representing PES refinery workers and a number of elected officials were meeting to discuss the future of the refinery.

Just prior to the meeting, the Pennsylvania AFL-CIO in solidarity with USW Local 10-1 called for action to preserve nearly 2,000 jobs at PES and "thousands of regional jobs" that are dependent on the refinery.

OPIS notes that since the June 26 WARN (Worker Adjustment and Retraining Notification Acts) notice, two refinery workers at PES had filed a proposed class action lawsuit over the closure plan. The suit alleges that the company failed to give employees adequate notice about the layoffs and claims a violation of both local regulations and WARN. The plaintiffs are seeking recovery of back pay and benefits.

In its WARN notice, PES said it hadn't been feasible for it to provide earlier notice "because the business circumstances that followed the fire and explosion were not reasonably foreseeable."

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EIA Report: Record Gas Demand
Figure May Precede Record Gasoline Output

Implied demand data from the EIA suggests that a record 9.928 million b/d of gasoline, representing nearly 417 million gal of motor fuel disappeared from primary storage last week. One-week totals can be quirky, but data for the last four weeks now suggest that gasoline demand (9.66 million b/d in the period) is running some 2% above last year.

Whether that number is believable may impact what happens to gasoline and crude oil markets into the midsummer. But beyond the singularly stunning demand stat, there is reason to believe that refiners will be up to the task of manufacturing plenty of gasoline to handle the stiffest summer driving weeks.

Refinery runs ticked up to 17.669 million b/d as of last Friday, and most observers believe that total input will eventually flirt with 18.5 million b/d.The current input rate is 314,000 b/d behind last year, and 204,000 b/d of the deficit shows up at the Gulf Coast.

The last 10 days have seen plenty of restarts, and even with a hamstrung coastal refining sector, U.S. processors were able to turn out 10.423 million b/d of gasoline versus 10.099 million b/d one year ago. Despite much higher returns for gasoline in PADD 3, refiners are hitting some walls on distillate yields, but have been able to manufacture 247,000 b/d more gasoline than at the same time last year.

Blame the disparity on the increasingly lighter crude slate, which prejudices final output toward the light ends, as opposed to the preferable middle distillates.

As far as stocks go, motor fuel continues to see somewhat uneven distribution across the country. Stocks fell by 1.7 million/bbl overall, and that included a1.4 million-bbl decline on the East Coast and a 1.1 million-bbl draw at the Gulf. The East Coast built reformulated stocks, and that could lessen any impact on futures.

The import/export balance is still disappointing to refiners who hope for decent gasoline margins. Imports of gasoline totaled 837,000 b/d versus exports of 630,000 b/d. Most refining economics thought this summer would see exports consistently outpace imports.

The data on crude was a mixed bag. The nationwide draw of 3.1 million bbl can largely be credited to a 5.8 million-bbl decline in Gulf Coast inventories. Exports of 3.422 million b/d fall just shy of the 3.6 million b/d mid-February record, and many more record-breaking export totals should be forthcoming in the last quarter of 2019.

U.S. production, meanwhile, declined by 100,000 bbl thanks to a slump in Lower 48 output. But while higher exports are anticipated toward year's end, there are also expectations of much more West Texas production.

Distillate won't get much attention this time of year, and the 551,000-bbl draw puts inventories at a 10.4 million-bbl surplus to last year. The more relevant comparison could be the deficit of 24.7 million bbl to 2017, when U.S. coffers boasted 152.5 million bbl of distillate. The surplus that year was eventually offset by the panoply of problems that sent production in a downspin after the landfall of Hurricane Harvey.

East Coast stocks, which are, of course, critical to the NYMEX ULSD contract, stood at 42.3 million/bbl in the latest report. That's nearly 10 million bbl above last year's figure, but well below the 56 million bbl in PADD 1 storage in 2017.

Distillate exports, meanwhile, remain brisk. The 1.553 million b/d of fuel that departed the country was not a record-breaker, but did manage to crack the top10 level.

Footnote: Rack-to-retail margins for gasoline last week were among the highest of 2019, and if demand numbers were indeed accurate, it may have been one of the most profitable weeks on record for U.S. gasoline chains.

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Apache Oil Exits Retail Fuels Business

Apache Oil Co. Inc. sold its petroleum marketing and retail fuels distribution company, marking its exit from the business.

The deal with an undisclosed buyer includes 27 commission marketers, 12 lessee dealers, and 56 wholesale supply accounts. Apache's petroleum marketing assets and dealer customers are primarily concentrated around the New York and Boston metropolitan areas.

According to Matrix Capital Markets Group Inc., the assets were divided into two packages due to the different geographic markets. The same buyer took both packages, noted the firm, which advised Apache on the sale.

As part of the transaction, New London-based Apache also entered into long-term leases with the buyer on 22 of the properties. Both deals closed separately on June 25.

Christopher Ohl and James Castle founded Apache in 1992 to distribute motor fuels to retail gas stations and service centers in and around the New York metropolitan area. The company expanded into Massachusetts and other states after acquiring multiple Shell-branded fuels distribution packages from Motiva Enterprises LLC.

Under the direction of Christopher Ohl and William Castle, Apache now distributes Shell, Sunoco, Exxon, Mobil, CITGO and Gulf branded fuels across five states in the Northeastern United States.

A related entity, Willy's Fuels LLC, which markets fuels to commercial customers in the heavy construction, pipeline and oil field service industries, was not included in the sale, according to Matrix.

Matrix provided merger and acquisition advisory services to Apache, which included valuation advisory, marketing the business through a confidential, structured sale process, and negotiation of the sale and lease transactions. The transaction was managed by Cedric Fortemps, co-head of Matrix's Downstream Energy & Convenience Retail Group; Stephen Lynch, vice president; John Duni, senior associate; and Kyle Tipping, analyst.

Thomas Kelso, president of Matrix, also advised on the transaction.

"Selling one's life work is a very challenging and emotional decision. Cedric and the Matrix team were extremely helpful in navigating this process. Their support and help, blending together the desires of us and the buyer, were invaluable. We thank them immensely," said Christopher Ohl, president & managing partner of Apache.

"I would also like to thank the entire Apache team, our employees, customers, and suppliers. Your dedication was our success. Additional thanks goes to Jim Castle for having the faith and foresight to become partners with a 23-year-old over 27 years ago," he added. "Finally, a special thanks goes out to my lifelong friend, teammate, and brother, Willie Castle, whose decision to join us 12 years ago enabled us to take Apache to a new level. I wish my late father was around to see this."

Erica Bigelow and Robert Tedesco of Rich May PC and Timothy Bloomfield served as legal counsel for Apache.

EG Closes Its Purchase of New York State Gasoline Marketer

EG has closed the deal on its purchase of 54 Fastrac branded c-stores and gasoline stations in Upstate New York.

The sites are clustered along the I-90 corridor in the Rochester, Syracuse and Albany markets and employ over 500 people.

Jay Erickson, EG America president, said the company is "very impressed by the Fastrac operation, from their unbranded fuel procurement and transportation department to the well-developed signature pizza program offered. These stores are highly complementary to EG Group's existing US operation and we are very fortunate to have the Fastrac team join our EG America family."

OPIS Retail DataHouse implies that Fastrac had a strong performance in the first half of 2019. The company tallied an approximate rack-to-retail margin of 21.7cts/gal in the first quarter, and that improved to 23.9cts gal in the second quarter. The company tends to price its fuel about 0.7cts/gal above its local competition.

EG first popped up on the North American radar screen when the company acquired the 762-site c-store business from Kroger. That deal included the private Turkey Hill, Loaf 'N Jug, Kwik Shop, Tom Thumb and Quik Stop. EG subsequently established its North American headquarters in Cincinnati. The company later expanded to 988 stores with the purchase of Minit Mart from Travel Centers of America. With an additional deal to acquire 69 Certified Oil stores and the final purchase of Fastrac, EG will have 1,112 stores in 25 states.

Sources tell OPIS that the company has ambition to more than double that total, with interest in numerous private c-store chains currently being shopped.

--Tom Kloza, tkloza@opisnet.com

Copyright, Oil Price Information Service

Department of Labor Issues Guidance on Overtime-Pay Calculations

The Federal Department of Labor has issued new guidance for how employers should calculate the rate of overtime pay for nondiscretionary employee bonuses that are paid on a quarterly and annual basis.

In an opinion letter, the department said the Fair Labor Standards Act requires nondiscretionary bonuses count as "remuneration" that must be included when calculating the regular rate of pay. The department said a bonus is considered nondiscretionary if it's awarded as the result of a collective bargaining agreement.

In the opinion letter, the department said an employer that bases the bonus on work performed during a specific period and pays the bonus at the end of the period may "disregard the bonus in computing the regular hourly rate until such time as the amount of the bonus can be ascertained."

Once the amount is known, generally the employer must then retrospectively recalculate the regular rate of pay for each week in the bonus period and pay the additional

overtime compensation due on the bonus based on the recalculated rate, according to the letter.

Employers aren't required to recalculate the regular pay rate if the bonus pays a fixed percentage of both regular and overtime pay earned, since the bonus already includes the additional overtime compensation, the letter says.

The note, however warns that "while a percentage bonus of straight time and overtime wages pays overtime due on the bonus, the employer must still separately pay overtime due on any other compensation included in the regular rate to fully satisfy the FLSA's overtime requirements."

--Steve Cronin, scronin@opisnet.com
Copyright, Oil Price Information Service

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

MVAC Training

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

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

This restriction does not apply to do-it yourselfers.

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 .

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

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

All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN TWO YEARS AGO

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

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

Or call the association office

SERVICE STATIONS
REPAIR SHOPS
USED CAR DEALER
ATTENTION

Do you have problems

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

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

Just call us 518-452-4367

NYVIP2 MESSAGE No.248

DATE: 7/8/2019
TO: ALL INSPECTION STATIONS
FROM: OPUS INSPECTION INC

SUBJECT: NYVIP2 CONTRACT EXTENSION

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

Under contract with the New York State Department of Motor Vehicles (NYSDMV), Opus Inspection Inc. (Opus) is the provider of NYVIP2 inspection equipment, inspection data transmission, and information management for the New York Vehicle Inspection Program (NYVIP2). Your inspection station has a contract with Opus for those services.

DMV has recently extended Opus's contract which was to end November 30, 2020.

The amended contract will now end at midnight on November 30, 2021. During this extension period, services provided by Opus will remain the same as you receive today.

If you have any questions, please contact Clean Air at (518)473-0597 Option #4.

Publication 509

(6/19)

Department of Taxation and Finance

Minimum Wholesale and Retail Cigarette Prices

As a result of price increases by manufacturers, the minimum wholesale and retail prices for certain brands of cigarettes in New York State have changed.

The minimum price enforcement date for this notice is June 24, 2019.

Minimum wholesale and retail cigarette prices must be determined by referencing manufacturers' list prices. Common list prices for certain standard brands are listed below. When a minimum price change occurs because of a manufacturer's price increase or decrease, the enforcement date of the change is the second Monday after the price change is announced. If a price change is announced on a Monday, that day is considered to be the first Monday. The enforcement date is in effect whether or not a manufacturer notifies the Tax Department of the price change.

After one manufacturer announces a price change, if other manufacturers also change their prices **before the second Monday after the initial price change is announced**, then those subsequent price changes will also be effective for enforcement purposes on the same second Monday.

When a minimum price change occurs because of an excise tax rate change, the enforcement date of the change is the date the rate change takes effect.

To determine the minimum wholesale or retail prices for any cigarette brand, you must refer to the manufacturer's price list. If you are unable to obtain the price list, please ask your supplier for assistance. In addition, Publication 508, *Minimum Price List for Cigarettes,* can help you determine the minimum prices of standard and nonstandard brands of cigarettes sold by the carton (20 cigarettes per pack, 10 packs per carton). For copies of Publication 508, see *Need help?*.

The New York State minimum prices relating to each of the seven currently applicable manufacturers' list prices for standard brands are printed in the tables below.

You must charge your customers the minimum price or any price in excess of the minimum price.

You may not offer merchandise for sale as a tie-in with cigarettes if the total price of the items sold is less than the minimum price of cigarettes plus your cost for the other merchandise.

New York State (sales outside New York City) **Minimum sales prices for standard brands***

Manufacturer's list price ** (per carton)	Agent's basic cost (per carton)	Type of sale				
		Wholesale (per carton)			Retail sales to the consumer	
		Agent to wholesale dealers	Agent to chain stores	Agent to retail dealers	Retail (per carton)	Retail (per pack)
$44.64	$88.14	$89.12	$89.67	$91.76	$98.18	$9.82
$49.24	$92.74	$93.76	$94.34	$96.54	$103.30	$10.33
$50.74	$94.24	$95.27	$95.86	$98.10	$104.96	$10.50
$52.94	$96.44	$97.49	$98.09	$100.38	$107.41	$10.75
$53.94	$97.44	$98.50	$99.11	$101.42	$108.52	$10.86
$62.48	$105.98	$107.11	$107.77	$110.29	$118.01	$11.81
$65.80	$109.30	$110.46	$111.14	$113.74	$121.70	$12.17

New York City (sales within New York City) **Minimum sales prices for standard brands***

Manufacturer's list price ** (per carton)	Agent's basic cost (per carton)	Type of sale				
		Wholesale (per carton)			Retail sales to the consumer	
		Agent to wholesale dealers	Agent to chain stores	Agent to retail dealers	Retail (per carton)	Retail (per pack)
$44.64	$103.14	$104.25	$104.89	$107.34	$114.86	$11.49
$49.24	$107.74	$108.89	$109.56	$112.12	$119.97	$12.00
$50.74	$109.24	$110.40	$111.08	$113.68	$121.64	$12.17
$52.94	$111.44	$112.62	$113.32	$115.96	$124.08	$12.41
$53.94	$112.44	$113.63	$114.33	$117.00	$125.19	$12.52
$62.48	$120.98	$122.24	$123.00	$125.87	$134.68	$13.47
$65.80	$124.30	$125.59	$126.37	$129.32	$138.37	$13.84

* Minimum prices listed are for standard brands and standard packages (20 cigarettes per pack, 10 packs per carton). See *Computing the minimum wholesale cigarette prices* on page 2 for the markups for each type of sale listed.

** Consult manufacturer's price list to verify the price for each specific brand.

Furthermore, it is illegal for any cigarette agent, wholesale dealer, or retail dealer to induce, or attempt to induce, or to procure the purchase of cigarettes at a price less than the minimum price set by law. The Tax Department will issue this publication as notification for changes in the minimum prices each time a manufacturer's price change occurs or a state or city excise tax changes.

Prepaid sales tax – The prices listed in the *Minimum sales prices for standard brands* chart do not include any prepaid sales tax. The prepaid sales tax is paid by the agent at the time the cigarette tax stamps are purchased. The prepaid sales tax is passed along in each subsequent sale down to and including the retail dealer (but is not passed down to the consumer). At the time of delivery, the seller must give the purchaser either Form ST-133, *Certificate of Prepayment of Sales Tax on Cigarettes,* or have the required information included on the invoice.

State and local sales taxes – State and local sales taxes must be collected from the consumer at the time of the retail sale. Sales tax must be collected upon the total retail sale price, including sales in New York City (effective September 1, 2003). For more information, see Important Notice N-03-22, *Computation of Sales Tax on Cigarettes Sold Within the City of New York*.

Computing the minimum wholesale cigarette prices

Publication 508, *Minimum Price List for Cigarettes*, lists the minimum prices for standard and nonstandard brands of cigarettes by the carton (20 cigarettes per pack, 10 packs per carton).

The *basic cost of cigarettes* means the invoice cost of cigarettes to the agent who purchases from the manufacturer, or the replacement cost of cigarettes to the agent, in the quantity last purchased (whichever is lower), less all trade discounts (except discounts for cash), to which is added the full face value of any stamps (excise tax only) that are required by law. (The federal excise tax placed on the manufacturer would be included in the invoice cost of cigarettes from the manufacturer.)

The basic cost of cigarettes **does not** include any sales tax prepaid by the agent at the time the cigarette tax stamps were purchased.

The *cost of the agent* means the basic cost of cigarettes (as defined above) plus the cost of doing business by the agent. Unless otherwise substantiated, the cost of doing business by the agent is presumed to be as shown in the table below:

Percentage (plus 20 cents) of the basic cost of cigarettes per carton (20 cigarettes per pack, 10 packs per carton)	
Agent to wholesale dealers	7/8% plus 20 cents
Agent to chain stores	1½% plus 20 cents
Agent to retail dealers	3 7/8% plus 20 cents

In determining the prices for nonstandard brands, remember that an agent may not sell cigarettes to wholesale dealers (as defined in the Cigarette Marketing Standards Act (CMSA)) below the basic cost of cigarettes plus 7/8% and 20 cents per carton (20 cigarettes per pack, 10 packs per carton). An agent or wholesale dealer may not sell cigarettes to a registered chain store below the basic cost of cigarettes plus 1½% and 20 cents per carton (20 cigarettes per pack, 10 packs per carton). An agent or wholesale dealer may not sell cigarettes to a retail dealer below the basic cost of cigarettes plus 3 7/8% and 20 cents per carton (20 cigarettes per pack, 10 packs per carton).

Anyone selling at a price less than the *cost of the CMSA retail dealer* minimum sales price must have proof on file that the customer was eligible for the lower purchase price. The *cost of the CMSA retail dealer* is presumed to be a 7% markup of the *agent-to-retail-dealers* price.

The selling price of cigarettes sold by one licensed cigarette agent to another, when the cigarettes are either picked up at the seller's warehouse or delivered to the purchaser's warehouse, is not required to include the cost of doing business by the agent, but it may not be less than the basic cost of the cigarettes.

If an agent sells cigarettes to a chain store with 15 or more outlets (excluding vending machine operators), the cigarettes are delivered to a central warehouse owned and operated by the chain store, and the chain store delivers the cigarettes to its outlets, the agent's selling price is not required to include the cost of doing business by the agent (that is, the agent's presumptive 1½% plus 20 cents minimum markup is not required). However, the price may not be less than the basic cost of cigarettes.

Custom stamping is the affixing of cigarette tax stamps by one agent for, or on behalf of, any other agent. It also includes the sale of stamped cigarettes by one agent to another agent. **Custom stamping** is prohibited without the prior written authorization of this department. Send your request to: NYS Tax Department, TDAB-FACCTS-Cigarette Tax Unit, W A Harriman Campus, Albany NY 12227-2992. If not using U.S. Mail, see Publication 55, *Designated Private Delivery Services*. See also Cigarette Tax Regulations (Title 20 NYCRR section 74.3(a)(3)). Violations of this provision may result in the revocation or suspension of the agent's license under Tax Law Article 20.

A licensed agent who sells cigarettes at retail is considered to be a CMSA retail dealer. The cost of the agent for those retail sales must be the same as the *cost of the CMSA retail dealer*.

Computing the minimum retail cigarette prices

To compute the minimum retail selling price for cigarettes (standard, nonstandard, generic, or subgeneric brands), 20 cigarettes per pack, 10 packs per carton, you may use Publication 508.

Anyone making retail sales of cigarettes must first determine the *agent-to-retail-dealers* minimum selling price and increase that amount by at least 7%.

If a retail dealer does not know the manufacturer's list price for computing the minimum retail cigarette price, the retail dealer should mark up the cartons or packs of cigarettes 7% above its invoice cost (excluding any prepaid sales tax).

If you need help determining the legal minimum wholesale or retail selling price of cigarettes, contact your supplier or call the New York State Miscellaneous Tax Information Center (see *Need help?)*.

Civil penalties – Violations of the CMSA may result in the suspension of an **agent's** or **wholesale dealer's** license or the imposition of a fine not to exceed $20,000, or both, for a first offense. Subsequent violations within three years may result in license revocation, suspension, or suspension plus a fine not to exceed $50,000.

Criminal penalties – Violations of the CMSA by **wholesale** or **retail dealers** are a Class B misdemeanor and may result in fines of up to $500 (or double the amount of the gain from the commission of the offense) or up to three months imprisonment, or both.

Need help?

Visit our website at ***www.tax.ny.gov***

- get information and manage your taxes online
- check for new online services and features

Telephone assistance

Miscellaneous Tax Information Center:	518-457-5735
To order forms and publications:	518-457-5431
Text Telephone (TTY) or TDD equipment users	Dial 7-1-1 for the New York Relay Service

Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

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

NYS Worker's Compensation Program Highlights

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

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

Bill Adams

716.849.8641 | badams@lawleyinsurance.com

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

Lawley

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

NEW YORK STATE
ASSOCIATION OF SERVICE STATIONS AND REPAIR SHOPS

Web Training for:

DMV INSPECTOR TRAINING

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

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

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

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

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

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

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

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

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

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

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

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

REGULATIONS ON USED CAR BONDS

Surety Bond

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

Bond amount required from a dealer

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

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

Need help getting a bond?

Call the association office.

NYSASSRS now offering "PAY AS YOU GO" billing

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

Benefits of Pay As You Go:

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

About Heartland:

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

For more information contact:

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

FREE MONEY

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

FREE MONEY

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

FAX this form back to:
518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

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

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

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

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

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

Garage Insurance Survey

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

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

NEW YORK STATE OF OPPORTUNITY. | Department of Motor Vehicles

APPLICATION FOR CERTIFICATION AS A MOTOR VEHICLE INSPECTOR

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

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

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

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

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

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

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

5 LAST NAME FIRST M.I.

6 DATE OF BIRTH Month / Day / Year

7 SEX Male ☐ Female ☐

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

9 HEIGHT Feet Inches

10 EYE COLOR

11 STREET NAME **APT. NO.**

12 HOME TELEPHONE (Include Area Code) ( )

13 CITY OR TOWN STATE ZIP CODE

14 COUNTY

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

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

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

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

PLEASE CONTINUE, AND SIGN ON PAGE 2.

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

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

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

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

22 **FOR ORIGINAL APPLICATIONS ONLY**

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

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

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

23 **FOR ORIGINAL APPLICATIONS ONLY**

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

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

24 **FOR ORIGINAL APPLICATIONS ONLY**

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

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

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

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

25 **NAME** (PLEASE PRINT) _____

SIGNATURE _____ Date _____

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

- **SEND APPLICATION AND CHECK TO:**

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

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

reset/clear