

## **Couple Injured in Honda Fit Case Awarded \$31.5 M from Shop, Tracy Firm Resumes State Farm Lawsuit**

*Written by Ed Attanasio*

On Oct. 2, a Texas jury found that John Eagle Collision Center's improper repair was liable for the severity of the crash of a 2010 Honda Fit, awarding the injured couple \$42 million in damages, but assigning 25 percent blame to the driver of the other vehicle, a 2010 Toyota Tundra, leaving the shop responsible for 75 percent of the couple's injuries, and owing approximately \$31.5 million under the verdict.

Attorney Todd Tracy, who represented plaintiffs Matthew and Marcia Seebachan, was pleased with the award and not at all surprised with the result.

"I think it was vindication for the Seebachans in many ways," Tracy said. "Once the jury weighed all of the evidence and went through the testimony, they could clearly see that most of the liability rested with the body shop. One of the more influential members of the jury said that John Eagle Collision Center made a business decision when they glued the roof instead of welding it on the Honda Fit. She concluded that since it was a bad decision, the shop had to pay for it and the award indicates that thinking."

Tracy said that he is now going after State Farm, the insurance company that covered the Seebachans at the time of the accident, in a new civil suit. He strongly believes that based on this case, he will be able to prove that the shoddy repair was directed by the insurer.

"The message is that you had better do the repairs at OE standards, because if you don't you might get sued big-time," Tracy said. "The OE procedures from I-CAR are the industry's Bible, so this is what happens when you don't follow the Bible. I want the insurance companies out of the collision repair industry now, and the decision in this case is a definite step in that direction."

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## What's Going On With Healthcare

Last week, the Trump Administration took two significant actions on health care which are clearly intended to undermine the Affordable Care Act (ACA) but which also have the potential to create a great deal of both short and long term turmoil and uncertainty in the health insurance sphere.

First, on Thursday morning, the President issued an Executive Order directing the Secretaries of Labor, Treasury and Health and Human Services to "consider proposing regulations or revising guidance" to change certain Obama-era rules and expand the availability of plans that do not meet certain requirements of the ACA. Then, Friday evening, the Administration announced that it will stop making the cost-sharing payments to health insurers that help reimburse insurers for reduced deductibles, co-pays and out of pocket costs for lower-income individuals enrolled in coverage through the ACA marketplaces.

Because the Executive Order is just the starting point for regulations to make changes to the ACA framework, it is likely that we won't see its full impact for quite some time. On the other hand, the withholding of the cost-sharing payments could have an immediate impact and may even drive the Democrats to the negotiating table.

### Executive Order

The Executive Order directs the named agencies to look into promulgating regulation or guidance that would do three things:

1. Expand association health plans. Association health plans allow employers and individuals who are part of a common group (such as an industry or trade association) to come together in a single plan (rather than many individual plans). In the Executive Order, the President is seeking to expand the availability of association health plans and allow these plans to be comprised of groups and individuals across state lines.
2. Expand ability of short-term limited duration plans. These plans are intended to help fill the gap when someone is transitioning from insurance plan to another (for example, someone between jobs, or a child who ages off of his or her parent's health insurance). These plans are not treated as individual health insurance coverage for the purposes of the ACA rules, meaning they are subject to less requirements than other plans. Accordingly, the Department of Labor under the Obama Administration put in place rules that limit the period that someone can be on a short-term limited duration plan to three months. President Trump's goal here would be to expand this to allow individuals to stay on these less regulated short-term limited duration plans for a longer period of time.
3. Expand the rules for health reimbursement arrangements (HRAs). Under the existing ACA regulations, most HRAs can not be used to reimburse premiums for individual health insurance plans (there is an exception to this for certain types of small business HRAs that the SSDA-AT successfully championed through the passage of the Small Business Healthcare

Relief Act). The President's goal in this area would be to amend the rules for HRAs to expand the ways that they can be used and allow them to be used to pay health care premiums.

In short, the Executive Order is a first step towards regulations that would make it easier for people to buy insurance that isn't subject to the full gambit of ACA rules and requirements.

Since the Executive Order was only just issued, it is not clear what the agencies will come up with in response to the President's directives. If the agencies respond by proposing regulations (which is likely), they will need to go through the rulemaking process - which can be slow and difficult.

That said, critics have already begun raising concerns about the impact that these proposals could have on the ACA marketplaces. The overarching concern is that if more people (particularly younger and healthier people) have the option of getting plans that are not subject to all of the ACA requirements (and are therefore cheaper) they will do so, meaning that there will be less young and healthy people in the ACA exchanges, which will raise premiums for those remaining in the exchanges (which would tend to be the older and sicker individuals).

### Cost-Sharing Payments

While the Executive Order described above has generally been well received by conservative groups as being consistent with the goal of easing ACA rules despite Congress' failure to pass repeal and replace legislation, the immediate stay of cost-sharing payments is far more controversial.

Most analysts predict that stopping the cost-sharing payments will have a significant impact on the already delicate ACA marketplaces and could result in insurers leaving the marketplaces and premium increases for many participants. Given that the Trump Administration has been threatening to withhold the cost sharing subsidies for some time now, states and insurers have been taking what steps they can to prepare for such a situation which may delay some of the negative results - but only to a limited extent.

In August, the Congressional Budget Office (CBO) estimated that stopping the cost-sharing payments this year would cause insurance premiums to rise by 20% in 2018 and increase the deficit by \$194 billion over 10 years. The reason for the expected deficit increase is that even if the Administration stops making cost-sharing payments, the ACA commits the government to provide financial assistance to help low-income people pay for premiums, meaning if the elimination of the cost-sharing payments drives up premium costs (which it is expected to do) the government will be responsible for greater premium subsidies.

In light of these numbers, even the U.S. Chamber of Commerce, which has traditionally been opposed to the ACA, has been a vocal proponent for continuing the cost-sharing payments. On the Hill, many Republican members are also very nervous that if the Administration does permanently stop the cost-sharing payments it could be very damaging for them in the 2018 mid-term elections.

The most likely path forward on this issue is reflected in the reasoning that the Administration has given for not making the payments. Specifically, the Administration has stated that, because Congress has not specifically appropriated money for the cost-sharing payments, the Administration cannot lawfully make the payments. This means that the pressure now turns to Congress to figure out how to handle the issue - which appears to have been the President's intent. We've recently seen him do this in other areas, including with DACA and the Iran nuclear deal.

Senators Lamar Alexander (R-TN) and Patty Murray (D-WA) are said to be close to having negotiated a bipartisan bill that would continue the cost-sharing payments in exchange for allowing certain flexibility on ACA rules at the state level. However, today Office of Management and Budget Chief Mick Mulvaney indicated that the President may not be willing to support the narrower Alexander-Murray bill and may, instead, be looking for larger concessions from the Democrats in areas like partial ACA repeal or funding for the border wall. With the temporary funding bill for the federal government expiring on December 8, 2017, it is possible that the President may be willing to strike a short-term deal to continue the cost-sharing payments through that time and then use them as leverage in the larger funding battle to come.

The one thing that is virtually certain is that this move will generate a number of lawsuits. In fact, there is already an open case that might come into play. This case originated out of a challenge by the Republican Congress which was arguing that the Obama Administration didn't have the authority to make cost sharing payments without an express appropriation. The administration changed when this case was pending and the Trump Administration hasn't taken any action on it. However, this summer, a number of Democratic state attorneys general intervened in the case to take over the argument in support of the cost-sharing payments that was previously being made by the Obama Administration. These attorneys general could now seek a court order to require the Trump Administration to keep making the cost-sharing payments to maintain the status quo while the underlying case plays out. Whether the court would grant that request is anyone's guess. Even if the attorneys general are unsuccessful in using the current case as a vehicle to address the issue, we are sure to see other cases from states and insurers in the event that a deal isn't struck and the cost-sharing payments continue to be withheld.

### **Bill Would Streamline Employer Reporting Mandates On Health Care**

This week, U.S. Sens. Mark R. Warner (D-VA) and Rob Portman (R-OH) introduced the bipartisan Commonsense Reporting Act of 2017 to streamline and modernize employer reporting requirements under the Patient Protection and Affordable Care Act (ACA). This legislation would strike a balance between ensuring the Treasury Department has the necessary data to determine availability

of affordable coverage, while cutting down on unnecessary paperwork and administrative costs for businesses.

"This legislation couples important data collection with the flexibility and efficiency employers need to continue implementing the law," Warner said in a statement. "It's time to find common ground with serious legislative efforts that provide more affordable, accessible, and quality health care to all Americans, regardless of where they purchase their coverage. Americans deserve better—hopefully this is the first step of many bipartisan solutions."

The ACA requires employers and insurers to report information about health insurance coverage to the Internal Revenue Service (IRS) at the end of the tax year. The legislation directs the Treasury Department to implement an alternative, prospective reporting system that is more workable and less burdensome for employers than current regulations.

"I have heard from hundreds of employers in Ohio that have spent hundreds of administrative hours attempting to comply with the reporting requirements in the Affordable Care Act. This added time and resources has not improved the quality of health insurance employers offered but only further discouraged employers from offering health insurance and hiring more workers. This bipartisan bill will help streamline the reporting process by allowing employers to report information to the IRS prospectively, easing the burden for employers and employees," Portman said.

### **GOP Plan Repeals Death Tax**

We're happy to report that the joint tax reform framework released last week by the White House, House, and Senate includes full repeal of the estate tax.

The framework states: "The framework repeals the death tax and the generation-skipping transfer tax."

The Family Business coalition letter with TIA and 152 other organizations supporting full repeal of the death tax undoubtedly helped to remind our friends in Congress of the support among the business and conservative communities for repeal.

Tax reform now looks to be taking a duel track in the tax writing committees of the House and Senate.

On the House side, the Death Tax Repeal Act is the policy that has been vetted and passed with a 240-179 vote. The bill:

- Repeals the estate and generation-skipping transfer tax
- Cuts the gift tax to 35%
- Maintains full step up in basis

On the Senate side, repeal has the support of Republicans and Senator Joe Manchin (D-WV) - four other Senate Democrats have voted for full repeal at least once in the past. The last vote was in March 2015 when an amendment passed 54-46. Senator Ted Cruz has made repeal a "must do" in his tax reform principles. Senator Thune's Death Tax Repeal Act currently has 36 cosponsors in the Senate.

### **Trump/GOP Unified Framework For**

## **Tax Reform Released- WOTC Implications**

The President and congressional Republicans delivered their framework for tax reform last week.

Of interest to WOTC advocates is a couple sentences in the section, “Work, Education, and Retirement”, which read: “The framework retains tax benefits that encourage work, higher education and retirement security. The committees are encouraged to simplify these benefits to improve their efficiency and effectiveness.”

We’ll use this opening to work for several low-cost improvements we’ve long sought for veterans, people with disabilities, foster youth, and jobs in private non-profit sectors like health and education.

With regard to process and bi-partisanship, the page titled, “Goals” says the following: “This unified framework serves as a template for the tax writing committees that will develop legislation through a transparent and inclusive committee process. . . . The Chairmen welcome and encourage bipartisan support and participation in the process.”

Do “inclusive” and “welcome” mean partnership? Allowing Dems a voice runs against the grain of how Ways and Means has operated the past eight years. It’s important how the bill-writing is organized: WOTC is bi-partisan, we’re stronger when Democrats have a voice.

There isn’t enough in the framework to satisfy Freedom Caucus, but since the goal is to have a bill written by end of October, Speaker Ryan has another month or more to get them on board.

## **SNAP Retailer Rule Compliance Deadlines Approaching Fast**

The U.S. Department of Agriculture’s (USDA) Food and Nutrition Service (FNS) will begin implementing some of the eligibility requirements for retailers participating in the Supplemental Nutrition Assistance Program (SNAP) beginning on Monday, October 16, 2017. Those requirements were promulgated in the final rule, “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program” published on December 15, 2016.

SNAP provides more than 44 million Americans, including millions of children, with the resources to buy food and sets the requirements for the 258,632 retailers that accept SNAP benefits for food purchases. Small format stores, including convenience stores, provide critical access to food for many SNAP beneficiaries who may live long distances from a large food retailer or may need to shop for food during non-traditional hours when other food retailers are closed.

On Monday, October 16, 2017, the “hot foods” or restaurant provision, which ties retailer eligibility to accept SNAP benefits to the sale of heated foods, will go into effect. Retailers will be disqualified from the program if 50% or more of the store’s total gross retail sales (including fuel and tobacco sales) come from items that are cooked or heated on site before or after purchase. Furthermore, FNS will consider “co-located” retailers—retailers that “include

separate businesses that operate under one roof and share all three of the following commonalities: ownership, sale of similar foods, and shared inventory” to be a single entity for eligibility purposes under this provision.

Furthermore, FNS will implement the stocking unit provisions found in the final rule starting January 17, 2018. Retailers will be required to have three units of three varieties of food in each of the four “staple food” categories (dairy; meat, poultry, or fish; bread or cereal; and vegetables or fruits) for a total of 36 staple food items. Of the 3 varieties of food in each category, at least one item in two categories must be perishable, i.e. food that will spoil within 2-3 weeks. Along with the stocking unit requirements, FNS will also implement the updated definition of “accessory food,” which includes potato chips, cookies, soda, and other items. Items that are considered “accessory food” are, by definition, not staple foods and may not be counted towards a retailer’s stocking requirements.

The remaining provisions in the final rule have been delayed due to the passage of the Consolidated Appropriations Act of 2017, which contained a provision NACS advocated for requiring FNS to rewrite the “variety” provisions of the updated SNAP retailer eligibility regulations.

## **Legislation For Year-Round High Ethanol Blends Stalls**

Legislation that would allow year-round sales of higher ethanol blends will not move through the U.S. Senate’s Environment and Public Works Committee this year, after it attracted amendments that targeted major environmental laws, reports Politico.

Committee Chairman John Barrasso (R-WY) and Sen. Deb Fischer (R-NE), co-authors of S. 517, told the news source that their bill lacked the votes necessary to move out of committee and onto the Senate floor. Sen. Jim Inhofe (R-OK), who opposed the bill, said it would have weakened the Clean Air Act, while other senators expressed concern about the legislation and industry sources said Democrats had a string of their own plans to try to address concerns about higher food prices and increased air pollution. The combined weight of the amendments under discussion ultimately sunk the bill.

“The original sponsor said the votes aren’t there; I don’t expect to see it this year,” Barrasso said. Fischer agreed that the bill would not come up for a vote this year.

Ethanol producers have long argued that allowing year-round sale of gasoline with 15 percent ethanol would help increase the number of credits that refiners must use to comply with the Renewable Fuel Standard — and ultimately drive down prices. But the oil industry sees the RFS as “broken,” and major producers have no interest in small tweaks, especially one that would cut into the sale of their product.

Fischer won committee time in May for her bill, which would waive a Clean Air Act provision that prevents summer sales of E15 in some states after a last-minute scramble for votes on a resolution to kill an Obama-era rule

limiting methane leaks by gas producers. Barrasso agreed to give her bill a hearing and a markup vote in exchange for votes from Fischer, Sen. Chuck Grassley (R-Iowa) and other corn-state Republicans. The methane resolution ultimately failed.

Ethanol producers had hoped to sway Democrats by touting the fuel's lower greenhouse gas profile than gasoline, and the hope that allowing E15 to be sold all year would create higher demand for advanced biofuels with even lower emissions, a top concern for longtime RFS supporter Sen. Ed Markey (D-Mass.).

The committee also has five senators among its members thought to be considering running for the Democratic nomination for president in 2020: Sens. Bernie Sanders (I-Vt.), Cory Booker (N.J.), Kirsten Gillibrand (N.Y.), Kamala Harris (Calif.) and Jeff Merkley (Ore.). Ethanol remains a key issue in Iowa, and a "yes" vote could have been a boost to a primary bid.

But industry sources say that Democrats, along with the Sierra Club, which opposed the bill, had concerns about the potential for higher food prices and air pollution. A biofuels and a refining industry source said Democrats wanted an amendment to cap ethanol volumes if food prices ran too high, and some Democrats worried that the air waiver, which has to do with fuel evaporation provisions, would create air pollution problems.

Though Fischer had sought a rifle shot that would address only the Clean Air Act waiver, the legislation ultimately "ricochets all over the place," said a refining industry source who opposed the bill.

"I think what happened [was] it looked like we were really going to do this. So we loaded the box up with every Clean Air Act amendment we could think of," he said.

Inhofe had his sights on the Clean Air Act, and he had planned a host of amendments, including killing the Clean Power Plan and the Waters of the United States rule, and sunseting the conventional biofuel requirement that is typically filled by ethanol. The amendments would be hard for Republicans to oppose but would have been virtually impossible for Democrats to support, if any got attached to the bill.

"We think it is very unfortunate that this bill has been caught up by unrelated issues," John Fuher, senior director for government affairs for Growth Energy, an ethanol group, said in a statement. "We continue to believe that this legislation is necessary, as it would lift an outdated, unnecessary restriction on retailers who want to offer their customers the choice of a cleaner, more affordable fuel option year-round."

Oil groups who opposed the legislation were more upbeat.

"We are pleased that E15 waiver is not moving," said Frank Macchiarola, downstream director for the American Petroleum Institute. "We think it reflects a broad bipartisan consensus that, first, E15 is not ready for the market place, and second, the RFS needs to be addressed holistically with significant reforms based on free market fundamentals that protect the American consumer."

## **EPA Seeks Public Comments On Potential Cuts To 2018 And 2019 Biodiesel Obligations**

The Environment Protection Agency (EPA) published in the Federal Register a Notice of Data Availability (NODA) to provide public notice and an opportunity to comment on potential reductions to the 2018 biomass-based diesel, advanced biofuel, and total renewable fuel volumes, as well as the 2019 biomass-based diesel volume under the Renewable Fuel Standard (RFS) program. In its July proposed rule, EPA had put forth a volume of 2.1 billion gallons of biomass-based diesel for 2019—the same amount as 2018 levels finalized in November 2016.

The expiration of the biodiesel blenders' tax credit at the end of 2016 and the U.S. biodiesel industry's efforts to impose tariffs on biomass-based diesel imported from Argentina and Indonesia—led to EPA's announcement to seek comments on potential cuts to biodiesel and advanced biofuel volumes.

The deadline to file comments is October 19, 2017—only a 15 day comment period. After the comment period closes, EPA will review all comments and send its final rule for the renewable volume obligations to the Office of Management and Budget (OMB). By statute, EPA is supposed to finalize the 2018 volumes by November 30, 2017.

EPA's announcement signals its intent to lower the biodiesel and advanced biofuel volumes. Any regulatory action that impacts the renewable volume obligations under renewable fuels standard program affects the convenience and fuel retailing industry.

## **Michigan Moves Toward Prohibiting Local Taxes On Soft Drinks**

This week, the Michigan senate approved a bill that would forbid state localities from enacting taxes on chewing gum, drinks and food, the Detroit News reports. The preemptive proposal is aimed at restricting local ability to tax soft drinks.

The state's constitution already exempts groceries from the state sales tax, but state Sen. Pete MacGregor's bill would ensure that local governments couldn't slip taxes on food and drinks via a loophole in the exemption. "We can't have a patchwork of certain cities and certain counties tax certain items and others don't," he said. "This will kill these cities' economy."

Not everyone agreed that this could be a potential problem for the state. "There's not a single municipality in our state that is actively doing this," state Sen. Rebekah Warren said. "What this policy will do is take one more tool out of the tool box of our local units of government."

"While local governments and advocates of these taxes want everyone to believe that they are acting in the interest of public health and safety, the real motivation is to raise revenue to fund more local government growth and bureaucracy and to bail out local budget deficits from years

of over-spending,” Charlie Owens, state director of the National Federal of Independent Businesses, testified during a committee hearing recently.

Seattle, Philadelphia, San Francisco and other cities have enacted local taxes on sugar-sweetened beverages.

### **The Top Legislative Threats Facing Convenience Stores Today**

Selling fuels alone brings up a host of governmental issues for convenience stores, but when you add expanding foodservice, payments, security and labor to the mix, there are a lot of legislative issues to be monitored and adhered to for today’s c-store retailers. The majority of these issues fall into three major buckets:

1. Fuels — How and what is being sold, and how it’s taxed and labeled.
2. Foodservice — Includes food safety, menu labeling, SNAP benefits and more.
3. Payments and Security — Includes credit and debit issues, fees, data security and compliance, and EMV transactions.

#### The Fuels Fight

One of the top issues right now is the Renewable Fuel Standard (RFS), which provides for the inclusion of increasing volumes of renewable fuel into the marketplace each year.

With the convenience store industry selling more than 80 percent of the motor fuels in the United States, any legislation in this area has a big impact.

“When amended by Congress in 2007, the Renewable Fuel Standard laid out how much renewable fuel has to be put out into the marketplace each year until 2022, and 2022 is only five years away, so we are watching what is going to happen with it,” said Anderson.

Right now, the standard says there needed to be 15 billion gallons of corn ethanol put into the marketplace as of last year, and the proposal for 2018 is the same, she explained. Obligations for 2018 will be finalized by Nov. 30, 2017, and Congress is already reviewing what the standard will look like beyond 2022.

There is a need for more clarity and help around the issue of misfueling, too. Right now, even if a customer’s vehicle is labeled with the type of fuel it should use, and there is labeling at the pump, retailers can be held liable and subject to fines and penalties by the Environmental Protection Agency (EPA) if a customer puts the wrong fuel in their vehicle.

There is also an effort by a small group of merchant refiners to shift the responsibility for compliance of the Renewable Fuel Standard from the refiners, importers and manufacturers to the blender or retailer level, and we don’t want to see that happen,.

#### The Foodservice Fight

When it comes to the foodservice category, there are two top-of-mind issues right now: clarifying menu labeling, and preserving the ability for c-stores to participate in the

SNAP program, or Supplemental Nutrition Assistance Program.

Under Obamacare, there was a provision for restaurants to start putting calorie counts on their menus; it was intended for restaurants and fast-food service, and it doesn’t take into account the different and unique footprint of convenience stores. There is a delay in the deadline until May 2018, and NACS has been communicating with the Department of Health and Human Services, seeking legislation with HR772 to provide flexibility for the c-store industry to meet the requirements.”

Currently, the legislation states that a store must have signage where food is offered, but everyone is not like a McDonald’s or other fast-food restaurant where you place an order for food with one menu, she said. In convenience stores, there is often a coffee bar, an iced drink station, a yogurt bar, and a host of other offerings throughout the store. This would require them to put signs all over, and there is not enough room or wall space, Anderson noted.

There is also confusion around the small entity carve out, stating if you have less than 12 stores, you would not have to follow it. Does that mean franchisees, or if you happen to sell ExxonMobil gasoline but are not owned by the company, too? The new legislation will clarify all of this according to the government relations executive.

The other issue concerning foodservice is the push by some to edge out the convenience store industry from participating in the SNAP program. Currently, out of the 154,535 c-stores in the United States, 117,000 participate in the program, representing approximately 45 percent of all retail outlets authorized under the program, according to NACS figures.

The 2014 Farm Bill put forth requirements for participating, but the agency implementing them put in changes that would essentially remove the convenience store industry,” Anderson said.

The final rule says convenience stores must stock seven varieties of foods in each of the four staple categories — meat, poultry or fish, bread or cereals, fruits and vegetables, and dairy — as well as at least one perishable food item in three of the categories. Furthermore, c-stores must have three units of every variety — 84 total items — on the shelf. NACS maintains that the definition of “variety” is complicated, plus c-stores only get food deliveries one to two times per week, which makes stocking certain foods and items that are perishable difficult for them. C-stores are also limited on space, unlike supermarkets.

#### The Payments & Security Fight

Through the efforts of NACS and others, the industry was successful in fighting off the attempt to take away the debit card reform in place. However, the payments space is always changing, especially with mobile commerce, so this continues to be an ongoing area of focus.

The next chapter in the payments space is about security, and we are fighting skimmer breaches at the pump and making changes where necessary to reduce risk, but there is no silver bullet. With the transition to EMV, certification processes by credit card companies to get retailers up and

running need to move faster because there is a huge backlog right now.

And even with all the money that the c-store industry is putting out to upgrade to EMV — \$10,000 per pump and \$9 billion industrywide, according to NACS estimates — the chip only solves part of the security issue.

We need to be allowed to require a PIN because, from a security perspective, it makes a huge difference. Right now, credit cards are not allowing us to do that,” she said. “We are trying to educate policy makers that the chip is not enough to really reduce fraud.”

### **BP Reintroducing Amoco Brand After More Than A Decade**

BP’s Amoco retail fuel brand will soon be reintroduced to the U.S. market, the company announced Tuesday. The Amoco brand was last available to BP marketers in the U.S. more than a decade ago.

In its announcement, BP confirmed that the brand will be available in select U.S. markets as a complementary retail offering to BP marketers in the corresponding cities.

BP believes that resurrecting the Amoco fuel brand could foster additional growth opportunities and help resolve local, competitive station conflicts.

“The reintroduction of the historic Amoco brand is an exciting step forward in BP’s U.S. retail growth strategy, and it clearly demonstrates our commitment to helping our branded marketers grow their businesses,” said Rick Altizer, senior vice president of sales and marketing for BP Fuels North America.

“BP has a very strong brand presence in the U.S. and now, with the addition of the Amoco brand, we have the opportunity to build further on this success and to give an important boost to our sales and marketing business in the U.S.,” Altizer added.

All of the consumer loyalty programs that BP-branded retail sites offer will be offered at the Amoco-branded stations as well. Amoco-branded stations will also sell all grades of gasoline with BP’s proprietary additive, Invigorate.

BP made the decision to reintroduce the Amoco brand upon learning through the company’s consumer research that the brand still resonates with a number of American consumers. The findings also revealed that both the Amoco brand and the BP brand appeal to similar audiences. Due to those findings, the two brands will share a similar marketing strategy.

BP plans to have the first Amoco-branded station up and running by the end of this year. By 2021, BP expects to see an additional \$1.4 billion in earnings growth from its fuels marketing business.

BP plc is an oil and gas producer. Its Chicago-based North American division employs approximately 18,000 people across all 50 states.

### **AT&T Leaves Plenti**

Plenti, loyalty coalition program that allows users to earn points in one place and use them at another, is losing one of its partners at the end of October: AT&T.

Users can earn points with more than 900 retailers, brands, restaurants and bars to save money at select Plenti partners: participating Exxon and Mobil gas stations, Rite Aid pharmacies, Chili’s restaurants, Macy’s department stores, BI-LO, Winn-Dixie, and Harveys supermarkets.

After October 31, AT&T will no longer participate in the Plenti program. Until then, Plenti members can continue to earn and redeem points at AT&T. After this date, Plenti members will continue to have access to any available (non-expired) points earned with AT&T and can use those points for savings with certain partners in the Plenti coalition.

Per the American Express website, “AT&T made the decision they felt was best for their business, but we still have a lot of great partners and ways for you to earn Plenti points.”

TheWiseMarketer.com suggests that the Plenti program could be on the verge of losing one of its founding partners, Macy’s, which has relaunched its Star Rewards program. Additionally, the news source notes that Walgreen’s announced in July that it was buying nearly half the stores of Plenti’s pharmacy partner Rite Aid.

### **Long Island C-Store Owner, Clerks Arrested For Drug Trafficking Allegations**

A Long Island convenience store owner and two employees have been indicted for their alleged roles in a drug trafficking conspiracy that took place from 2013 through 2015, according to a federal announcement.

If convicted, the c-store owner could forfeit the store. The retailer and two employees also could face up to 20 years in prison on the drug trafficking conspiracy charge as well as drug trafficking charges.

Those charged are: Osman Ak, 45, of Holbrook, the owner of Eyup Gas & Convenience Store in Medford; Murat Ak, 35, of Holbrook, a store clerk; and Mehmet Akpinar, 51, of Nesconset, a store clerk. Authorities allege the defendants sold illegal synthetic marijuana, or K2, from the store premises.

The New York governor's office said the arrests and charges were part of a joint federal and state enforcement effort to combat the illegal sale of K2 in communities throughout New York. Authorities seized 1,000 packets of synthetic marijuana and its chemical analogues from the Eyup Gas & Convenience Store.

Gov. Andrew Cuomo (D) said in an announcement that he will strengthen New York’s law on synthetic drugs, advancing legislation to add 35 types of synthetics to the state controlled substances list and subjecting those who manufacture or sell these drugs to criminal drug penalties. Those 35 substances already are listed on the federal schedule of controlled substances. The legislation also will give the New York State Health Commissioner the authority to add to the state controlled substances schedule any new

drugs that have been added to the federal schedule, Cuomo said.

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### **Electric Vehicles Won't Rattle Solid Global Oil Demand In Near Term: Bank**

The global oil demand growth will remain solid for the next five-10 years even as electric vehicles (EVs) achieve market share inroads in the global auto fleet, according to Wells Fargo on Friday.

The bank said that biofuels are the larger near-term threat to oil demand.

In the near to intermediate terms, the current technological, operational and infrastructure shortcomings and higher purchase prices for EVs are real impediments to widespread adoption, the bank said.

"Thus we expect continued demand growth for oil and oil products well into the 2020s and likely beyond based on continued use of conventionally powered vehicles, underlying global demographics and economic advancements in the non-OECD countries," Wells Fargo said.

By the latter half of the next decade the combination of proactive, mandated emissions reductions and technological advancements should deliver a fuller spectrum of cost-competitive EVs and may support an evolutionary change in vehicle choices, it said.

"That combined with considerably more fuel efficient and environmentally friendly internal combustion engine vehicles (ICEVs) may retard incremental gasoline demand growth, but not overall oil demand growth within 10-15 years," it said.

Across the one- to five-year investment horizon that the bank generally operates in, Wells Fargo anticipates global oil demand growth of approximately 1.5% per year supported by global gasoline demand growth.

Autonomous vehicles (AVs) if/when they become available could deliver the revolutionary event that significantly reduces the cost per mile/trip, changes driving habits and lowers oil consumption, and significantly curtail emissions, it said.

The bank said that demographics favor oil demand growth. Global population growth and higher per capita oil consumption should underpin increasing oil demand through the next decade and likely beyond, it said. Oil prices and policy mandates remain the two wildcards.

Wells Fargo also said that EVs require policy, regulatory and financial support.

"Today, EVs struggle to compete on price, performance and flexibility with ICEVs. These conditions may change over time. However, in the countries where purchase and/or operating subsidies have been severely curtailed or eliminated, EV sales have collapsed, reflecting the current disadvantages," it said.

Meanwhile, based on the IEA's forecast to 2022, biofuels (ethanol, biodiesel) should increase fuel supply by 0.45 million b/d. Demand loss to EVs is expected to total just 0.2 million b/d, or less than one-half of the impact of biofuels. On a combined basis, this represents a loss of oil demand of 0.65 million b/d, or less than 1% of global fuel demand.

Wells Fargo said that sustained lower oil prices may support modestly faster demand growth. Since the oil price collapse began in late 2014, the oil demand growth rate has exceeded 1.5% in seven of 10 quarters, it said. While this performance may prove transitory, economics 101 supports greater demand from lower prices. In the U.S., increased driving and a consumer preference for larger, less fuel-efficient vehicles has been a direct consequence of lower retail fuel prices, the bank said.

OPIS reported in July that the Fuels Institute said that the emergence of EVs is expected to have an impact on the global automobile industry globally in the long run, but this development will be very slow at least for the next eight years.

--Edgar Ang, eang@opisnet.com

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### **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 516-371-6201.

### **Attention Inspection Stations**

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

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

## **Family Leave Benefits Act**

Beginning Jan 1<sup>st</sup> 2018 The New York State Dept. of Financial Services states that the Paid Family Leave Benefits Law (PFLBL) will be in effect. The premium will be 0.126% of an employee's weekly wage up to the NYS average weekly wage which is considered to be \$1,305.92. The premiums will be removed from weekly wages and placed into a state fund to be accessed during qualifying situations. In anticipation of the Paid Family Leave Act policy holders may already have begun to make deductions starting July 1<sup>st</sup> of this year.

Benefits of the plan include 8-12 weeks of paid family leave annually after working for their employer 26 or more consecutive weeks with no minimum hours needed to be worked. A medical certification in form must be generated by Workers Comp and the employer must be notified. Qualifications to receive benefits for NYS employees include :

- 1) to care for an infant within the first 12 months after birth
- 2) bond with a new foster child
- 3) take care of a family member with serious health conditions including parents, grandparents, spouse, child, or registered domestic partner
- 4) assist with family obligations arising due to a spouse, child or parent going on active US military duty.

Any employer covered by the workers compensation law will have to permit eligible employees to take paid leave. They are required to take deductions from their employees pay. Like workers compensation and disability benefits paid family leave will be available to employees regardless of how many their business employs. The law imposes the current family and medical leave act (FMLA) which was only eligible to employees who put in 1250 hours of work in twelve months.

Scheduling for employee benefits from Paid Family Leave is as follows :

- 1) Jan 1<sup>st</sup> 2018 – receive 50% of salary for 8 weeks in any 52 week period but not to exceed NYS average weekly wage (NYSAWW)
- 2) Jan 1<sup>st</sup> 2019 – receive 55% of salary for 10 weeks in any 52 week period but not to exceed NYSAWW
- 3) Jan 1<sup>st</sup> 2020 – receive 60% of salary for 10 weeks in any 52 week period but not to exceed NYSAWW
- 4) Jan 1<sup>st</sup> 2021 – receive 67% of salary for 12 weeks in any 52 week period but not to exceed NYSAWW

PFLBL benefits may be payable to employees to take in as small as one day increments. Directors of Workers Compensation will clarify intermittent leave for PFLBL at a later date.

In accordance to the Family and Medical Leave Act employees taking family leave under PFLBL will lose no benefits except they are not entitled to accrue seniority while on paid family leave.

**Ralph Bombardiere, Chandler James**

**For more information please call the association office at (518) 452-4367**

**NYVIP MESSAGE No. 234**

**DATE:           OCTOBER 17, 2017**  
**TO:             ALL INSPECTION STATIONS**  
**FROM:          NYS DEPARTMENT OF MOTOR VEHICLES**  
**SUBJECT:      2019 STICKER ORDERING NOW AVAILABLE**

Below are instructions for ordering next year's stickers.

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

Effective today, October 17, 2017, inspection stickers with an expiration year of 2019 are available for order.

**HOW TO ORDER STICKERS:**

To order stickers on the NYS DMV website go to

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

It is your responsibility to order next year's stickers promptly so that you have proper supply on hand by January 1, 2018. Sticker orders are processed in the order received. Please allow 4-5 weeks for processing.

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



## 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 October 2, 2017.

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 in cartons of 200 cigarettes, 10 packs per carton. See *Need help?* on the back for copies of Publication 508.

The New York State minimum prices relating to each of the eight 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)
\$41.64	\$85.14	\$86.09	\$86.62	\$88.64	\$94.85	\$9.49
\$45.64	\$89.14	\$90.12	\$90.68	\$92.80	\$99.29	\$9.93
\$49.34	\$92.84	\$93.86	\$94.44	\$96.64	\$103.41	\$10.35
\$49.94	\$93.44	\$94.46	\$95.05	\$97.27	\$104.07	\$10.41
\$51.84	\$95.34	\$96.38	\$96.98	\$99.24	\$106.19	\$10.62
\$56.20	\$99.70	\$100.78	\$101.40	\$103.77	\$111.03	\$11.11
\$58.88	\$102.38	\$103.48	\$104.12	\$106.55	\$114.01	\$11.41
\$62.55	\$106.05	\$107.18	\$107.85	\$110.36	\$118.09	\$11.81

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)
\$41.64	\$100.14	\$101.22	\$101.85	\$104.23	\$111.52	\$11.16
\$45.64	\$104.14	\$105.26	\$105.91	\$108.38	\$115.97	\$11.60
\$49.34	\$107.84	\$108.99	\$109.66	\$112.22	\$120.08	\$12.01
\$49.94	\$108.44	\$109.59	\$110.27	\$112.85	\$120.75	\$12.08
\$51.84	\$110.34	\$111.51	\$112.20	\$114.82	\$122.86	\$12.29
\$56.20	\$114.70	\$115.91	\$116.63	\$119.35	\$127.70	\$12.77
\$58.88	\$117.38	\$118.61	\$119.35	\$122.13	\$130.68	\$13.07
\$62.55	\$121.05	\$122.31	\$123.07	\$125.95	\$134.76	\$13.48

\* 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 the back 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 below 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	7½% plus 20 cents
Agent to chain stores	1½% plus 20 cents
Agent to retail dealers	3⅞% 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 7½% 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 3⅞% 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. 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 Business Tax Information Center at the number listed under *Need help?* below.

**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](http://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) Hotline** (for persons with hearing and speech disabilities using a TTY): (518) 485-5082



**Persons with disabilities:** In compliance with the Americans with Disabilities Act, we will ensure that our lobbies, offices, meeting rooms, and other facilities are accessible to persons with disabilities. If you have questions about special accommodations for persons with disabilities, call the information center.



September 2017

### **NYSIF Standardizes Premium Payment Terms for All Policyholders**

Effective December 1, 2017, the New York State Insurance Fund will standardize the due dates of policyholder premium payments, impose a late payment fee if premium is not paid when due, and shorten the time frame for placement in nonpayment cancellation.

The purpose of these billing changes is to align NYSIF with industry practices, standardize premium payment due dates and ensure timely payment of premium. Please note that the following changes apply to both Workers' Compensation (WC) Insurance premium payments and Disability Benefits (DB) Insurance premium payments.

#### **Premium Payment Due Dates**

The payment due date for policyholders will now be **20 days** from the policy anniversary date. For example, if a policy anniversary date is on the fifth of the month, new charges will be due by the 25th of each month. If payment is not received by the due date, WC policyholders will incur a \$30 late payment fee; DB policyholders will incur a \$10 late payment fee.

#### **Past Due Premium Payment Due Dates**

Policyholders who fail to make payment in full by the due date will receive their next installment bill, which will include the past due amount, applicable late fees, and any new charges. Payment in full within 13 days is required. If the amount due remains unpaid, NYSIF will issue a nonpayment cancellation notice. The policy will be cancelled 16 days later if NYSIF does not receive payment in full.

#### **Additional Information**

- Late fees will only be charged on active policies.
- Payments received after the due date are considered late.
- Partial payments will not prevent a cancellation notice from being issued. The full past due amount and any new monthly charges must be paid to avoid cancellation.

We ask you to encourage your clients to take advantage of all of NYSIF's immediate payment options, including eCHECK, credit and debit card payments. Visit [nysif.com](http://nysif.com) for more information. Also, eligible policyholders may apply for the NYSIF PAYGO option to pay their WC premiums through approved payroll processors. For more information, visit [www.nysif.com/paygo](http://www.nysif.com/paygo).

The information on the reverse side will assist you and your clients in better understanding NYSIF'S revised billing and late fee procedures.



# Rewards Potential: **High**

**Earn unlimited 2% cash back** with the Spark® Cash credit card and start putting thousands of dollars back into your business.



Accelerate your business growth every time you make purchases for equipment, parts, advertising and everything in between.



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on every purchase

Earn a one-time  
**\$500 Cash Bonus**  
once you spend \$4,500 on purchases  
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Text **AUTO** to **701-800-1020** to apply.  
Message and data rates may apply.

Participating Carriers: AT&T, Sprint, T-Mobile, Verizon Wireless, Boost, Virgin Mobile USA, Cricket, MetroPCS, U.S. Cellular, nTelos, C Spire, Carolina West Wireless, Cellcom, Interop and Rural Carrier Group. Supported carriers are not liable for delayed or undelivered messages. Credit approval required. Offered by Capital One Bank (USA), N.A. ©2017 Capital One. \*Existing or previous Spark Business cardholders may not be eligible for this one-time bonus.





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**RALPH BOMBARDIERE**  
Executive Director

**LARRY CULLEY, ESQ.**  
General Counsel

July 2017

Dear Member/Supporter:

GASDA is kicking off its Trade Journal Campaign for the 2018 issue. Each year we highlight the good and bad from the previous year. There is always a lot of bad that happens to our industry. With so many government agencies wanting a piece of us, or should I say our money in the way of fines and fees, we need to be ready at all times to block any new initiative and hold off the reoccurring ones.

There have been some major changes in the last year. Hess has all but disappeared and are now Speedway. Cumberland Farms has sold out to a distributor from Virginia, PMG. They have in turn rented the Gulf Stations to BP and the Mobil Stations are being leased as well.

The challenges for the repair shop industry are always there and increasing in activity. There were over thirty bills introduced in the legislature to increase control of the everyday activities of the auto body, repair, and specialty shops along with special attention to the inspection stations. One major change is the addition of testing the window tint during inspections.

This being said, we are now in the process of updating the annual trade journal and we need your help. As you know, the membership uses this publication as a means of doing business with co-members and those that support our industry and Association. It allows you to refer customers to fellow association members for services that you don't provide and they need. But did you know that it also allows us to keep a full time attorney on staff to provide assistance to you, under the membership guidelines, should you require it.

Enclosed is an application to purchase an ad in the Journal. One is for our members who wish to show their support. The other is for commercial ads, for companies that want our members to consider them first when they need services, supplies and/or materials.

We are asking you, as a member and/or supporter, to take an ad and then to solicit your suppliers to take one as well. It is helpful to show advertisements in the trade journal for service stations, banks, and providers of supplies and materials, insurance companies and all those with whom you do business with on a daily basis. Feel free to copy this application and pass it on to them.

The Journal acts not only as a directory of services, but tells everyone who we are and what we do. It also provides a source of revenue to assist in our continued efforts to protect the

industry. GASDA along with other associations and trade unions would not exist without the help and support of its membership. One voice alone receives little attention but as a group we have voice that will be heard.

Be proactive and help make your association stronger, your dues and other support should be considered an investment in your business and your future!

Very truly yours,

Ralph Bombardiere  
Executive Director

## OFFICERS

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*AFFILIATED WITH THE NYS ASSOCIATION OF  
 SERVICE STATIONS & REPAIR SHOPS, INC.*

372 DOUGHTY BLVD.  
 INWOOD, NEW YROK 11096  
 (516) 371-6201 \* Fax (516) 371-1579

**NON/COMMERCIAL ADVERTISING CONTRACT**  
 (for GASDA Members only)

Date: \_\_\_\_\_

I/we hereby authorize GASDA to insert a \_\_\_\_\_ page (size)  
 advertisement in the 2018 TRADE DIRECTORY, BUYERS GUIDE and REFERENCE  
 BOOK published by this Association, for which we include payment in the sum of \$  
 \_\_\_\_\_.

(check one) \_\_\_\_\_ Full Page \$194.00  
 \_\_\_\_\_ 1/2 Page \$144.00  
 \_\_\_\_\_ 1/4 Page \$ 99.00

**(SEE OTHER SIDE)**

Firm Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Phone #: \_\_\_\_\_

Fax #: \_\_\_\_\_

Print Name: \_\_\_\_\_

Confirmation \_\_\_\_\_

Authorized Signature: \_\_\_\_\_

(Please print, attach, or enclose a clear/clean copy of your ad)

Check here if you want us to repeat last year's advertisement for your business.

**NOTE: Full page size is 5" x 7"**

# Lawley & NYSASSRS

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Together we have returned  
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- Over 30% Average Annual Dividend (25 Years)
- Save up to 55% off your current premium\*
- Last years dividend was 30% (\$3,045,773)
- Dividend checks as high as \$65,433 have been issued to our policy holders
- Easy quoting process
- Program available to all members



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

**Bill Adams**

**716.849.8641 | [badams@lawleyinsurance.com](mailto:badams@lawleyinsurance.com)**

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PLEASE CONTACT WAYNE  
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516-371-6201 EXT.101**

## 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:

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**DO YOU WANT** TO BE CERTIFIED IN SECTION 609 MOTOR  
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**[NYSASSRS.COM](http://NYSASSRS.COM)**

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



## Garage Insurance Survey

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

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



## **GASDA** Legal Service Plan

GASDA'S legal plan provides for consultation services and representation at hearings. The following are included:

- Representation at one small claims proceeding or one administrative hearing per year. Requests for representation must be received at the association's office 20 days prior to the hearing date.
- One-hour consultation on any single issue relating to a member's business.
- Small claims proceeding ONLY. The first two court appearances are covered under the plan. The third and all subsequent appearances are not covered. If the member wants continued representation, the appearance fee is \$375 per appearance.
- The legal service attorney will provide legal representation or consultation to GASDA members at the rate of \$185 per hour for any issue not included in the legal service plan.

In order to be eligible for Group Legal Service representation, a member's dues in full and all obligations to the Association must be current. For additional information, please call the GASDA office at:

**516-371-6201**

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

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS  
*POINT REDUCTION CLASS*

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

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

WHERE:

ASSOCIATION OFFICE  
372 Doughty Blvd, Suite 2C  
Inwood, New York 11096

WHEN:

The First Monday of every month at 2:00 PM  
The Second Wednesday of every month at 10:00 AM

COST:

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

**PLEASE CALL FOR RESERVATIONS AT (516) 371-6201**

**SPONSORED BY: GASDA/LIPDRA**

# 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

# AutoPass Private Label Credit Card Program



## Why Choose CFNA?

Private label credit cards offer consumers a dedicated line of credit for a merchant's products and services. Private label credit cardholders shop more often and spend more on each visit.

## Who is CFNA



Credit First National Association (CFNA) is a limited purpose federally chartered private label credit card bank, wholly owned by Bridgestone Retail Operations, LLC. CFNA issues private label credit cards for thousands of automotive retailers throughout the United States.

## Card Benefits

The AutoPass card is now the preferred private label credit card for NYASSARS Merchants. Consumers can use the AutoPass card for the purchase of parts, services, accessories and tires.

The AutoPass Program provides:

- Instant credit decisions at the point of sale and online
- Brand impact for every Merchant and their business name is embossed on every card opened
- Generous consumer credit limits
- High customer approval rating
- No annual fees for consumers
- No initial set up fee
- No minimum monthly sales volume required

## When

As of July 1, 2015, The AutoPass credit card, issued by CFNA is the preferred private label credit card for NYASSARS Merchants.



**In store advertising collateral**



**Interested in offering AutoPass and ready to get started?** Contact CFNA today at 800.527.6770 or sales@cfna.com