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# NYS ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS, INC.

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6 WALKER WAY, ALBANY, NY 12205

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(518) 452-1979 -- (716) 656-1035 – state@nysassrs.com – www.nysassrs.com

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## Attorneys Corner

### *Business Housekeeping Chores*

By Larry Culley

Following are some business housekeeping chores which need to be attended to. Remember, you are NOT mechanics, nor gas jockeys or the like. You are businessmen and businesswomen and you need to operate as such if you are to succeed. So take note and be guided accordingly.

Please be advised that any inspection stickers for use in 2018 which haven't yet been returned to the Department of Motor Vehicles need to be returned right away or you might not get credit for them. They were supposed to be returned by the beginning of March, 2019, so you need to return them forthwith. If you need a return form please call your Association office and one can be sent to you. You can also go to the DMV's website for instructions at the following address: <https://dmv.ny.gov/inspection/return-inspection-certificates>. Why leave any money on the government's table if you don't have to? Time's a wastin'!

In New York City, the Department of Consumer Affairs Second Hand Dealers License for the sale of used parts or used vehicles expires on July 31, 2019. The license for used parts and the license for used vehicles are two separate licenses. If you engage in both activities you need two licenses. Don't wait until the last minute to renew these licenses! The fines for violations are, after all, coming out of your pocket.

*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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## **Wins, Losses for New York Budget**

On March 31, the New York legislature and Gov. Andrew Cuomo finalized a state budget containing a new tax on vaping products, harsh new penalties for underage sales of e-cigarettes and a statewide ban on plastic bags.

However, a proposed tobacco-products display ban and expansion of the state's bottle bill to non-carbonated beverages failed. "The governor's proposal to ban displays of tobacco products in convenience stores was rejected, thanks to pushback by NYACS members," the association said in a press release.

A separate bill approved by the General Assembly earlier, and passed by the Senate this week, will elevate the tobacco buying age to 21. Gov. Cuomo is expected to sign the bill soon and the bill will take effect 120 days after his signature.

We strongly opposed a new tax on vaping products, which will take effect Dec. 1, because "it will spur black-market activity." Meanwhile, a ban on plastic carryout bags in retail stores was approved, effective March 1, 2020, along with authorization for cities and counties to levy a 5-cent tax on paper bags. The plastic bag ban has numerous exemptions, including SNAP and WIC recipients, trash bags, food storage bags and restaurant/tavern carryout bags.

## **New York City, Counties Would Have To Pass Paper Bag Fee Under Plastic Ban Agreement**

*By Marie J. French*

New York City and individual counties would have to opt in to a 5-cent fee on paper bags under a deal to ban plastic bags statewide that's been agreed to in the state budget, said Sen. Todd Kaminsky (D-Nassau).

Gov. Andrew Cuomo and legislative leaders signaled earlier this week that a deal to ban most single-use plastic bags was likely to be included in the state budget, but details of how paper alternatives would be addressed were unclear. The compromise tentatively agreed to by the governor and Assembly and Senate leaders will grandfather in municipalities with their own fees already in place but require that counties and New York City pass their own fees, according to two sources familiar with the details.

"Cracking down on the environmental blight caused by plastic bags has long been a priority for the governor and was one of the first budget proposals he unveiled this year," said Rich Azzopardi, an adviser to the governor. "We're encouraged by the emerging consensus on this issue and will continue to work with the Legislature to finalize a budget that works for all New Yorkers."

For each paper bag on which a fee is charged, 3 cents would go to the state's Environmental Protection Fund and 2 cents would go to the locality specifically to fund reusable bag programs, according to the two sources.

"If a county doesn't want to opt-in to that, then a locality can but their 5 cents has to go to the retailer," said Kaminsky. "It's not in writing yet but it's in principle — a decent framework has been worked out."

The opt-in provision would shift responsibility for imposing a fee — which several Assembly Democrats opposed — onto local governments rather than the state. It may also lead to a patchwork of fees and raises some concerns for environmental groups who would prefer to see a statewide fee.

"It appears to fall short of the gold standard," said Environmental Advocates of New York's Peter Iwanowicz. "They're not keeping pace of what leading states should be doing when it comes to addressing the scourge of disposable bags."

Cuomo has backed a statewide ban on plastic bags after the state blocked a New York City fee on single-use paper and plastic bags. Senate Democrats in their one-house budget supported a statewide plastic ban with a fee on paper, with the money being split between the state's environmental fund and retailers.

## **Carl Heastie Floats Raising State Sales Tax On Gas To Fund Mass Transit**

Warning that congestion pricing is not a sure bet, Assembly Speaker Carl Heastie on Friday floated another idea to help fund mass transit also certain to infuriate motorists — raising the state sales tax on gasoline.

"It's an option," Heastie said at a Crain's New York breakfast in Midtown.

He later told reporters he was merely citing "an example" of revenue sources other than congestion pricing that could be used for upgrading the subways.

The state's sales tax on gasoline is currently capped at 8 cents a gallon — or 4 percent on a maximum of \$2.

A brew of other local, state and federal taxes brought the total tax per gallon to an average of about 64 cents in 2018, fifth-highest in the nation, according to the American Automobile Association.

Gov. Cuomo has proposed a slew of new revenues to fund the MTA, including a congestion fee for entering Manhattan below 61st Street.

But Heastie said he's "still not sure" he has the 76 Democratic votes he'll need to get the fee through the Assembly. The state's new \$175 billion budget is supposed to be adopted by April 1.

Heastie said congestion pricing remains a touchy issue because many outer-borough lawmakers represent areas with spotty transit and want assurances their constituents will see improved service.

"You've got to offer them something better than two buses to the train," he said.

In a surprising development, the American Automobile Association said it would consider supporting a higher gas tax if some of the revenue went to fix roads as well as transit — and said such a hike was preferable to congestion pricing.

"We would be open to something like that. But we'd like to see the details," said AAA state legislative director John Corlett.

Major state and federal gas taxes haven't been raised since 1990s, he said.

Transit advocates said they'd support both — congestion pricing and a gas-tax increase — to fund mass transit and help cover the MTA's five-year, \$40 billion capital plan. "Desperate times call for desperate measures, and these are desperate times," said Lisa Daglian, executive director of the Permanent Citizens Advisory Committee to the MTA. "It's time to look at everything."

Andrew Albert, an MTA board member who heads the New York City Transit Riders Council, said, "I don't know if a few cents would even be felt by most folks. I think we need both [gas tax and congestion pricing] if we want to get the job done adequately and correctly."

The state collected \$1.6 billion in gas-related taxes last year. But Cuomo and state Senate Majority Leader Andrea Stewart-Cousins treated the gas-tax hike like a political third rail. Both declined comment.

### **FDA Releases Draft Rules Restricting E-Cigarette Sales**

The Food and Drug Administration (FDA) is moving closer to removing certain flavored electronic cigarettes and vapor products from the market.

On March 13, FDA Commissioner Scott Gottlieb announced that the agency is proposing to end current compliance policy as it applies to flavored electronic nicotine delivery system (ENDS) products such as electronic cigarettes, and prioritize enforcement of their sale to shut down youth access. The proposal does not include tobacco, mint and menthol flavors.

In addition, the FDA expects manufacturers of all flavored ENDS products — other than tobacco-, mint- and menthol-flavored — that remain on the market under these new conditions to submit premarket applications to the agency by Aug. 8, 2021. This moves up the deadline by one year.

"When we first announced our comprehensive plan for tobacco and nicotine regulation in July 2017, we outlined a framework to better protect kids and to significantly reduce tobacco-related disease and death. We are continuing to implement that framework today. It remains the blueprint for the agency's tobacco-related policymaking," Gottlieb said.

According to the commissioner, the plan's ultimate goal is "a world where combustible cigarettes no longer create or sustain addiction — making it harder for future generations to become addicted in the first place and allowing more currently addicted smokers to quit or transition to potentially less harmful products."

However, the rise of electronic cigarette use by underage users "is threatening the progress we've made in reducing youth tobacco use," Gottlieb said.

The increased use led him to direct the FDA's Center for Tobacco Products to revisit the agency's regulatory policy of e-cigarettes and vapor products in November, as Convenience Store News previously reported.

As a result, the agency published a draft compliance policy on March 13. The full draft guidance can be found [here](#).

According to the commissioner, the agency expects several things to happen as a result in policy shift, including:

Some flavored e-cigarette products will no longer be sold;

- Other flavored e-cigarette products that continue to be sold will be sold only in a manner that prevents youth access, while premarket authorization for these products is sought from the FDA by 2021; and

- Some flavored cigars will no longer be sold.

The stricter compliance policy would effectively remove the flavored tobacco products from convenience stores, allowing sales only in adult-only, age-restricted outlets like tobacco shops.

"Under the proposed policy announced today, we're putting all manufacturers and retailers on notice: You may be subject to FDA enforcement for selling certain flavored ENDS products without authorization," Gottlieb said.

### **U.S. Supreme Court Decides Yakama Tribe Can Skip Washington Gas Tax**

The U.S. Supreme Court ruled that a Yakama-owned fuel distributor could forgo payment of Washington state's gas tax, Politico reports. The justices, in a split decision, said an 1855 treaty between the United States and the tribe preempted the tax.

The state had sued Cougar Den Inc., for tens of millions of dollars' worth of taxes. The 3-2-4 decision came about as the justices agreed with the end result—that the distributor was exempt from gas tax payments—by different legal ways. Justices Elena Kagan, Sonia Sotomayor and Stephen Breyer wrote that the treaty's guarantee of free travel on public highways meant the tribe didn't have to pay the gas tax, while Justices Ruth Bader Ginsburg and Neil Gorsuch concluded that the treaty provides the tribe with the right to move goods "freely."

Chief Justice John Roberts dissented by arguing that the tax is "for possessing fuel, not for traveling on the highways," and therefore did not violate the 1855 treaty. Justice Brett Kavanaugh's dissent pointed out that because the tax is nondiscriminatory, much like truck restrictions and speed limits, the treaty isn't violated.

The decision impacts not only the gas tax payment in Washington but also other revenue streams, such as fuel and cigarettes, in other states.

### **U.S. Labor Department Tweaks Overtime Calculations**

The U.S. Department of Labor proposed changes to overtime pay regulations last week that would update the "regular rate requirements" for the first time in more than 50 years, the Nation's Restaurant News reports.

The "regular rate" requirements determine what forms of payment employers must consider when calculating the "time and a half" pay rate for overtime eligible workers. Under current law, employees who work more than 40 hours per week must be paid overtime if they have a salary below \$455 per week, or \$23,660 annually.

“The [new] regular rate proposal would provide clarity for employers to allow them to add more benefits to their employees without unknown overtime consequences or litigation,” said Keith Sonderling, acting administrator for the Labor Department’s wage and hour division, in a statement. “This proposed rule offers a positive path forward to employers and employees alike.”

Labor officials say employers often need clarification on how to determine regular pay rates. Currently, employers are discouraged from offering more perks to employees like wellness programs, tuition reimbursement and unused sick leave. This confusion and lack of clarity has given plaintiffs’ attorneys an opportunity to sue employers.

The rule is open for public comment until May 28.

### **U.S. Labor Department Seeks to Narrow Definition of Joint Employer**

The U.S. Department of Labor announced a proposed rule to “revise and clarify the responsibilities of employers and joint employers to employees in joint employer arrangements” when a worker has two employers.

The Trump Administration proposal seeks to ensure that employers and joint employers understand their responsibilities to pay at least the federal minimum wage for all hours worked and overtime for all hours worked over 40 in a workweek.

A proposed four-factor test would be used to determine if a second company is a joint employer. The test would ask whether the potential joint employer exercises the power to:

- hire or fire the employee;
- supervise and control the employee’s work schedules or conditions of employment;
- determine the employee’s rate and method of payment; and
- maintain the employee’s employment records

It’s unlikely that a company would be considered a joint employer if it doesn’t engage in most or all of these activities, the New York Times reports.

The department provided examples to help clarify joint employer status. In one, an individual works 30 hours per week as a cook at one restaurant establishment, and 15 hours per week as a cook at a different restaurant establishment affiliated with the same nationwide franchise. These establishments are locally owned and managed by different franchisees that do not coordinate in any way with respect to the employee. Are they joint employers of the cook?

The department said, under these facts, the restaurant establishments are not joint employers of the cook because they are not associated in any meaningful way with respect to the cook’s employment. The similarity of the cook’s work at each restaurant, and the fact that both restaurants are part of the same nationwide franchise, are not relevant to the joint employer analysis, because those facts have no bearing on the question whether the restaurants are acting directly or indirectly in each other’s interest in relation to the cook.

### **Proposed Change to SNAP: Broader Definition of Variety**

The U.S. Department of Agriculture’s Food and Nutrition Service (FNS) has proposed a rule to update the definition of “variety” as it relates to eligibility requirements for retailers participating in the Supplemental Nutrition Assistance Program (SNAP).

Those eligibility requirements were promulgated in the final rule, “Enhancing Retailer Standards in the Supplemental Nutrition Assistance Program” published on December 15, 2016. Due to problems with the definition of “variety” in the final rule, Congress delayed enactment of some of the rule’s provisions with the Consolidated Appropriations Act of 2017 and 2018 and directed FNS to rewrite the “variety” provisions of the updated SNAP retailer eligibility regulations.

SNAP provides more than 40 million Americans, including millions of children, with the resources to buy food. The program is run by FNS, which sets the requirements for the 263,105 firms 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.

Retailers will be required to have seven varieties in each of the four “staple food” categories (dairy; meat, poultry, or fish; bread or cereal; and vegetables or fruits) for a total of 28 items. Of the seven varieties of food in each categories, at least one item in three categories must be perishable, i.e. food that will spoil within two to three weeks. FNS, however, is proposing to expand what will count as variety in the staple food categories. Under the proposal, FNS would expand the items that would count as different varieties in the (1) dairy, (2) meat, poultry, or fish, and (3) bread or cereal categories.

In the dairy category, FNS would provide retailers with greater flexibility for milk, cheese and yogurt varieties. Specifically, FNS would allow retailers to count (1) full-fat cow’s milk, (2) fat-reduced cow’s milk, (3) a liquid shelf-stable cow’s milk and (4) powdered cow’s milk as four discrete varieties. FNS would also allow retailers to count (1) fresh cheese (e.g., cream cheese), (2) semisoft cheese (e.g., Munster cheese), (3) hard cheese (e.g., Swiss cheese) and (4) cheese-based product (e.g., jarred Alfredo pasta sauce) as four discrete varieties in the dairy category. For yogurt, (1) a milk-based yogurt drink (e.g., lassi), (2) full-fat milk-based yogurt and (3) fat-reduced milk-based yogurt would count as separate varieties.

For the meat, poultry or fish category, the agency would allow a perishable and a shelf-stable item for any species to count as one discrete variety. This means that refrigerated bacon (perishable) and canned ham (shelf-stable) would each count as one variety of food in the meat, poultry or fish category. The agency is also proposing to provide greater flexibility in the bread or cereal category.

Comments are due June 4.

## **Lawmakers Around the U.S. Push Back Against Cashless Stores**

Frictionless checkout is picking up steam in the convenience channel, with several retailers including Cruizers, Family Express, Enmarket and 7-Eleven implementing the retail technology.

However, also picking up steam is the pushback by lawmakers who cite concerns over a cashless society as Amazon looks to grow its Amazon Go retail concept and its walk-in, walk-out technology.

On March 18, New Jersey Gov. Phil Murphy signed legislation prohibiting cashless stores. The law exempts certain sectors, like parking facilities, car rentals and airport vendors. With the stroke of his pen, Murphy followed Philadelphia Mayor Jim Kenney who signed a measure into law prohibiting retailers from refusing to take cash or charging cash-paying customers a higher price.

The New Jersey legislation was effective immediately. Philadelphia's ordinance, which exempts certain businesses like parking garages and wholesale club stores, goes into effect in July.

Other states and municipalities have proposed similar legislation, including San Francisco, New York and Rhode Island.

According to a report by Bloomberg, those in favor of cashless checkout point to several benefits: better use of store employees, shorter checkout lines and theft reduction.

Many restaurants are no longer accepting cash because handling cash can add as much as 10 percent to overhead costs, Richard Crone, CEO of payments expert Crone Consulting LLC, told Bloomberg.

In five years, a third of all retail will be cashless, up from about 17 percent today. About 10 percent of brick-and-mortar stores will be cashless, up from less than 1 percent today, he said.

However, 6.5 percent of U.S. households were "unbanked" in 2017 and did not have a checking or savings account, according to the Federal Deposit Insurance Corp.

In addition, 18.7 percent fell into the broad "underbanked" category, meaning they had a bank account but used at least one alternative service like money orders, check cashing or payday loans, the news outlet reported.

## **Biodiesel Tax Credit Extension Proposed**

NATSO, the national association for truck stops and travel plazas, along with other organizations representing the biodiesel supply chain, have praised a bipartisan group of lawmakers for introducing legislation to extend the biodiesel tax credit.

"This legislation underscores the fact that the biodiesel tax credit has strong Democratic support in the House of Representatives," said David Fialkov, vice president of government affairs, NATSO. "The authors of this legislation understand that the biodiesel tax credit helps create jobs, reduces the transportation sector's greenhouse gas emissions and enables fuel retailers to offer more competitively priced diesel fuel, which in turn lowers the price of all consumer

goods that are moved by truck. The biodiesel tax credit has bipartisan support in both chambers of Congress. It's time to get this done."

Michael McAdams, president of the Advanced Biofuels Association, said ABA's "membership is grateful and will work vigorously to support the bipartisan legislation, which is crucial to ensuring that biodiesel products can continue to create jobs and make a product that substantially improves the transportation industry's greenhouse gas footprint, all while lowering fuel prices. Producers win, retailers win and, most importantly, consumers win."

The American Trucking Associations agrees. "ATA applauds the bipartisan group of House lawmakers for introducing this legislation," said Glen Kedzie, vice president, ATA. "The biodiesel blender tax credit results in lower fuel costs for truckers throughout the country."

NACS members around the country have used the tax credit to offer biodiesel as an affordable option for consumers," said Paige Anderson, director of government relations, National Association of Convenience Stores. "We applaud the bipartisan group of members of Congress for introducing a two-year extension of the credit so fuel retailers and marketers can include biodiesel in their fuel portfolio in the near future."

"SIGMA strongly supports this legislation, which would immediately incentivize fuel marketers to buy and blend additional gallons of biofuels," said Brad Puryear, president, Society of Independent Gasoline Marketers of America. "This legislation promotes American energy independence and cleaner energy."

The legislation is sponsored by Rep. Abby Finkenauer (D-IA), as well as Reps. Ron Kind (D-WI), Dave Loebsack (D-IA), Darin LaHood (R-IL), Danny Davis (D-IL), Rosa DeLauro (D-CT), Cheri Bustos (D-IL) and others.

## **Lawmakers Push E-Vehicle Tax Credits**

A bipartisan group of lawmakers plans to introduce a bill to bump up federal tax credits for purchasers of electric vehicles, according to CNBC.

EV car buyers have benefited from federal tax credits as the government encourages consumption of the low- and no-emissions vehicles. But the current \$7,500 tax credit for buyers of EVs phases out over 15 months once an automaker sells 200,000 electric cars. The tax credit for Tesla buyers was halved to \$3,750 on Jan. 1, and General Motor's credit was halved on April 1.

Called the Driving America Forward Act, the bill would grant each buyer a \$7,000 tax credit until the manufacturer sells 400,000 additional EVs after the original 200,000. It also would shorten the phase-out schedule to nine months instead of 15. The EV credits are paid directly to consumers, who are allowed write them off on their tax returns.

"The EV tax credit is unnecessary and should be eliminated," said Paige Anderson, NACS director of government relations. "The government should not be picking technology winners or losers, nor should taxpayers subsidize wealthier Americans purchasing high-end electric

vehicles. This tax credit was created more than a decade ago with the purpose of developing a new market for EVs. The market is developed and continues to grow. Thus, these vehicles should compete on the same level playing field as other vehicles.”

Sens. Debbie Stabenow, D-Mich., Gary Peters, D-Mich., Lamar Alexander, R-Tenn., and Susan Collins, R-Maine, and Rep. Dan Kildee, D-Mich. are the bill’s sponsors.

### **Electric Vehicles to Hit 7% of U.S. Fleet By 2025**

The United States has reached a new record for electric vehicles (EVs), with 208,000 new registrations last year, according to an IHS Markit analysis. That number rose more than twofold year-over-year, while EV market share also has jumped considerably since 2015.

“While relatively successful models such as the Tesla Model 3 mature in the market, other traditional automakers will be rolling out not just one EV as we have seen in the past, but multiple models off dedicated EV platforms,” said Devin Lindsay, IHS Markit powertrain analyst, in Oil Price Information Service.

IHS Markit predicted that by the end of this decade, more than 350,000 EVs will be sold in the United States, comprising a 2% share of the entire vehicle market. Within five years of that date, EVs are forecast to capture 7% of the market share, with more than 1.1 million vehicles sold in the country.

However, IHS Markit doesn’t think vehicles with internal combustion engines will fade, as Americans continue to purchase cars and trucks powered by diesel and gasoline. But EV loyalty rates are also on an upward trajectory, with new EV owners more likely to buy another EV.

“EV loyalty rates have been steadily increasing since their introduction by OEMs. This increase over such a short timeframe demonstrates that a portion of the U.S. market is highly accepting of this new technology and has a growing comfort level with it,” said Tom Libby, loyalty principal at IHS Markit in Oil Price Information Service. “As more new models enter the market, we anticipate an even further increase in loyalty to these vehicles.”

### **Electric Vehicles Outsell Traditional Cars in Norway**

Norway has become the first country where electric cars have outsold gasoline and diesel vehicles, according to a report in EEnews. Of the news cars sold in the country last month, 58.4% were battery-powered.

For the first three months of 2019, electric cars were 48.4% of all new cars purchased in Norway, and that figure is expected to hover around 50% for the year. “Norway shows the whole world that the electric car can replace cars powered by gasoline and diesel and be an important contribution in the fight to reduce CO2 emissions,” said Christina Bu, general secretary of the Norwegian Electric Vehicle Association.

Norway is a wealthy European nation of 5.3 million people, and the boom in electric cars has been assisted by major incentives designed to boost electric-vehicle ownership. The country has waived hefty vehicle import duties, registration and sales taxes for people purchasing electric cars. Plus, owners don’t pay road tolls and may use bus lanes in congested city centers. But those perks won’t continue forever. In 2021, the incentives will be phased out.

Norway’s parliament has voted that by 2025 all new cars sold in the country must be electric.

### **Juul Labs Advocates for Federal Tobacco 21 Legislation**

Juul Labs Inc. is running ads in support of Tobacco 21 laws in several states as it makes a push to raise the legal minimum age to buy tobacco products to 21.

“We know Tobacco 21 policies work. In areas where they are already enacted, smoking rates are falling. In the months after California enacted Tobacco 21 statewide, for example, tobacco sales to minors dropped by 45 percent. High school smoking rates in Needham, Massachusetts plunged 47 percent after they raised the purchasing age to 21 years,” the company said in statement on its website.

The San Francisco-based vapor company launched Tobacco 21 ads in Arkansas, Connecticut, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, New Hampshire, New Mexico, New York, Oregon, South Carolina, Texas, Tennessee, Vermont, Utah, Washington, and Washington, D.C.

Juul also said it supports the legislation where it is active — specifically citing Arkansas, Connecticut, Delaware, Illinois, Kentucky, Maryland, Minnesota, New York, Utah, Vermont, Virginia, Washington, and West Virginia. Those states, according to the company, collectively account for more than 23 percent of the U.S. population.

“Another 28 percent of Americans already live in a state or locality with Tobacco 21 laws. We urge lawmakers in states without these age protections to follow their example, and when and if they do, we will proudly support their efforts,” the company said.

Juul noted raising the legal age is just only just one strategy to reduce underage use, but said “it is critical it will prevent high school seniors and recent high school graduates from purchasing tobacco products and sharing them with underage users.

“We know that ‘social sourcing’ — obtaining tobacco products from friends or siblings who are of legal age — is currently how a large swath of youth users access these products,” he added.

In addition to calling for Tobacco 21 legislation, Juul unveiled other youth prevention efforts in November. The action plan includes:

- Restricting the sale and distribution of flavored products;
- Strengthening its online sales controls;

- Strengthening retail compliance;
- Exiting U.S. social media; and
- Technology solutions like traceability for its products.

### **FDA Remains Focused on Teen Vaping**

Ned Sharpless, the FDA's new acting commissioner, said this week that he'll maintain the agency's crackdown on youth vaping "and proceed full-speed ahead."

Last month, the FDA banned gas stations and convenience stores from selling most flavored e-cigarettes under its new draft guidance. The restrictions are expected to be finalized and implemented over the next few months, meaning that brick-and-mortar retailers will be unable to sell flavored e-cigs other than tobacco, menthol or mint unless minors are restricted from entering the store or if those items are sold in a separate location inside the store that minors may not enter.

### **Trucking Industry Appeals**

#### **Rhode Island Court's Decision on Tolls**

The American Trucking Associations (ATA) has appealed the decision by the federal district court in Rhode Island to dismiss its challenge to the state's RhodeWorks truck-only toll scheme, on procedural grounds.

The ATA was joined by Cumberland Farms Inc., M&M Transport Services Inc. and New England Motor Freight in its suit asserting that Rhode Island's truck-only toll is unconstitutional because it "discriminates against interstate trucking companies and impedes the flow of interstate commerce," ATA said in a press release.

The U.S. District Court of Rhode Island announced the lawsuit's dismissal on March 19, and the ATA filed its appeal on March 28.

Since RhodeWorks was first proposed, the trucking industry has been strong and united in opposition to this extortionate plan. We've warned politicians in Rhode Island that these truck-only tolls were unconstitutional and should be rolled back," ATA President and CEO Chris Spear said.

The ATA maintains that "the RhodeWorks plan violates the Constitution's Commerce Clause by discriminating against out-of-state trucking companies, and by designing the tolls in a way that does not fairly approximate motorists' use of the roads."

Transport Topics reported that "Chief Judge William Smith's decision concluded that the case needed to be heard in the state's court system."

The truck-only tolling system is part of Raimondo's RhodeWorks program, which is projected to generate \$4.7 billion to finance infrastructure projects, such as bridge replacements and road improvements.

### **Officials Bust West Coast Skimming Ring**

Three suspected members of a large credit-card skimming operation were arrested last week after

investigators uncovered skimming devices, recording equipment and credit cards in an apartment, reports the Seattle Post-Intelligencer.

The suspects allegedly used the skimming devices, along with tiny pinhole cameras that recorded victims using ATMs and captured their credit-card data and personal identification numbers. Officials say the cameras are difficult to detect unless you know what you are looking for.

According to law enforcement officials, skimming devices were discovered inside ATMs in Sacramento and Folsom in California, as well as Reno, Nevada. Investigators suspect that related skimming crimes may have occurred in Arizona and Washington as far back as last December.

Since 2008, NACS and Conexus have offered convenience and fuel retailers online resources and tools to help them proactively initiate and maintain effective payment security procedures designed to reduce the chance of skimming. More information is available online.

### **Marathon Petroleum to Acquire**

#### **Majority of NOCO Express Stores**

Local convenience store chain NOCO Express is set to change hands.

Marathon Petroleum Corp. (MPC), parent company of Speedway LLC convenience store chain, is acquiring 33 NOCO Express convenience stores and gas stations in upstate New York with plans to rebrand them as Speedway locations, according to The Buffalo News.

The deal is expected to close later this spring or in early summer.

Headquartered in Tonawanda, NOCO Express operates 39 convenience stores throughout western New York. It is a division of NOCO Energy Corp., which will retain its energy services business.

According to the news outlet, six NOCO Express convenience stores are not included in the transaction.

The acquisition is just the latest move in MPC and Speedway's growth plan. On Oct. 1, Findlay, Ohio-based MPC closed on its strategic tie-up with Andeavor, creating a national retail powerhouse with nearly 4,000 locations, Convenience Store News previously reported.

One month later, Enon, Ohio-based Speedway, MPC's retail arm, closed on the acquisition of the petroleum marketing and convenience retailing assets from Petr-All Petroleum Consulting Corp., adding nearly 80 Express Mart convenience stores in New York to its portfolio.

### **Exclusive: Cumberland Farms on Sales Block**

One of the premier c-store chains is looking at a potential sale, OPIS has learned.

Cumberland Farms, which has some of the most sophisticated offerings of fuel and convenience items in the Northeast and Florida has retained an investment bank to explore the possibility of a sale. Sources say that Bank of America will handle the deal.

The sales intent had been rumored for months, but CEO Ari Haseotes told employees at a town hall this week of the process, we are told.

There will be no shortage of buyers and the chain is expected to fetch a price in the "billions."

Likely buyers include Irving, Couche-Tard, Irving, Marathon Petroleum and BP.OPIS will have more details and background later today.

--Tom Kloza, tkloza@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](http://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](http://www.nysassrs.com).

### UST Compliance Materials

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

### Selling Your Inspection License

If you are thinking of retiring or selling your business and have a New York State DMV Inspection license, your license may be valuable depending on the county where your shop is located.

If you have questions on the sale and/or transfer of an inspection license call the association office at 518-452-4367.

### Attention Inspection Stations

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

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

### All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN TWO YEARS AGO

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

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

Or call the association office

### SERVICE STATIONS REPAIR SHOPS USED CAR DEALER ATTENTION

Do you have problems

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

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

Just call us 518-452-4367

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

6 Walker Way, Albany, NY 12205  
state@nysassrs.com

(518) 452 1979  
Fax: (518) 452-1955

**Bill Adams**  
*President*

**Fred Bordoff**  
*First Vice President*

**Jordan Weine**  
*Second Vice President*

**Frederick M. Altman**  
*General Counsel*

**Ralph Bombardiere**  
*Executive Director*

## **MEMORANDUM IN SUPPORT A 5187 / S 3496 ASSEMBLYMAN THIELE – SENATOR LAVALLE**

This memorandum is submitted by the New York State Association of Service Stations and Repair Shops in strong support of the subject bill, which makes the current statute on zone pricing enforceable. Zone pricing is a pricing mechanism which sets gasoline prices based on geographic location rather than cost factors.

In December 2011 the New York State Attorney General released a Report on New York Gasoline Prices, which found evidence that wholesalers charge different prices to different retail gas stations within the same relevant geographic market. Many gasoline retailers continue today to be subject to different pricing for the same commodity without any rationale except geographic location. This unfair price increase creates uneven competitive situation for dealers, and most importantly for their customers.

This bill is directed at amending various parts of the current statute in response to the suggestions of the Attorney General report on New York Gasoline Prices. To accomplish this in part, the bill deletes “arbitrary” from the definition of zone pricing in the current statute. Zone pricing’s definition is clarified so that price differences are a result of the location of the retail outlet as prices are set without regard to the posted terminal price and any additional costs. Price differentials must be based on business related factors. Retail dealers don’t want to be placed at a competitive disadvantage based on an arbitrary pricing mechanism, which bears no relation to business costs. Zone pricing works against market pricing. It prevents dealers from responding to market forces by structuring prices based on location. The zone pricing statute was enacted by the Legislature to prevent anti-competitive market conduct and to protect consumers from unfair pricing. The changes made by this bill would make it an effective tool in preventing zone pricing.

The petroleum industry should be supportive of this legislation, which protects consumers from unwarranted motor fuel prices based on geographic location.

Based on the foregoing, it is respectfully requested that this bill receive favorable consideration.

Yours truly,  
Ralph Bombardiere  
Executive Director  
New York State Association  
of Service Stations and Repair Shops  
6 Walker Way  
Albany NY 12205  
518-452-4367

# Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

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

## NYS Worker's Compensation Program Highlights

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



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

**Bill Adams**

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

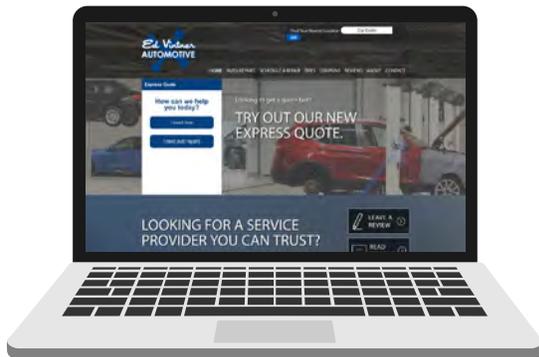
lawleyinsurance.com | 361 Delaware Ave, Buffalo, New York

**Lawley**

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

# ALL-IN-ONE DIGITAL SOLUTIONS FOR YOUR AUTOMOTIVE BUSINESS

Close the gaps in your online marketing strategy with full-service solutions from Df Auto. Everything you need to build a powerful online presence, all under one roof.

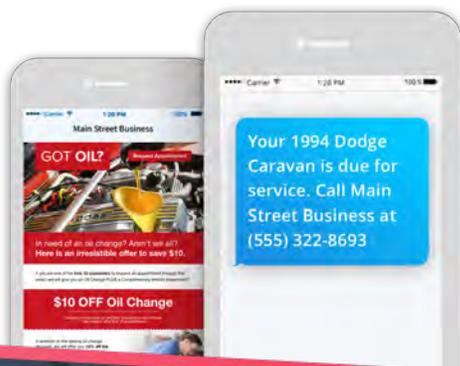
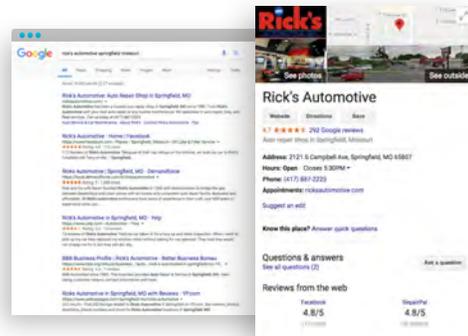


## WEBSITE SOLUTION

Stand out from the crowd with a unique automotive design that's branded to your business and guide visitors seamlessly through their journey with intuitive and interactive features. Provide the most user-friendly experience on any device and convert visitors into leads with clear calls-to-action, simple quoting tools, and automatic email replies. Simple searches, fewer clicks, more sales.

## ONLINE REPUTATION MANAGEMENT

Build and protect your online reputation with full-coverage from beginning to end. Generate reviews with simple prompting tools to showcase positive feedback about your shop. Stay informed with review monitoring services and notifications sent right to your email. No time to respond to all of these reviews? No problem! We respond promptly and professionally. We also integrate your reviews with your website to show off your rockstar status and help build trust with potential new customers.



## COMMUNICATION & MARKETING

Keep customers coming back with email and text reminders about upcoming appointments, promotions, even recommended services by vehicle type and service history. Send marketing emails in a flash with automatic one-click templates, prompt positive reviews after each appointment with a simple text, and send text message status updates. 2-way texting capabilities get the conversation going, and it will be one they're sure to tell their friends about.



**Df/AUTO**

Call us at **877.860.2005** to schedule a demo, or visit [netdriven.com/all-in-one-digital-solutions](http://netdriven.com/all-in-one-digital-solutions)

# PRODUCT BUNDLES TO ACCELERATE YOUR BUSINESS

	Ignition	Throttle	Drive	Overdrive
<p><b>WEBSITE</b>  <b>World-Class Website Design</b>                      Branded to your business and designed with mobile-first in mind. Free domains, free SSL, custom content, and the most user-friendly designs in the industry to guide your website visitors from their device to your shop.</p>	✓	✓	✓	✓
<p><b>INTERACTIVE WEBSITE FEATURES</b>  <b>Educational and Easy-To-Use</b>                      Everything you need to educate your customers and make it easy for them to do business with your shop. Vehicle diagnostic tool, comprehensive tire &amp; service catalogs, simple quoting tools, even a recommended vehicle maintenance lookup tool and video content.</p>			✓	✓
<p><b>CUSTOMER COMMUNICATION &amp; REMINDERS</b>  <b>Manage and Automate Communications</b>                      2-way texting, appointment reminders, shop recommendations, email marketing campaigns, and text message marketing, and customer satisfaction surveys.</p>		✓	✓	✓
<p><b>REPUTATION MANAGEMENT</b>  <b>Review Notification, Responses, and Prompting Tools</b>                      Tools to generate and manage your online reviews and reputation from start to finish. Review generating text messages, review monitoring and notifications, even review responses. Website integration included.</p>		✓	✓	✓
<p><b>REPBOOST</b>  <b>Automated Review Management</b>                      Competitive intelligence, business listing tracker, automated review outreach, quick text reviews, and management.</p>	✓		✓	✓
<p><b>TURBO LISTINGS- POWERED BY YEXT</b>  <b>Directory Listing Management System</b>                      Directory listing management system, technology, real-time and scheduled updates, duplicate suppression, analytics, GoogleMap integration. Easily scan your online health and update 50+ business listings.</p>	Add-On	Add-On	Add-On	Add-On



Call us at **877.860.2005** to schedule a demo, or visit [netdriven.com/all-in-one-digital-solutions](https://netdriven.com/all-in-one-digital-solutions)

**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.

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

**Need help getting a bond?  
Call the association office.**



**Heartland**

# **NYSASSRS now offering “PAY AS YOU GO” billing**

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

## **Benefits of Pay As You Go:**

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

## **About Heartland:**

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

**For more information contact:**

**Chandler James**

**518-452-4367**

**[chandler@nysassrs.com](mailto:chandler@nysassrs.com)**

# FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

FILL OUT THIS FORM AND FAX BACK TO US

BUY \$7500 IN PARTS IN ONE QUARTER FROM YOUR **NAPA DEALER**

RECEIVE A REBATE CHECK FOR 2% OF YOUR PURCHASES (MINIMUM OF \$150 REBATE)

PUT THE MONEY IN YOUR POCKET

NOTE: YOU CAN NOT BE A MEMBER OF THIS AND ANOTHER NATIONAL NAPA PROGRAM

# FREE MONEY

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

**FAX** this form back to:

518 452-1955

# ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

**DO YOU WANT** TO PROTECT YOUR BUSINESS FROM  
EXCESSIVE FINES

OR

THE POSSIBLE LOSS OF YOUR:

TOBACCO LICENSE

LOTTO LICENSE

ALCOHOL LICENSE?

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

## ***THE NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS***

OFFERS ON-LINE COURSES THAT NOT ONLY PROVIDE  
TRAINING AT YOUR CONVENIENCE, BUT AT VERY  
COMPETITIVE PRICES FOR BOTH MEMBERS AND NON-  
MEMBERS OF OUR AFFILIATES

ALL INFORMATION AND MATERIALS ARE PROVIDED  
THROUGH OUR WEBSITE AT:

**[NYSASSRS.COM](http://NYSASSRS.COM)**

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



## Garage Insurance Survey

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

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



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

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

17♦  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.**



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

18 <b>PRESENT EMPLOYER</b>	19 <b>FACILITY NUMBER</b>	20 <b>BUSINESS TELEPHONE NUMBER</b> ( )
21 <b>BUSINESS ADDRESS (NUMBER AND STREET)</b>	<b>CITY</b>	<b>STATE</b> <b>ZIP CODE</b>

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 <i>(be specific)</i>

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.

