

ATTORNEY'S CORNER

By Larry Culley

DANGER! SCAM ALERT! Recently there has been a remarkable increase in a dangerous scam being run against small business owners in New York State, especially those in our industry. Employers make the mistake of allowing some workers to be 'off the books', which is illegal but, unfortunately, was a widespread practice in the past. Those days are now over!

Now, a number of such 'off the books' employees deliberately insist on being off the books just so, after several months, they can retain an attorney to send a demand letter to their employers demanding up to tens of thousands of dollars in a settlement, with the threat of complaining to the N.Y.S. Department of Labor if the employer refuses to settle. The employer then realizes full well that with penalties and a payout to the complaining employee he or she may wind up paying even more than that employee is demanding privately. Moreover, they will have a serious violation on their record. This is a case where it's almost certain the employer will lose big time! One member of your Association is currently fighting a claim against him by a private attorney in the amount of \$83,000.00. His very business is now at risk!

Some of these bad egg employees are pulling this scam at one location after another. Some have even been deported and they just come back and engaged in this scam again. The only protection is for the employer to have ALL employees on the books and covered with the workers compensation and the disability insurance coverage required by the law. It *IS* the law! Protect your livelihood and obey it. You may one day be very sorry if you fail to do so.

INSPECTING ALTERED VEHICLES: Commencing **October 9, 2019**, all inspection stations must report to the DMV any time an altered vehicle is presented for inspection regardless if an inspection is conducted. A vehicle has been "altered" if it has been stretched or widened to increase passenger capacity. An altered vehicle which seats less than 11 persons (including the driver) can be inspected. An altered vehicle which can seat 11 or more persons (including the driver) can be inspected only if a NYSDOT exemption letter is presented. Without such a letter such a vehicle must be REJECTED.

RSGDA

REPAIR SHOP & GASOLINE DEALERS ASSOCIATION
(585) 423-9924 – (716) 656-1035 -- rsgda@nysassrs.com – www.nysassrs.com

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Petroleum Futures Add to Early Gains in Intense Global Trading

Petroleum futures have been open for about 75 minutes and it seems clear that remaining sessions on ICE and CME this month will be frenetic and quite possibly tilted toward considerably higher numbers.

Most of the information coming out of the huge oil processing fields in Saudi Arabia is specious and unofficial, but there is a clear sense that production losses may be measured in millions of barrels per day.

Some early press reports mentioned a relatively quick restart of the critical equipment necessary to manage some 5.7-million b/d of Saudi production and exports, but those reports appear specious. All of the senior officials in the Saudi oil community are in "all hands on deck" mode, and there is a sense that damage is extensive with no clear time line for return. The explosions and damage to the two facilities in Abqaiq and Khurais could also impact Saudi refining, petrochemical, and LPG operations.

At 7:15 PM EDT, October WTI was up \$6.25 bbl at \$61.10 bbl, after a quiet uneventful day Friday that led to a \$54.85 bbl settlement. Brent hung around \$60 bbl Friday but was quoted Sunday night at \$68.34 bbl, up more than \$8 bbl.

Gasoline and diesel futures didn't see as much action as crude, but both contracts pointed to likely price increases across the country tomorrow of 15-20cts gal or more. October RBOB was up 17.03cts gal at \$1.7234 gal while October diesel was up 17.54cts gal at \$2.0532 gal.

The markets could easily move in \$5 bbl increments should there be a response from the Saudis or the U.S. if any proof is published related to the direction from which the drones arrived. U.S. Senator Lindsay Graham suggested that attacks on Iranian refineries might be warranted if the regime there is viewed as responsible for the Saturday attacks on Saudi Arabia.

OPIS will be providing numerous updates on North American price moves throughout the upcoming week.-
OPIS Staff Report

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Middle East Mayhem Prompts Margin Madness for Gasoline Retailers

The mythical view of the American public is that gasoline retailers cheer worldwide price spikes, cashing in on any panic that pushes the street price higher and gleans press attention. The reality is that soaring global prices often inflict substantial initial pain on U.S. marketers of fuel.

On Friday, the average nationwide rack-to-retail gross margin for regular unleaded gasoline was 25.2cts/gal. This morning, that same measurement yielded just 12.8cts/gal, a slide of 12.4cts/gal or nearly 50%. The numbers are calculated by OPIS MarginPro.

Virtually the entire geography of the United States saw wholesale price increases of 19cts/gal to 24cts/gal thanks to the Monday spike in global(Brent) and U.S. (WTI) crude oil blends. The Northeastern U.S. saw smaller gains of about 12cts/gal since the weekend coincided with the shift from summer to fall blends of gasoline (higher-RVP gas had a built-in discount).

But as with other recent wholesale spikes, there was reticence among large and small chains to immediately pass along the increases. From a practical viewpoint, raising street prices 20cts/gal in a period of 24-48 hours is viewed as especially problematic once the driving season ends. There is certainly a rocket-and-feather character to the duality of increases or decreases on the street, but the unprecedented scale of the most recent wholesale cost increases might shock customers if passed along immediately.

Four-Day Retail Margin Plunge

Region	9/13/19	9/17/19	Change
U.S.	25.2cts	12.8cts	Down 12.4cts/gal
Great Lakes	25.4cts	17.1cts	Down 8.3cts/gal
Midwest	21.1cts	10.2cts	Down 10.9cts/gal
Northeast	30.8cts	19.5cts	Down 11.3cts/gal
Southeast	17.7cts	4.3cts	Down 13.4cts/gal
Southwest	17.6cts	5.0cts	Down 12.6cts/gal
West	38.9cts	24.5cts	Down 14.4cts/gal

Publicly traded retail gasoline marketers were immediate victims of the wholesale spike, particularly if they rely on unbranded gasoline for their fuel.

Measured against average costs, OPIS MarginPro calculated unleaded margin drops of 8.1cts/gal across the Murphy USA system, with an 8ct/gal drop for Circle K and a 9.2ct/gal slide for Costco. BJ's has extolled gasoline in 2019 conference calls, but OPIS data suggest that the Big Box chain careened from a margin of about 11.6cts/gal to right around break-even. Costco moved from a very modest margin of about 8cts/gal to an implied loss of more than a penny per gallon.

Data probably overstate the real margins for BJ's and Costco fueling sites since both companies tend to buy substantially below unbranded average prices. But unlike small marketers, who might get deliveries of gasoline only once every three days, the Big Box chains get multiple deliveries of gasoline on every single day. Hence, they are immediate victims of a sudden price spike.

On a regional basis, the margin attrition was surprisingly consistent. The percentage of destroyed margin was lowest on the West Coast, but only because that region entered the weekend with robust rack-to-retail spreads of nearly 39cts/gal. If Saudi production cuts persist, countries and states along the Pacific Rim may see the tightest supply. California and Washington refiners, for example, will have to compete with China, Japan and South Korea for limited

barrels since much of the Saudi crude went to Asia/Pacific markets.

Southeastern and Southwestern markets reflected the most challenging territory, as is often the case. Lower Atlantic fuel marketers quickly ceded more than 75% of their gross margin as they could barely raise prices by 4cts/gal. Southwestern marketers saw gross margins slide from 17.6cts/gal, giving up about 71.5% of gross profit.

Postscript: The market can quickly "take away" but can also "giveth" quite rapidly. In busy Tuesday trading, U.S. replacement costs were down about 7.5cts/gal as futures and spot markets fell back from the record Monday performance.

--Tom Kloza, tkloza@opisnet.com

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New York Governor Takes Emergency Executive Action Banning Flavored E-Cigarettes

Gov. Andrew Cuomo issued an emergency executive action to prohibit the sale of flavored electronic cigarettes in New York.

Following this action on Sept. 15, state Department of Health (DOH) Commissioner Howard Zucker will hold an emergency meeting with the Public Health and Health Planning Council (PHHPC) this week on the pending ban.

In addition, Cuomo directed the New York State Police and DOH to immediately partner to ramp up enforcement efforts against retailers who sell to underage youth, with the possibility of criminal penalties.

The governor will also advance legislation to ban deceptive marketing of e-cigarettes to teens and children.

"New York is confronting this crisis head-on and today we are taking another nation-leading step to combat a public health emergency," Cuomo said. "Manufacturers of fruit and candy-flavored e-cigarettes are intentionally and recklessly targeting young people, and today we're taking action to put an end to it.

"At the same time, unscrupulous stores are knowingly selling vaping products to underage youth — those retailers are now on notice that we are ramping up enforcement and they will be caught and prosecuted," he added.

RETAIL INSPECTIONS & UNDERAGE SALES

The state police and DOH are joining forces to conduct undercover investigations across the state under The Adolescent Tobacco Use Prevention Act (ATUPA), which enlists underage youth to attempt to buy tobacco and e-cigarette products.

Retailers found selling tobacco and vaping products to underage individuals will now face criminal penalties in addition to civil penalties.

These inspections and compliance efforts will continue with a renewed focus on sales to those under age 21 when the new legal minimum age to buy tobacco products goes into effect on Nov. 13.

According to the governor's office, from April 1, 2016 to March 31, 2017:

- State and local enforcement officers conducted 29,552 compliance inspections during the program year. Of these, 22,395 were compliance checks where underage youth attempted to purchase tobacco and other restricted products.
- A total of 386 inspections were conducted in response to 250 complaints received concerning ATUPA violations.
- Youth purchased tobacco and other restricted products 1,296 times. In all, 985 enforcement actions were taken for ATUPA violations and more than \$922,000 in fines were assessed.

New York State Implements First-in-the-Nation Ban on Flavored E-Cigarettes

The ban on the flavored products went into effect on Sept. 18 following a vote by the state Public Health and Health Planning Council (PHHPC) on Sept. 17. According to Gov. Andrew Cuomo's office, the New York Department of Health (DOH) will provide retailers with an approximate two-week grace period before conducting visits to enforce the flavoring ban beginning on Friday, October 4.

Local health departments and the DOH's district offices, with state oversight, will handle enforcement. Retailers who violate the ban face fines of up to \$2,000 per violation, which is defined as each unit of flavored e-liquid or product containing e-liquid that is possessed, manufactured, sold or offered for sale.

"It is undeniable that vaping companies are deliberately using flavors like bubblegum, Captain Crunch and cotton candy to get young people hooked on e-cigarettes — it's a public health crisis and it ends today," Cuomo said. "New York is not waiting for the federal government to act, and by banning flavored e-cigarettes we are safeguarding the public health and helping prevent countless young people from forming costly, unhealthy and potentially deadly life-long habits."

The policy does not include menthol; however, state DOH Commissioner Dr. Howard Zucker will evaluate a ban on menthol flavor and offer recommendation within 14 days.

The PHHPC meeting came two days after Cuomo signed an emergency executive action calling for the state to look at banning the sale of flavored vapor products in New York.

The ban is in effect for 90 days and the PHHPC can extend it following that date. The state DOH can also adopt permanent regulations prohibiting the sale of flavored e-cigarette and vapor products.

The regulation also said "the impact on businesses where e-cigarette sales is not the focus of the business (e.g., convenience store) will have no job impact from this regulation as e-cigarettes make up only a small percentage of their sales."

It does, however, acknowledge that outlets that focus the bulk of their business on e-cigarettes and e-liquids will be affected. Those retailers will still be able to sell vapor

devices and unflavored, menthol or tobacco flavored e-liquid.

According to the New York State Vapor Association Inc., flavored vapor products, represent 90 percent of vape shop sales. The ban, it added, would force the closure of every Main Street America "mom and pop" vape shop in New York.

New York Tobacco 21 Signed Into Law

ALBANY, N.Y. (CBSNewYork/AP) — New York will raise its smoking age from 18 to 21 under legislation signed into law Tuesday by Gov. Cuomo.

The change takes effect in 120 days, on Nov. 13, and will apply to the sales of traditional tobacco products as well as electronic cigarettes and vaping devices.

Gov. Cuomo said too many children and teens pick up smoking despite decades of efforts to snuff out the habit. The governor blamed part of that on marketing he says is aimed directly at young people.

"By raising the smoking age from 18 to 21, we can stop cigarettes and e-cigarettes from getting into the hands of young people in the first place and prevent an entire generation of New Yorkers from forming costly and potentially deadly addictions," he said in a statement.

The governor's office added that, according to the Surgeon General, 88 percent of adult smokers start using tobacco before age 18 and 90 percent of the people who buy cigarettes for underage children are between ages 18 and 20.

"Tobacco 21 is a no-brainer," said Julie Hart, senior government relations director for the American Cancer Society Cancer Action Network of New York.

Sixteen states have approved raising the smoking age to 21, though the changes won't take effect in some of those states until late 2019 or some time after.

In addition, hundreds of local communities around the nation have made the move to 21. In New York state they include New York City, Long Island, Albany and a dozen other counties.

"Tobacco use is harmful to New Yorkers and leads to cancer, major health problems, and death. Raising the age of purchase to 21 will help ensure fewer children start this deadly habit," senate majority leader Andrea Stewart-Cousins added.

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For U.S. Gasoline Retailers, 2019 Delivers "Best Summer Ever"

The catch phrase "Best Summer Ever" usually evokes memories of summer camp, vacation hijinks and adolescent romance.

But if you administered truth serum to the tens of thousands of U.S. gasoline retailers, that superlative description might be an accurate and even understated summary of this year's just-concluded driving season.

"Driving season" is a mythical and subjective term. The Energy Information Administration (EIA) defines it as the period between April 1 and September 30. Oil Price Information Service (OPIS) prefers a more traditional measurement. OPIS assumes that driving season commenced on the Friday before Memorial Day and concluded with Labor Day. The term encompasses 103 days, with analysis of over 400 wholesale locations and some 130,000 specific retail sites.

The results? Driving season 2019 provided off-the-charts profit margins for a majority of fuel retailers, topping the previous record established four summers ago. Diversity was widespread, but an average nationwide margin of 29cts gal is predictive of a continuation of the "land grab" that has already led to the avid (and expensive) pursuit of retail chains by major oil companies, private equity managers, and overseas entrepreneurs.

Public companies who benefited from the record driving season include BJ's, Casey's, Costco, Couche-Tard, Global Partners, and Murphy USA. Many more privately held companies were winners and M&A experts believe that consolidators may increase the multiples to EBITDA that they are willing to pay as the next decade gets under way.

There is no such thing as an "average" gasoline station, but a typical convenience store might see 100,000 gal of monthly gas volumes. Hence, a 29cts gal margin would afford the operator \$29,000 before overhead for each month of June, July, and August. The 29cts gal number might be even more impressive for retailers in vacation areas, and most of the EIA numbers suggest brisk summer sales across the country. A 29cts gal margin reflects a surge of 19.65% from last year, which represented one of the better driving seasons on record.

More impressive than the nationwide number is the return for marketers who operate in western states. The West Coast retained a recent tradition of featuring the most profitable sites in the country with gross margins topping 51cts gal in the period. A modest station pumping 100,000 gal/month in western states might expect a gross profit of \$150,000 for the three peak summer months. Last year's driving season held the previous regional record - - at a very robust 36.9cts gal - - but this year's performance bettered 2018 by nearly 39%.

Northeastern locations were also standouts. Solid returns were witnessed across New England and the Central Atlantic with gross margins topping 31.5cts gal. The prosperity of a typical Northeastern retail operation increased by about a nickel from 2018.

The most challenging geography for gasoline retailers continues to be the Southeast, but there too, conditions have improved substantially in recent years. Two years ago, gross margins in Lower Atlantic states barely topped 15cts gal but the 2019 driving season returned an average of 21.4cts gal. The importance of location is underscored by the contrasting fates of retail fuel in San Luis Obispo (the top ranked Metropolitan Statistical Area or MSA) and Pensacola, which was this year's caboose among 437 MSAs analyzed by OPIS.

The 87 fuel outlets tracked by OPIS in San Luis Obispo saw retail gasoline fetch a value that was an eye-popping 87.3cts gal above estimated costs. The rich got richer in the area, as that margin represented a 28.7cts gal increase from summer 2018.

Pensacola was far more challenging. Gross margins for regular gasoline near that Panhandle city were just shy of 4cts gal this summer. Put another way, a 100,000 gal/month station would have brought in less than \$12,000 in gross fuel profits for the three peak months, reflecting a challenge for even the most efficient operators.

Some other observations in the exhaustive statistical analysis from OPIS:

- Of the 103 days that OPIS counted in the 2019 "driving season," only one day (July 10) saw nationwide gross margins dip below 20cts gal. Conversely, 44 days in the driving season saw U.S. margins top 30cts gal and one magical day in early June saw 40cts gal exceeded.
- The West was dominant in the top 40 rankings of Metropolitan Statistical Areas. California, Washington and Oregon accounted for 39 positions. Irony comes in recognizing that those three states are most aggressive in targeting continued dependence on fossil fuels.
- The first six months of 2019 generated the highest ever return for the first half of any year, but extensively granular data shows that the second half of 2019 is off to a robust start. July and August 2019 have seen retail gasoline average about 28.4cts gal above cost, up from the January-to-June average of 22.6cts gal.
- Comparisons will get tougher as 2019 progresses. Wholesale prices plunged at a much faster pace than the street in the last four months of 2018. Drops in motor fuel's cost varied from 63-94cts gal while retail moved down a much more modest 57cts gal.
- Notwithstanding increased profitability for gasoline distributors and retailers, consumers hardly felt like victims. Overall, Americans saw the sixth cheapest driving season in the last 15 years.

-Tom Kloza, tkloza@opisnet.com

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C-Stores End Summer With Strong Beverage Sales

Beverage sales were "solid" over Labor Day and strong through the end of summer, thanks to good weather and consumer confidence, according to a report from Wells Fargo Securities LLC.

Retailers were "buoyant" about the beverage business, with one Wells contact pointing to the "extremely hot summer" and "thriving" seasonal vacation areas. Wells quoted the retailer saying this was "one of the best vacation seasons in many years."

Wells said retailer feedback reinforced its confidence in the U.S. beverage business as well as the convenience store channel.

Some takeaways from Wells' retailer surveys:

--Non-alcoholic beverage sales increased 3.5% year over year, with several retailers pointing to strong energy drink sales driven by Bang energy drinks.

--Non-alcoholic beverage promotions were up 1.8% year over year, though promotions across the energy category were "generally elevated."

--Coke Energy could have potential, as it has generated retailer enthusiasm.

--Alcoholic beverage sales rose by 4.9% year over year, noting certain import beers and hard seltzers, especially White Claw hard seltzer. Wells said retailers plan to increase shelf space across the hard seltzer category by almost 20% this year.

--Alcoholic beverage promotions were up 1.3% year over year.

--The energy category grew by 9.3% year over year this Labor Day weekend, led primarily by emerging energy brands such as Bang and Red Bull and offset by slower growth from Monster and Rockstar. "Retailers remain bullish on the energy category overall, with growth expectations for 2019 now 8.3%," Wells said.

--Donna Harris, dharris@opisnet.com

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Fuel Retailers Aren't Ready for EMV Shift at Pump, Connexus Finds

Only 13% of fuel retailers, fuel distributors/wholesalers and major oil firms surveyed by Connexus indicated that they have fully deployed EMV-compliant payment systems at their fuel pumps, and only 42% indicated they will be ready by the October 1, 2020, liability shift.

Currently, gas stations are not liable for any counterfeit fraud that occurs at the pump. However, the nationwide shift to Europay, Mastercard, and Visa (EMV)—a chip-based payment system developed to make credit and debit card transactions more secure—will shift liability to gas station owners for fraudulent transactions after October 1, 2020.

Fuel retailers have until then to install functional EMV® chip-card readers at gas pumps, along with the necessary POS or EPS software to interface to them. Making fuel dispensers EMV-compliant protects the merchant from accepting fraudulent credit cards, and additional features, such as encryption, may be added to help make the payment system even more secure. It also will reduce the chance of charge-backs from credit card companies, which have vowed to push any fraudulent expenses back to retailers whose pumps aren't upgraded by the 2020 deadline.

Connexus fielded an electronic survey from June 10 to July 8, 2019, to determine the level of preparedness of the U.S. convenience and retail fueling industry for the EMV liability shift for both automated fueling dispensers (AFDs) set to take place October 1, 2020, and all other transactions which went into effect in October 2015.

Connexus reached out to more than 1,600 individuals at 1,100 organizations representing individual sites, retail chains, major oil firms and fuel distributors and wholesalers. Utilizing convenience sampling methods, Connexus

received 88 unique completed surveys, including 79 respondents who own or operate a total of 26,284 retail sites.

For respondents who own and operate fuel retailing sites, 86% surveyed report that they have fully deployed EMV-compliant units for payments inside their stores. Among the retailers that aren't fully EMV compliant inside the store, nearly 87% already have the hardware installed, but nearly 44% are waiting on software to make the switch.

At the fuel island, however, 70% of those surveyed indicated they had zero sites deployed. Of these, more than three-quarters surveyed indicated they intend to implement EMV at the pump. About a quarter of sites have functional hardware installed, with the remainder needing new hardware or upgrades. Among respondents who indicated they haven't decided to make the switch or had decided against it, the cost of upgrading and the risk not justifying the expense were the top two reasons cited.

"Convenience retailers have a little more than a year left to meet the EMV liability shift deadline at their dispensers, and it's clear that for many it will be a scramble," said Linda Toth, director of standards, Connexus. "There are several stumbling blocks to meet the date, including lack of available and certified software. And while many retailers have made the decision to upgrade, there remain retailers who think that this upcoming liability will not affect their businesses. The fact is that many site owners do not understand their actual risk, and come October 1, 2020 and beyond, they will be in for a rude awakening that will hit their bottom line."

Lack of available software was cited by just over half of the respondents as the top challenge to implementing EMV at the pump. Still, 42% of those surveyed said they already are or will be 100% deployed by the October 2020 deadline.

Typically, major oils/fuel distributors support multiple vendors for the hardware and software their branded sites need to comply with the EMV rules, both inside their stores and at their fuel pumps. The survey found that for indoor EMV requiring card contact (not tap and go payments), nearly 60% of respondents indicated they had certified solutions ready for deployment from all of their vendors. For outdoor card-contact EMV, no respondents had certified solutions ready to roll out from all of their vendors. More than 28% are waiting on software from one or more vendors, and nearly 15% are waiting on hardware.

Self-Driving Cars Will Bring More Traffic, Less Safety

Not everyone is looking forward to riding in a self-driving car. When it comes to autonomous vehicles, "we're heading towards hell," according to Kevin Delaney, editor-in-chief and co-CEO of Quartz, which is described as "digital guide to the new global economy."

In an interview with CBS News, Delaney charged that autonomous vehicle aren't yet safe enough for U.S. streets and highways.

"There are five levels of autonomous vehicle safety, according to the U.S. government's certification, and right now, at best, we're at level two," he said. "What this means

is that people need to be keeping their hands on the wheel, they need to be keeping alert to avoid accidents.”

Delaney predicts that the heavy traffic experienced in major cities today will only get worse with driverless cars on the road. His suggested solutions involve introducing autonomous vehicles in waves, starting with lower-risk innovations like low-speed buses. Platooning, or having a human driver in one truck with an autonomous truck following close behind, also is a safety option.

Another solution is to encourage carpooling, he said. “We need to make sure that it's more like Uber Pool than Uber X,” he said. “Otherwise, the congestion is going to be atrocious.”

Government policy will need to be in place, as well. “There’s not a lot of guidance coming out of Washington,” Delaney said. “This is like a lot of other areas of policy and politics where our lawmakers are struggling. And our current administration is struggling to take the lead here. So, what we’re seeing is that it’s the car makers and the tech companies, who are involved in this area themselves, who are pooling data and who are starting to collaborate a lot more on some of the safety things that need to be done. It’s in all of our interests that our governments actually get more involved and gets in front of this.”

EPA Okays F Factor Designation for 2019 Flex-Fuel Vehicles

This week, the U.S. Environmental Protection Agency (EPA) okayed an F factor determination policy for 2019 model year flex-fuel vehicles (FFVs), Oil Price Information Service reports. This applies to FFVs that can run on fuel blends up to 85% ethanol. The designation also retroactively applies incentives for automobile manufacturers who make FFVs.

Essentially, the F factor designates the amount of credit automakers get to make FFVs. The more E85 that is used, the higher the F factor—and the more credit the auto companies can get.

“We have been working hard to draw the attention of EPA and the U.S. automakers to the great value to consumers, our economy, and the environment that FFVs provide,” Mike Lewis, co-founder of Pearson Fuels, told OPIS. “We are very pleased that EPA has both issued an F factor for MY 2019, and announced their intent to quickly make a determination for future years. We also thank the Auto Alliance and their members for making the issuance of an F factor a policy priority.”

In its guidance document, the agency revealed that auto companies had asked for a quick resolution on the F factor for model year 2019 and later. “However, given the analytical complexities, EPA is unable to determine a forward-looking estimate of real-world use of E85 upon which the F factor is based in this timeframe,” wrote Byron Bunker, director of the compliance in the agency’s Office of Transportation and Air Quality, in a letter to auto companies. “EPA has initiated a forward-looking assessment based on

real-world use for the 2020 and later model years with the goal of issuing a new determination expeditiously.”

Watch How You Advertise CBD Products: FTC

As gas stations and convenience stores embrace the sale of products made with cannabidiol, or CBD, the Federal Trade Commission is warning businesses about making unsubstantiated claims of CBD's health benefits.

FTC warned all businesses in a blog post today that merchants and advertisers must ensure their statements are supported by reliable scientific evidence.

“Unsubstantiated health claims could be subject to law enforcement,” the FTC said.

The commission also said it had just sent warning letters concerning unsupported claims to three vendors for a variety of CBD oils, creams, capsules and gummies, without disclosing their names. FTC, along with the Food and Drug Administration, also sent similar warning letters to other CBD sellers in March, the agency said.

The advertising under scrutiny emphasizes CBD as a treatment or cure for serious diseases, such as Alzheimer's disease, multiple sclerosis, epilepsy, heart disease and stroke. But also included in the questionable claims is the description of CBD as a “miracle” pain reliever for acute and chronic pain.

FTC's letters require these companies to review all representations, including testimonials, to make sure their claims are supported with scientific evidence. The firms were given 15 days to tell the FTC how they are addressing its concerns.

--Donna Harris, dharris@opisnet.com

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Altria, Philip Morris in Merger Talks

Tobacco companies Philip Morris International and Altria Group are talking about a potential merger, the Wall Street Journal reports. Both companies currently market the same cigarette brands in the United States and around the globe. A merger would result in a \$200 billion company.

Altria disengaged from Philip Morris more than 10 years ago, but the companies are now discussing an equal merger agreement. Since the original split, Altria has handled U.S. sales, while Philip Morris has focused on the rest of the world. Recently, with the continued decline in cigarette sales worldwide, the two distinctions have begun to blur.

The two companies have also been working together on IQOS, a heat-not-burn tobacco product that Philip Morris already offers in the United Kingdom, Japan and other world markets. Altria will launch IQOS in the United States next month.

Both CEOs have expressed similar beliefs about smoke-free futures, with Philip Morris CEO André Calantzopoulos saying in May: “The way we see it, we will be moving Philip Morris out of combustion. ... And based on scientific capability to one day move Philip Morris beyond nicotine.”

Altria CEO Howard Willard also views a future away from smoked tobacco products. "Ten years from now the majority of the tobacco products that are sold could very well be noncombustible products," he said in 2018.

Federal & State Agencies Collaborating To Investigate Reported Vaping Illnesses

The Food and Drug Administration (FDA) and the Centers for Disease Control and Prevention (CDC) are teaming up with state and local health officials as states report cases of respiratory disease associated with the use of electronic cigarettes and vapor products.

The multi-agency investigation came on the heels of news out of Illinois that an adult patient died after being hospitalized with a severe respiratory illness after using an e-cigarette product.

"We are working closely with state and local health officials to investigate these incidents as quickly as possible, and we are committed to taking appropriate actions as a clearer picture of the facts emerges," said Acting FDA Commissioner Norman Sharpless.

According to the FDA, 215 possible cases were reported in 25 states as of Aug. 27 and additional reports of pulmonary illness are under investigation. States are completing their own investigations and verifications of cases based on CDC's recently released standardized case definition.

"While some cases in each of the states are similar and appear to be linked to e-cigarette product use, more information is needed to determine what is causing the respiratory illnesses," Sharpless said, noting symptoms include breathing difficulty, shortness of breath, and/or chest pain before hospitalization.

He added that in many cases, patients acknowledged using e-cigarette or vapor products containing THC.

Though the cases appear similar, the FDA said it is not clear if these cases have a common cause or if they are different diseases with similar presentations.

As part of the investigation, the FDA and the CDC are consulting with state health departments. The agencies are also working to standardize information collection at the state level to help build a more comprehensive picture of these incidents.

Information being collected includes the brand and types of e-cigarette products, whether any of the products that would fall within the FDA's regulatory authority, and where they products were obtained.

Current assistance to states includes:

- Deploying CDC staff to Illinois and Wisconsin to assist their state health departments with the respective state investigations;
- Releasing a Clinician Outreach and Communication Activity (COCA) Clinical Action Alert describing this investigation and asking providers to report possible cases to their state health departments;
- Developing and distributing to involved states a standardized case definition, medical chart abstraction form, and case interview questionnaire with input from states who are running investigations;

- Reviewing and providing feedback on data collection and health messaging tools for states; and
- Facilitating information sharing between states with possible cases.

Federal agencies are also meeting daily and communicating frequently with state health officials.

"As this investigation continues, our agencies remain committed to working as quickly as possible, in collaboration with our state and local public health partners and the clinical community, to find out as much as we can about these cases and potential causes and communicating with the public about these efforts to protect and promote the public health," Sharpless said.

"Our ongoing oversight and educational efforts related to e-cigarettes is critical to our public health mission and, especially, to protecting youth from the dangers of nicotine addiction and tobacco-related disease and death," he added.

Feds to Ban Unauthorized, Flavored -Cigarettes

Yesterday, the Trump Administration announced that the Food and Drug Administration will finalize a compliance policy in the coming weeks aimed at clearing the marketplace of unauthorized, non-tobacco-flavored e-cigarette products, including mint-, menthol- and fruit-flavored vape products.

On a news release, Health and Human Services Secretary Alex Azar said that the FDA plans to pull all flavored e-cigarette cartridges from the market, leaving only tobacco-flavored products, in an effort to discourage underage vaping. He met with President Trump and Norman Sharpless, FDA commissioner, at the White House Wednesday morning to discuss the upcoming ban.

The announcement comes after First Lady Melania Trump tweeted Monday about the dangers of e-cigarettes and coincides with the first anniversary of the FDA declaring that teenage e-cig use has become an epidemic.

"The Trump Administration is making it clear that we intend to clear the market of flavored e-cigarettes to reverse the deeply concerning epidemic of youth e-cigarette use that is impacting children, families, schools and communities," said Azar. "We will not stand idly by as these products become an on-ramp to combustible cigarettes or nicotine addiction for a generation of youth."

According to the National Youth Tobacco Survey, there has been a continued increase in youth e-cigarette use, especially of non-tobacco e-cig flavors. Preliminary data show that more than a quarter of high school students were current (past 30 days) e-cigarette users in 2019, with an overwhelming majority of youth e-cigarette users citing the use of popular fruit, menthol or mint flavors.

Following a rule which became effective Aug. 8, 2016, all electronic nicotine delivery system (ENDS) products were expected to file premarket tobacco product applications with the FDA within two years. ENDS products currently on the market are not being legally marketed and are subject to government action, the news release said. Details regarding

policy enforcement will be included with additional information that the FDA will announce in coming weeks.

"NACS will be watching the implementation of this policy closely to ensure that it doesn't disadvantage a particular retail channel," said Anna Ready Blom, NACS director of government relations.

As reported in NACS Daily, the FDA has held retailers and manufacturers accountable for marketing and sales practices of e-cigarettes. The agency has also issued warning letters that resulted in the market removal of dozens of e-liquid products resembling kid-friendly juice boxes, cereal and candy. Additionally, the FDA and FTC cited firms that make and sell flavored e-liquids for violations related to online posts by social media influencers on their behalf.

Michigan to Ban Flavored Vape Products

Michigan is set to become the first state to ban the sale of flavored vape products, according to the Detroit Free Press. Under the direction of Gov. Gretchen Whitmer, the Michigan Department of Health and Human Services is issuing emergency rules to ban the sale of flavored nicotine vaping products in retail stores and online.

Under the Michigan administrative rules process, state agencies can create regulations and policies that, once authorized, become laws. The Department of Health and Human Services is expected to complete the process within a few weeks, and the ban will take effect immediately afterward.

The ban will last for six months but can be renewed for another six months as state officials "develop permanent regulations banning flavored e-cigarettes." Michigan retailers will have 30 days to comply. The state had previously banned the sales of e-cigarettes to minors.

Health officials are concerned about the vaping products available in candy flavors that entice underage customers to vape. The ban also will prohibit e-cigarette companies from producing "misleading marketing of vaping products." Tobacco-flavored e-cigarettes will not be banned. Gov. Whitmer also ordered the Michigan Department of Transportation to enforce an existing statute to prohibit the advertising of vapor products on billboards.

In March, the U.S. Food and Drug Administration issued a proposal to restrict the sale of flavored e-cigarettes, but it has not been finalized. In June, San Francisco banned the sale of e-cigarettes citywide.

Juul Gives \$3M in One Month to Fight San Francisco's Ban on E-Cigarette Sales

In the weeks following the approval of a ban on the sale of electronic cigarettes in San Francisco, hometown vapor company Juul Labs Inc. gave \$3 million to a campaign against the move.

In late June, the San Francisco Board of Supervisors approved legislation to prohibit the sale the electronic cigarettes within the city. The measure bans the sale of e-cigarette and vapor products that have not been reviewed by

the Food and Drug Administration (FDA), as Convenience Store News previously reported.

The agency has regulatory authority over tobacco products, including e-cigarette and vapor, and the products need FDA approval to remain on the market. To date, the agency has not issued any approvals.

However, the Coalition for Reasonable Vaping Regulation countered the legislation with a petition to get the issue on the Nov. 5 ballot. The San Francisco Department of Elections certified the ballot initiative's signatures in early July.

As reported by Forbes, the Coalition for Reasonable Vaping Regulation is a Juul-backed organization established in May to fight the e-cigarette sale ban. In a filing with the San Francisco Ethics Commission on Aug. 5, the coalition reported that Juul injected \$3 million into the campaign in July.

The money brings Juul's total contribution for the year to \$4.5 million as of the end of July. Nate Allbee, the coalition's communications director, told the news outlet that the money will fund a traditional campaign comprising advertisements and canvassing.

"We are strongly supporting these efforts, as part of the growing Coalition for Reasonable Vaping Regulation, to enact strict new regulation and enforcement instead of a ban for all adults that will fuel a black market for vapor products and the increased use of deadly cigarettes," Juul spokesperson Ted Kwong said in a statement.

Kwong added that the ballot measure recognizes "adult smokers should have access to alternatives since cigarettes still kill 40,000 Californians every year."

FDA Sends Warning Letter to JUUL

The Food and Drug Administration (FDA) sent a warning letter to JUUL Labs yesterday, alleging that the company is illegally advertising nicotine pods as a safer alternative to traditional cigarettes without FDA approval, CNBC reports. The agency threatens to fine or seize the vaping company's products if it doesn't change its marketing.

The letter came after reviewing testimony from the House Committee on Oversight and Reform's Economic and Consumer Policy subcommittee's investigation into JUUL. CNBC says that FDA investigators found the company broke the law "by selling or distributing them as modified risk tobacco products without an FDA order in effect that permits such sale or distribution."

JUUL has 15 days to respond. Acting FDA Commissioner Ned Sharpless says companies that market tobacco products for reduced risk must show scientific evidence that their specific product does pose less risk and must receive regulatory approval before using such statements in marketing. Sharpless alleges that JUUL has ignored that law. The FDA says it is open to hearing what scientific evidence and data exists to support JUUL's claims.

"We are reviewing the letters and will fully cooperate," a JUUL spokesman told the Wall Street Journal.

Bay Drains

Several questions have been asked of the association office on bay drains. Attached is a reminder that bay drains guidelines come from EPA. However, if any government agency make you to change or update your bay drains call the association office

<https://www.epa.gov/uic/motor-vehicle-waste-disposal-wells>

MVAC Training

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

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

This restriction does not apply to do-it yourselfers.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 585-423-9924 or 716-656-1035.

Sexual Harassment Compliance Date -- 10/09/18

The deadline for sexual harassment training and other compliance is October 9, 2018. The association has developed a program with sample questions and answers targeted for the Service station/Repair shop industry. See News and Announcement column at www.nysassrs.com.

UST 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 for two valuable resources.

Selling Your Inspection License

If you are thinking of retiring or selling your business and have a New York State DMV Inspection license, your license may be valuable depending on the county where your shop is located. If you have questions on the sale and/or transfer of an inspection license call the association office at 518-452-4367.

Attention Inspection Stations

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

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

All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN TWO YEARS AGO

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

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

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

September 16, 2019

Bill Adams
President

Fred Bordoff
First Vice President

Jordan Weine
Second Vice President

Roy Fulkerson
Third Vice President

Jane Oper
Secretary

Mac Brownson
Treasurer

Frederick M. Altman
General Counsel

Ralph Bombardiere
Executive Director

Letitia James, NY Attorney General
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Dear Attorney General James:

The New York State Association of Service Stations and Repair Shops represent independent service stations and repair shops throughout New York State.

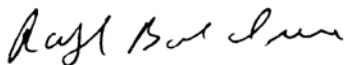
The international crisis brought about by the bombing of the refinery in Saudi Arabia over the weekend has make headlines around the world. It has prompted the speculation that gasoline prices will escalate and will be passed on to the consumer. If there is a disruption or perceived disruption in supply, motorist may rush to service stations creating shortage of gasoline and diesel motor fuel at the pump.

We respectfully request that before retailers are accused of price gouging the Office of the Attorney General will do a full investigation of the supply from rack and wholesalers to see where the price increase occurs.

We trust that we can rely on the Office of the Attorney General to look at the complete picture of why a price increase may happen.

Should you have any questions please contact me at 518-452-4367. Thank you.

Yours truly,



Ralph Bombardiere
Executive Director

NYVIP2 MESSAGE No. 251

DATE: 9/10/2019

TO: ALL INSPECTION STATIONS

FROM: NYS DEPT. OF MOTOR VEHICLES

SUBJECT: ALTERED VEHICLE (STRETCH LIMOUSINE) REPORTING & DOT EXEMPTION DOCUMENTS

REFERENCE: NYVIP2 MESSAGE No. 250

NYVIP2 Message No. 250, distributed yesterday (September 9, 2019), indicated that a sample NYS DOT Exemption Letter was attached – it was inadvertently left off. It is attached to this message.

A NYS DOT Exemption Letter is required in order for you to conduct an inspection of an altered vehicle with a seating capacity of 11 or more persons (including driver). If this letter is not provided, you must reject the inspection request.

A vehicle is “altered” if it has been stretched or widened to increase passenger capacity.

REMINDER: Any time an altered vehicle is presented for inspection, regardless if an inspection is conducted, the station must send DMV a completed “Altered Vehicle Report” (VS-1074SL) and a copy of the DOT Exemption letter via email at limoreport@dmv.ny.gov or fax to **(518) 474-2739**.

If you have any questions regarding this new reporting requirement, please call the DMV Office of Clean Air at (518) 473-0597, and select option #4.

Please share this information with all appropriate staff.



Department of Transportation

ANDREW M. CUOMO
Governor

MARIE THERESE DOMINGUEZ
Commissioner

DATE: [REDACTED]

To Whom It May Concern:

This letter will certify that the vehicle described below, does not require an inspection by the New York State Department of Transportation (NYSDOT), as the owner has described the intended use of the vehicle as a type that does not fall under the jurisdiction of NYSDOT in accordance with the NYS Transportation Law and department regulations.

Therefore, this vehicle does not require a copy of the NYSDOT Vehicle Inspection form (MC300) as a pre-requisite to registering/renewal of the vehicle's NYS Motor Vehicle Registration. Rather than a NYSDOT inspection, the vehicle will require either a NYS annual vehicle or heavy vehicle inspection as required by New York State Department of Motor Vehicle regulations (15 NYCRR 79.2).

This letter should be maintained by the owner and a copy should be kept on the vehicle while in operation. The owner is advised that using the vehicle in a capacity other than described or physically altering the vehicle may invalidate this exemption letter. The letter is not transferrable and not intended to exempt or supersede interstate commercial motor vehicle requirements. It is issued for New York State periodic inspection purposes only.

Reason for exemption: **The vehicle is not being used in commerce and not being used to transport passenger for compensation.**

Owner / Operator's Legal Name: **SAMPLE NAME**

YEAR: **2019** MAKE: **FORD** MODEL: **EC3**

VIN#: [REDACTED] COLOR: **WHITE** SEATS: **15** NOTES: **THIS LETTER VALID WHEN VEHICLE IS ONLY USED AS A PROPERTY CARRYING VEHICLE AND NOT USED TO TRANSPORT PASSENGERS.**

If you have any questions or require further information, please contact me at: (518) 549-0482.

Sincerely,

Chad R Smith, Intermodal Transportation Specialist - 2 (MCS)
New York State Department of Transportation
Passenger Carrier Safety Bureau
Phone: (518)549-0482
E-mail: chad.smith@dot.ny.gov

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Ralph Bombardiere
Executive Director

Ag and Markets has simplified section 224.9 of its regulations to read:

Retailers use the following terms on dispensers and street signs when describing gasoline or gasoline-alcohol blends.

(1) "Regular" shall mean eighty-seven (87) octane.

(2) "Mid-grade", "Plus", "Extra" and similar terms shall mean eighty-nine octane or greater.

(3) "Premium", "Super", "Ultra" and similar terms shall mean ninety-one (91) octane or greater.

(4) "Ethanol free gasoline containing less than one percent (1%) ethanol by volume shall be labeled "ethanol free", "non-ethanol", "no ethanol" or similar term.

These regulations take the place of regulations requiring the actual posting of octane ratings at the pump. While it is admirable that a government agency is trying to simplify regulations, in this case they have totally missed the mark. 91, 92, and 93 octane gasoline are not the same gasoline, and should not be all simply labeled premium. This does a disservice to the gasoline dealer and the consumer alike. Consumers will compare the prices of a dealer selling 93 octane premium and those of the dealer selling 91 octane premium and determine the former is trying to rip them off. Likewise consumers wishing to purchase 93 octane gas will no longer be able to determine which stations sell it.

Of further concern is the onus of requiring station to replace them with signs that meet the new requirements.

Consumers are savvy enough to recognize what octane ratings mean and what octane gasoline is best for their vehicle. Simplifying the system serves no purpose, and hurts the retailer and consumer alike. We suggest that that this attempt at simplifying the system be brought to its natural conclusion. All grades of gasoline should merely be labeled "gas" at the pump. Ridiculous, huh? Exactly.

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

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NYSASSRS Comments Concerning Proposed Changes to NYS Regulations for Petroleum Quality and Labeling

August 5, 2019

The New York State Association of Service Stations & Repair Shops represents the interests of independent gasoline retailers and repair shops located throughout New York State.

The Association thanks you for the opportunity to participate in the regulatory process by allowing us to voice our concerns and submit comments prior to the formal filing of the proposed regulatory changes on petroleum quality and labeling. It is unfortunate that other state agencies do not realize the importance of allowing industry to convey the concerns that they have when faced with new laws and regulations.

Initially we would like to comment on the following:

ETHANOL BLENDS: NYSASSRS can agree with the Department legalizing E-15 and codifying E-85 in New York however opening it up to mid-level blends, as advocated by the biofuel industry, is of great concern. Equipment and/or liability problems are a major concern.

WATER PHASE DEFINITION: There is no definition of “water phase” in either federal 16 CFR 306 or the proposed amendments to NYCRR Section 224.1.

WATER PHASE POLICY: Most of the retail fuel pumps today are equipped with filters to prevent water or water phase from being pumped into a customer’s gas tank. And, since most product is drawn from 10 to 12 inches above the bottom of the gasoline or diesel fuel tank, up to two inches of water in the tank does not compromise product quality. The NYSASSRS also does not agree with the statement that New York is the only state that has not reduced its water level tolerance to one inch.

TEMPERATURE COMPENSATION: As drafted, the amendments to Section 224.5, Bulk Delivery Requirements, would mandate temperature compensation for wholesale deliveries of automotive fuel:

“...the refiner or distributor...shall...(5) Sell, at wholesale, automotive fuel in units of gallons or liters compensated to 60°F (15.6°C).”

Temperature compensation is currently permitted as long as certain documentation is provided even though it is not required. If the Department intends to propose mandatory temperature compensation the NYSASSRS would have grave concerns regarding this issue. Any serious consideration for temperature correction would need regulations dealing with the metering of motor fuel when delivered to a retailer.

COLOR CODING OF FILL PORTS: We do not have an issue with conforming with the American Petroleum Institute's Recommended Practice 1637, 3rd Edition, July 2006 on color coding of UST fill caps however the amended regulation should plainly itemize those colors. Retail dealers should not have to make a trip to Albany to read the document to find out what they are. The current Section 224.14, which would be stricken, clearly sets forth the required color for each product while the amended language does not. The regulations should plainly itemize the colors to avoid unnecessary violations and penalties to dealers for erroneous or deficient fill cap colors.

BULK SHIPMENT DOCUMENTATION: NYSASSRS hopes that the Department has compared the proposed bulk shipment disclosure requirements in Section 224.5 with existing DOT shipping documentation requirements so as to avoid duplication, conflict or confusion.

Respectfully submitted:

New York State Association of Service Stations & Repair Shops
6 Walker Way
Albany, NY 12205

Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

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

NYS Worker's Compensation Program Highlights

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



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

Bill Adams

716.849.8641 | badams@lawleyinsurance.com

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

Lawley

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

**NEW YORK STATE
ASSOCIATION OF SERVICE STATIONS AND REPAIR SHOPS**

**Web Training for:
DMV INSPECTOR TRAINING
(Instructions on how to sign in and take the training)**

1. Enter our nysassrs.com website either by cell phone or computer.
2. Find the training tab on the top of the screen (if in full screen view). If smaller there is a menu tab on the left of the screen. Click that and you will find the training tab there. It will bring you to an intro page to our training.
3. Inside the blue column SITE MAP you will see Inspector Training Material.

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

4. Click on whichever inspector training you would like to download. We have:
 - a) Light/medium duty, and
 - b) Heavy duty inspection training available.
 - c) Motorcycle,

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

5. When download is complete you may access our full audio presentation.
6. You may also choose to access the DMV's version of the training which we provide the link for if you like. There is no audio or PowerPoint but DMV's presentation may differ a little to give you variety in training.
7. Besides training, our presentation takes you step by step to register for the testing for inspector certification.
8. If you have any questions contact the association office at 518 452-4367.

REGULATIONS ON USED CAR BONDS

Surety Bond

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

Bond amount required from a dealer

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

Number of vehicles sold in Previous calendar year	Bond amount
--	----------------

50 or fewer	\$20,000
-------------	----------

More than 50	\$100,000
--------------	-----------

Franchise dealers selling
cars, SUVs, light trucks, etc.

Dealers selling only trailers

motorcycles. Vehicles over	\$50,000
----------------------------	----------

10,000 pounds, ATV's,boats
and snowmobiles are exempt
from the bond requirements.

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

FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

FILL OUT THIS FORM AND FAX BACK TO US

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

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

PUT THE MONEY IN YOUR POCKET

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

FREE MONEY

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

FAX this form back to:

518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

DO YOU WANT TO PROTECT YOUR BUSINESS FROM
EXCESSIVE FINES

OR

THE POSSIBLE LOSS OF YOUR:

TOBACCO LICENSE

LOTTO LICENSE

ALCOHOL LICENSE?

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

THE NEW YORK STATE ASSOCIATION OF SERVICE STATIONS & REPAIR SHOPS

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

ALL INFORMATION AND MATERIALS ARE PROVIDED
THROUGH OUR WEBSITE AT:

NYSASSRS.COM

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



Garage Insurance Survey

Name of Business:		
Street Address:		
City:	State:	Zip:
Phone #	Fax #	E-Mail:
Contact Person:		Phone # (if different from above)
Are you happy with the cost and service provided by your carrier/agent?		Yes No
If yes STOP here...		
If NO or NOT SURE you may want to look at the following		
Is your coverage insufficient?	Yes	No
Is the service poor to non-existent?	Yes	No
Is the cost too high?	Yes	No
Are you satisfied with your current coverage?	Yes	No
Are you interested in a quote from another insurer?	Yes	No
Is so please check each that apply:		
<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

RSGDA

LEGAL PLAN

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

Covered services available to members include:

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

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

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

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

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

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



Department of
Motor Vehicles

APPLICATION FOR CERTIFICATION AS A
MOTOR VEHICLE INSPECTOR

♦ **FOR ORIGINAL APPLICATIONS:** Answer **ALL** questions on **Page 1** and **Page 2** that apply to you, and **SIGN** the application on **PAGE 2** or it will be returned to you for completion. You **MUST** be at least 17 years old and have **AT LEAST ONE YEAR OF MOTOR VEHICLE REPAIR EXPERIENCE** in the last 5 years immediately preceding this application, in the area in which you apply to be certified, or you must provide a copy of an acceptable school diploma in vocational motor vehicle trades. When your application is approved, DMV will notify you by mail of the date, time and location of the inspector training class. You **MUST** present photo ID at the class as proof of identity. If you have difficulty reading or understanding written material, please contact the office identified at the bottom of page 2 of this form.

♦ **FOR AMENDMENT AND DUPLICATE APPLICATIONS:** Answer questions 1-21 and **SIGN** in #25.

♦ **REQUIRED FEES**

Non-refundable application fee (\$10) and three-year certification fee (\$15).

Make check or money order for \$25 payable to the Commissioner of Motor Vehicles. You MUST send your check with this application. Starter checks are not accepted.

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

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

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

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

4♦ Check all certification groups for which you are applying.

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

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

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

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

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

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

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

PLEASE CONTINUE, AND SIGN ON PAGE 2.



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

22 FOR ORIGINAL APPLICATIONS ONLY

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

☐ Yes ☐ No

If "YES," give details below: (Applicants will not necessarily be rejected because of a conviction record. Such applications will be reviewed on an individual basis.)

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

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

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

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

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

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

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

25 NAME (PLEASE PRINT) _____**SIGNATURE** _____

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

Date _____

♦ **SEND APPLICATION AND CHECK TO:**

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

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

