ATTORNEY'S CORNER

By Larry Culley

THE HOLIDAYS ARE OVER AND IT'S TIME TO BUCKLE DOWN AND FLY RIGHT IN 2019!

ARE YOU READY FOR 2019? HERE'S HOW!

ARE ALL YOUR PERMITS AND LICENSES (INCLUDING YOUR OWN AND YOUR EMPLOYEE'S DRIVER'S LINCENSES VALID?

ARE YOU PAYING YOUR EMPLOYEES UNDER THE NEW MINIMUM WAGE LAW AS FOLLOWS: Workers in New York City, employed by large business (at least 11 employees) - $15.00 Workers in New York City employed by small business (10 employees or fewer) - $13.50 Workers in Long Island and Westchester Counties - $12.00 Workers in all other areas of the state - $11.10?

ARE YOU PERFORMING INSPECTIONS WITH A TWO-PIECE WINDOW TINT METER IN ACCORDANCE WITH THE NEW INSPECTION REGULATIONS REGARDING TINTED GLASS?

ARE YOU DISPLAYING SIGNS MANDATED BY D.M.V. AND OTHER GOVERNMENT AGENCIES INCLUDING THE POSTING OF LICENSED INSPECTORS AT INSPECTION STATIONS?

ARE YOU COMPLETING AND FILING THE IMMIGRATION FORMS FOR ALL NEW EMPLOYEES, "I-9"? ARE YOU COMPLETING AND FILING THE N.Y.S. "NEWLY HIRED EMPLOYEES" FORM?

ARE YOU CHECKING YOUR VAPOR RECOVERY EQUIPMENT & COMPLYING WITH THE NEEDED 5 YEAR TEST (THIS IS BEING PHASED OUT BUT IS STILL ENFORCEABLE AT THIS TIME)?

ARE YOU FILING YOUR YEAR END TAXES?

ARE YOU PREPARED TO MAINTAIN DAILY, ACCURATE, GASOLINE INVENTORY RECORDS AS REQUIRED BY LAW (DIP BOOKS ARE AVAILABLE FROM YOUR ASSOCIATION)?

ARE YOU MAINTAINING THE PROPER COLOR CODE ON YOUR GASOLINE FILL LINES?

ARE YOU DISPLAYING THE OIL SIGN: "WE ACCEPT WASTE OIL FOR RECYCLING"? ARE YOU HANDLING USED OIL FILTERS PROPERLY?

ARE YOU DISPLAYING THE SIGN: "WE MUST ACCEPT VEHICLE BATTERIES FOR RECYCLING"?

ARE YOU MAINTAINING THE FILE OF MATERIAL SAFETY DATA SHEETS (MSDS)?

ARE YOU AND YOUR EMPLOYEES AWARE OF THE POSSIBLE HEALTH HAZARDS ASSOCIATED WITH THE VARIOUS CHEMICALS AND THE PRECAUTIONS THAT SHOULD BE TAKEN?

HAVE YOU FILED YOUR "COMMUNITY RIGHT TO KNOW" FORM ON STORED SUBSTANCES IN N.Y.C.? THE DEADLINE IS MARCH 1ST.

ARE YOU MAINTAINING A SAFE WORKING ENVIRONMENT? ARE ALL YOUR FIRE EXTINGUISHERS AND SUPPRESSION SYSTEMS PROPERLY CHARGED AND WORKING? ***SAFETY IS FREE! USE IT GENEROUSLY***.

ARE YOU USING APPROVED REPAIR ORDER FORMS? ARE YOU PROVIDING ALL INFORMATION REQUIRED ON THE ORDER FORM BY D.M.V.?

ARE YOU A MEMBER OF YOUR ASSOCIATION SPONSORED WORKER'S COMPENSATION GROUP? THOSE WHO ARE RECEIVED DIVIDENDS FOR OVER 25 YEARS. ARE YOU ALSO PROVIDING DISABILITY INSURANCE FOR YOUR EMPLOYEES AS REQUIRED BY N.Y.S.?

ARE YOU PROVIDING QUALITY REPAIRS? ARE YOU USING QUALITY PARTS? DON'T CREATE FUTURE PROBLEMS WITH A FALSE ECONOMY?

ARE YOU AND YOUR TECHNICIANS MAKING TIME FOR EDUCATION (WORK SMARTER NOT HARDER)?

ARE YOU MAINTAINING A CLEAN, ATTRACTIVE LOCATION? LOOK AROUND, YOU MAY BE SURPRISED. ARE YOU MAINTAINING A SENSIBLE PROFIT MARGIN? YOU CANNOT SURVIVE WITHOUT IT. ARE YOU PREPARED TO SIT DOWN WITH ACCOUNTANT AND REVIEW YOUR OPERATIONS?

ARE YOU PERFORMING INSPECTIONS PROPERLY? DO IT RIGHT OR DON'T DO IT AT ALL! ARE YOU GIVING WRITTEN INSPECTION APPOINTMENTS? WRITTEN APPOINTMENTS MUST BE ON YOUR LETTERHEAD.

DO YOU CARD FOR CIGARETTES AND ALCHOHOLIC BEVERAGES?

IF YOU HAVE DUAL ISLANDS WITH SELF SERVE/FULL SERVE, IS THE "HANDICAP" SIGN POSTED?

ARE YOUR CLERKS TRAINED AND CERTIFIED UNDER THE TOBACCO LAW AND ALCOHOL LAW?

DOES THE OWNER, MANAGER AND CLERKS HAVE AN "A", "B" OR "C" CERTIFICATION UNDER THE UNDERGROUND STORAGE TANK REGULATIONS?

ARE YOU READY? ONLY YOU KNOW THE ANSWER. IF YOU'RE UNSURE, CALL YOUR AREA REPRESENTATIVE.

ARE YOU READY FOR FREDDIE IN 2019? BE THERE OR BE SQUARE!

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

SSRA

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February 2019

New York Considers Taking Tobacco 21 Statewide

The number of states prohibiting the sale of tobacco products to anyone under 21 years old could grow by two this year.

New York Gov. Andrew Cuomo included a proposal to raise the legal minimum age to buy tobacco products, including vapor products, to 21 in his 2019 executive budget.

The legal age in New York now stands at 18.

Cuomo's proposed tobacco legislation also includes a ban on tobacco sales in pharmacies and clarifies the state health department's authority to ban the sale of certain flavored e-cigarette liquids, among other measures.

In all, the proposed legislation includes:

- Raising the minimum legal age to buy tobacco products to 21;
- Ending the sale of tobacco and e-cigarette products in pharmacies;
- Prohibiting the display of tobacco products and packaging, including e-cigarettes, in all retail stores that are not adult-only;
- Clarifying the state health department's authority to ban the sale of certain flavored e-liquids;
- Restricting available discounts provided by tobacco and e-cigarette manufacturers and retailers; and
- Requiring e-cigarettes be sold only through licensed retailers.

"We have made great strides to stamp out teen smoking, but new products threaten to undo this progress to the detriment of millions of Americans. In New York, we refuse to stand idly by while unscrupulous businesses target our young people and put their very futures at risk," Cuomo said. "With this comprehensive proposal, we are taking aggressive action to combat this very real public health crisis and curb the use of nicotine products before they result in deadly consequences for an entire generation of New Yorkers."

A group of lawmakers in Virginia is also looking to pass statewide Tobacco 21 legislation, according to The Washington Post.

"Certainly we have a history of tobacco . . . that really dates back to 1608," said Del. Christopher P. Stolle (R-Virginia Beach), a physician who is sponsoring the bill in the House. "We adapt as we move forward, and we recognize it's something that needs to be done. We certainly are a product of our history, but I don't think we're bound by our history."

The bill is also supported by House Speaker Kirk Cox (R-Colonial Heights), Senate Majority Leader Thomas K. Norment (R-James City) and Senate Minority Leader Richard L. Saslaw (D-Fairfax).

Gov. Ralph Northam has not commented on the proposal.

To date, six states and Washington, D.C. have Tobacco 21 laws on the books. Massachusetts became the latest state hike the minimum age to buy tobacco products to 21 on Dec. 31.

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Sexual Harassment Compliance Date -- 10/09/18

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

UST Complaince Materials

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

Government Shutdown Closes E-Verify Website

The partial government shutdown, heading into its third week, has shuttered the federal E-Verify website, Nation's Restaurant News reports. As of press time, there had been no movement on the funding impasse between President Donald Trump and Congress.

The federal E-Verify electronic verification employment system website had been shut down. The system, which verifies the info on a worker's Form I-9 with Social Security Administration records, is run by the U.S. Department of Homeland Security, which had been partially hobbled by the lack of a funding bill.

If retailers were "using E-Verify before the shutdown, they can go back to the existing rules for hiring documents that the majority of employers in the U.S. still use," said David T. Denney of the Dallas-based Denney Law Group.

Employees still should fill out the Form I-9/Employment Eligibility Verification, which has a list of which documents can be submitted to determine employment eligibility. Workers can give a combination of eligibility and identity documents too. "Remember, I-9 documents must be kept separate and apart from employee files and must be retained for three years after the later of three years from hire or one year from the end of employment," Denney pointed out.

Homeland Security indicated the three-day rule for creating E-Verify cases has been suspended during the shutdown, but retailers should know the time limits in place to file documents once E-Verify service starts again.

Government Shutdown Blocks Access to Loans for Small Businesses

As the federal government shutdown continues, thousands of small businesses have had their new loans held up, the Washington Post reports. The Small Business Administration hasn't processed new loans since December 22, meaning owners can't have access to the funds needed to launch or expand their business.

One such owner is Brooks Troxler, who runs Trox Tech in Charlotte, N.C. He'd planned to buy new property to expand his business, but the purchase is incomplete because of the shutdown. "I'm praying this shutdown ends quickly," said Troxler, who has seven employees. "We were 99% done. We were at the finish line, and now it's like they pulled me back."

While the president and Congress continue to be at a standstill over the funding bill, businesses in areas with high numbers of federal workers and contractors are beginning to feel the pinch. And scores of other businesses are not receiving loans or payments owed by other firms.

"If it lasts longer than a month or so, we could see larger knock-on effects to private sector activity," said Michael Feroli, chief U.S. economist for JPMorgan. "In the past, there has been a noticeable effect on measures of consumer and business sentiment."

Retailers also can't use the federal E-Verify electronic verification employment system because its website had been shut down. The government also announced that February SNAP benefits would be released early.

February SNAP Benefits Will Be Issued Early Amidst Shutdown

Yesterday, the Secretary of Agriculture Sonny Perdue announced the agency's plan to ensure that participants in the Supplemental Nutrition Assistance Program (SNAP) receive their benefits in February if the shutdown persists. Funding for the U.S. Department of Agriculture (USDA), which oversees SNAP, expired when Congress failed to pass a measure to fully fund the government on by December 21, 2018. At that time, SNAP benefits for the month of January were fully funded, but an open question remained as to whether the agency would be able to fund benefits in February.

"To protect SNAP participants' access for February, USDA is working with states to issue February benefits earlier than usual. USDA will rely on a provision of the just-expired Continuing Resolution (CR), which provides an appropriation for programs like SNAP and Child Nutrition to incur obligations for program operations within 30 days of the CR's expiration. USDA will be reaching out to states to instruct them to request early issuance of SNAP benefits for February. States will have until January 20th to request and implement the early issuance. Once the early issuances are made, the February benefits will be made available to SNAP participants at that time," stated USDA.

"At President Trump's direction, we have been working with the Administration on this solution. It works and is legally sound. And we want to assure states, and SNAP recipients, that the benefits for February will be provided," Perdue said. "Our motto here at USDA has been to 'Do Right and Feed Everyone.' With this solution, we've got the 'Feed Everyone' part handled. And I believe that the plan we've constructed takes care of the 'Do Right' part as well." USDA's early issuance strategy relies on each state to request USDA approval to issue February benefits on or before January 20, 2019. With the early issuance of benefits to SNAP participants, USDA is encouraging SNAP retailers to prepare for early transactions and to staff and stock stores appropriately.

Appeals Court Rules "Joint Employment" Test as Too Broad

The U.S. Court of Appeals for the DC Circuit ruled that a 2015 National Labor Relations Board (NLRB) decision failed to properly define "indirect control" as related to working conditions as part of the agency's so-called "joint employment test, Reuters reports. The 2-1 decision is being hailed a victory for business groups. The Obama-era test was to determine whether the relationship between a business and the employees of its contractor or franchisee qualifies as joint employment.

The 2015 standard provided a test to determine the relationship between a business and contractor or franchisee

employees constituted joint employment. The U.S. Chamber of Commerce has been fighting the Obama administration's rule, saying it could wreak havoc with the franchise business model and supply chains.

In September, the NLRB proposed a mandate that would return the rule to the pre-2015 standard definition of joint employer. The board has indicated a final rule will be adopted by June. The proposed rule defines joint employment thus: "An employer may be found to be a joint-employer of another employer's employees only if it possesses and exercises substantial, direct and immediate control over the essential terms and conditions of employment and has done so in a manner that is not limited and routine."

The court's majority did point out that the NLRB's 2015 standard had "deep roots in the common law," and that the board could include "indirect control" in its test, according to Politico. However, ultimately, the Appeals Court sent the case back to the NLRB to rework its definition of control to be only over working conditions.

Texas Judge Strikes Down ACA (For Now)

On December 14, a Texas federal judge struck down the entire Affordable Care Act (ACA). The case, brought by a group of Republican governors and state attorneys general, centered around the Supreme Court's decision in 2012, which upheld the individual mandate as constitutional based on Congress's taxing power. Because Congress recently "zeroed out" the tax with the passage of the Tax Cuts and Jobs Act, the states argued that the individual mandate can no longer be upheld under Congress's tax power, and without it the whole health law falls apart.

Judge Reed O'Connor of the District Court for the Northern District of Texas in Fort Worth agreed on both points, finding that the individual mandate tax penalty—which will be zero beginning in 2019—is "no longer fairly readable as an exercise of Congress's tax power" and that, because it is "the keystone, the linchpin" of the ACA, the balance of the health law is "inseverable" from it.

Of importance for convenience stores, the ruling will not immediately affect the ACA or impact current coverage (or coverage in 2019). The decision is expected to be appealed to the United States Court of Appeals for the Fifth Circuit. The current view among analysts is that—at a minimum—the portion of the opinion invalidating the whole law will not be upheld on review.

President Trump Signs Farm Bill Into Law

President Trump signed into law the Agriculture and Nutrition Act of 2018, known as the Farm Bill.

NACS advocated for passage of the Farm Bill because of its ban on processing fees on all Electronic Benefits Transfer (EBT) transactions. The bill also reiterates the current ban on interchange fees from these transactions.

"Convenience stores are critical partners in the Supplemental Nutrition Assistance Program, providing essential access to food for SNAP families who may not live near a larger retailer or who shop during non-traditional hours," said Anna Ready, NACS director of government relations. "NACS commends Congress for passing sensible legislation that will place a ban on all processing fees and emphasizes the ban on interchange fees on SNAP transactions. We are pleased that Congress heeded these concerns and recognized that these fees have a negative impact on SNAP customers."

The Farm Bill reauthorizes the Supplemental Nutrition Assistance Program (SNAP). More than 119,000 convenience stores accept SNAP benefits and serve the communities in which they operate.

Failed Deal Could Lead to Auction of Citgo Petroleum

One of Venezuela's creditors has rescinded a settlement agreement with President Nicolás Maduro's government and hired bankers to force a sale of Citgo Petroleum Corp., the country's Houston-based crude refiner, according to the Wall Street Journal.

Crystallex International Corp., a Canadian gold exploration company, wants to auction off Citgo to collect a $1.4 billion debt from Venezuela after negotiations to settle the debt fell through. A forced auction could wrest control of Citgo from the Maduro government and possibly divest Venezuela of a critical revenue source. Citgo, believed to be Venezuela's largest external asset, became a wholly owned subsidiary of the South American country in 1990.

Crystallex hired Moelis & Co., a global independent investment bank, in connection with the potential auction, according to people familiar with the situation, although Citgo officials have not commented on that report.

Most analysts predicted Citgo would fall into the hands of Venezuela's creditors at some point as the country experienced debt defaults, hyperinflation and a collapse in oil production. But despite Venezuela's financial problems, the government wants to keep Citgo's valued Gulf Coast crude refineries.

The government recently entered into a payment plan with Crystallex. Venezuela would pay off a $1.4 billion judgment over gold-mining rights, giving Crystallex $500 million up front and pledging additional quarterly installments through 2021.

Crystallex claims the deal was violated when Citgo's owner, state-owned Petróleos de Venezuela SA, filed U.S. court papers last week arguing that its stake in Citgo is legally protected from seizure under a federal law supporting foreign commercial interests. A U.S. appeals court has frozen proceedings over the potential sale until other legal issues are decided.

Crystallex was once in line to develop Venezuela's huge, untapped Las Cristinas gold mine, believed to be one of the four or five largest gold-mines on earth. When the venture failed, the company was forced into bankruptcy in 2011.

In August, Crystallex convinced a U.S. judge that PdVSA assets in the U.S., including the shares of Citgo's

parent company, could be sold to make up for the lost investment. Tenor Capital Management Co., a New York-based lender to Crystallex, has bankrolled efforts to extract money from Venezuela, using Citgo as leverage.

In court filing, Citgo officials said a forced auction could seriously disrupt operations and put thousands of American jobs at risk. Believed to be Venezuela's largest external asset, Citgo's network of refineries, pipelines and terminals make it a flashpoint in the growing geopolitical conflict between Washington and Caracas, in part because U.S. lawmakers worry the assets could be exploited by Russia, a friend to Venezuela's government.

Venezuela has protected Citgo during the country's economic crisis. While defaulting on tens of billions of dollars in debt, PdVSA has continued to pay off the few bondholders that have collateral rights over Citgo, sending them nearly $1 billion in October.

Costco Punished by Wall Street,
But Gasoline Numbers Still Magical

Shares of blue-chip retailer Costco continue to get hammered by Wall Street, after reporting some tiny margin compression in first-quarter 2019 earnings released last week. But OPIS' data and comments at the company's conference call last Friday suggest that the magical allure of gasoline is still on the ascent, with Costco fuel sites now showing some of their best returns in years.

Precise margins for the Big Box chain are kept secret, but the company acknowledged that its gasoline profit increased in the 12 weeks ending Nov. 25.If Costco were simply able to buy at an unbranded rack average at its U.S.locations, OPIS estimates they saw about 11cts/gal between their cost and pump price during the period. However, Costco has a perhaps unrivaled ability to buy well under posted or spot benchmarks, and the likelihood is that benefit manifested itself through substantially wider margins.

But since the quarter ended, the company has seen implied profit margins nearly double thanks to descending wholesale costs and stickier retail numbers. OPIS data shows that the typical difference between an average wholesale cost and the Costco retail price has widened out to average over 20cts/gal in the 22 days since the quarter ended.

The company is mum on volumes, but chief financial officer Richard Galanti told investment analysts Friday that its stores have seen "high single-digit gallon comps" in the U.S. population, as compared to flat sales for competitors. "So, we're definitely taking market share and we're enjoying being able to do that while making a little more but not a lot more," he added. In other words, unlike many chain retailers, Costco has seen volume increases.

Many Costco sites move 700,000 gallons per month or more of fuel. Hence, the difference between a month with an 11ct/gal margin and one with, say, a 21ct/gal margin can approach $75,000 per station. Multiply that times more than400 stores and you have an environment where fuel is giving the company tens of millions of dollars in unanticipated profits.

Costco CFO Galanti was queried by several retail analysts who asked if the overall model for gasoline sales had changed and why prices haven't matched the overall oil drops.

"I think the reason is the traditional retailer -- well all companies including us -- we want to make money and what we have found is that as prices have come down our view is, our motive, if you will, our competitor pricing has gotten bigger."

"What we're saving customers relative to competitor stations nearby whether they are independents, or supermarkets or 'nationals', we're saving more today than we've ever saved per gallon and we're making more than we've ever made. Partly because everybody else is making more, we're able to make a little more."

Galanti added that "it does seem there is not a heck of a lot of traction on gas prices going up."

However, Costco executives have always emphasized that fuel sales aren't just about making money; the lure of gas that is 20cts/gal cheaper than typical service stations has a dramatic impact on visits to the warehouses and trips inside to purchase various goods. To that end, Costco disclosed on Friday that shopping frequency at its U.S. locations was up 5.2%, and membership renewals rose from an already impressive 90.4% to 90.5%. The total number of cardholders for the company advanced to 95.4 million.

More warehouses are coming in fiscal 2019, with the company hinting that of 23 new sites, about three-quarters of the locations, will be in the U.S. Specifics haven't been released but reports indicate that warehouses will pop up in states that include New Jersey, Oklahoma, Texas, Illinois, Florida, and Minnesota, with prospects for another 20 or so sites in New York, Connecticut, Mississippi, North Carolina, South Carolina, Georgia, Missouri, Idaho, Rhode Island and California in the next few years.

--Tom Kloza, tkloza@opisnet.com

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U.S. Surgeon General Issues E-Cigarette Advisory
Aimed at Protecting Youth From Nicotine Addiction

As the Food and Drug Administration (FDA) grapples with underage use of electronic cigarettes, the U.S. Surgeon General issued an advisory on the subject.

In the advisory on Dec. 18, Surgeon General Jerome Adams outlined proposed calls to action for parents, teachers, health professionals, and community and elected officials.

"The recent surge in e-cigarette use among youth, which has been fueled by new types of e-cigarettes that have recently entered the market, is a cause for great concern. We must take action now to protect the health of our nation's young people," Adams said.

Similar to FDA's comments on e-cigarettes and vapor products, Adams also called out Juul. The San Francisco-

based vapor company has soared in popularity among underage users.

"We must take aggressive steps to protect our children from these highly potent products that risk exposing a new generation of young people to nicotine. The bad news is that e-cigarette use has become an epidemic among our nation's young people," he said. "However, the good news is that we know what works to effectively protect our kids from all forms of tobacco product use, including e-cigarettes. We must now apply these strategies to e-cigarettes, including USB flash drive-shaped products such as Juul.

"To achieve success, we must work together, aligning and coordinating efforts across both old and new partners at the national, state and local levels. Everyone can play an important role in protecting our nation's young people from the risks of e-cigarettes," Adams said.

Last month, Juul Labs unveiled steps to combat underage use of its products, as Convenience Store News previously reported. For example, on Nov. 13, it stopped taking retail orders for its flavored Juul pods, effectively removing them from more than 90,000 retail locations.

Going forward, Cucumber, Mango, Creme and Fruit pods will only be available online. Its tobacco and menthol-based products consist of Virginia Tobacco, Classic Tobacco, Mint and Menthol were not affected by the decision.

Juul's move came just days before FDA Commissioner Scott Gottlieb issued several directives the agency's Center for Tobacco Products, including revisiting its policy regarding menthol cigarettes and flavored cigars and restricting the sale of flavored vapor products to age-restricted, in-person locations and, if sold online, under heightened practices for age verification. This directive includes all flavors other than tobacco, mint and menthol.

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 607-398-7260.

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.

Selling Your Inspection License

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

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

Attention Inspection Stations

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

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

All Petroleum Bulk Storage Facilities

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

THIS WAS MORE THAN TWO YEARS AGO

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

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

Or call the association office

SERVICE STATIONS
REPAIR SHOPS
USED CAR DEALER
ATTENTION

Do you have problems

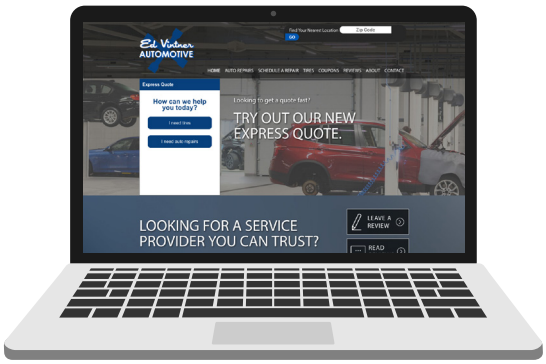
1. Getting into business - going out of business?
2. With government, Federal, State and Local?
3. Are you trying to settle a violation?
4. Need an attorney?
5. Have a small claims case?
6. Need a license, renew a license?
7. Learn and understand the laws that regulate your business?

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

Just call us 518-452-4367

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.

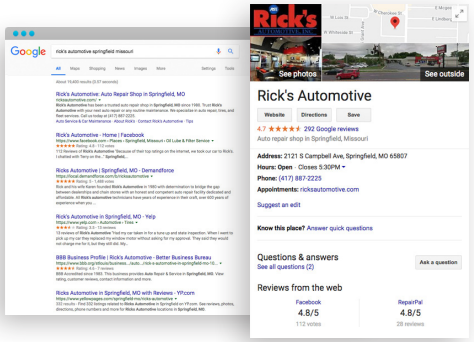


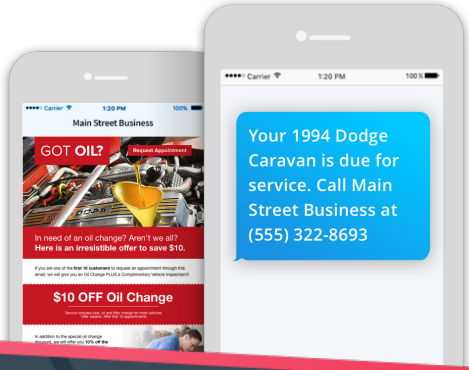
WEBSITE SOLUTION

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.

PRODUCT BUNDLES TO ACCELERATE YOUR BUSINESS

	Ignition	Throttle	Drive	Overdrive
WEBSITE **World-Class Website Design** 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.	✓	✓	✓	✓
INTERACTIVE WEBSITE FEATURES **Educational and Easy-To-Use** Everything you need to educate your customers and make it easy for them to do business with your shop. Vehicle diagnostic tool, comprehensive tire & service catalogs, simple quoting tools, even a recommended vehicle maintenance lookup tool and video content.			✓	✓
CUSTOMER COMMUNICATION & REMINDERS **Manage and Automate Communications** 2-way texting, appointment reminders, shop recommendations, email marketing campaigns, and text message marketing, and customer satisfaction surveys.		✓	✓	✓
REPUTATION MANAGEMENT **Review Notification, Responses, and Prompting Tools** 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.		✓	✓	✓
REPBOOST **Automated Review Management** Competitive intelligence, business listing tracker, automated review outreach, quick text reviews, and management.	✓		✓	✓
TURBO LISTINGS- POWERED BY YEXT **Directory Listing Management System** 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.	**Add-On**	**Add-On**	**Add-On**	**Add-On**

NEW YORK STATE
ASSOCIATION OF SERVICE STATIONS AND REPAIR SHOPS

Web Training for:

DMV INSPECTOR TRAINING

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

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

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

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

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

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

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

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

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

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

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

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

REGULATIONS ON USED CAR BONDS

Surety Bond

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

Bond amount required from a dealer

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

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

Need help getting a bond?

Call the association office.

Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

Together we have returned $48,127,294 to policy holders since 1991

NYS Worker's Compensation Program Highlights

- Up to a 25% upfront discount offered
- Over 30% Average Annual Dividend (25 Years)
- Save up to 55% off your current premium*
- Last year's dividend was 30% ($2,701,765)
- 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.

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

Mobil Service Station, Auto Repair and Towing Business For Sale

6 FUELING POSITIONS
2 DOUBLE GAS PUMPSWITH CREDIT CARD READERS
1 DIESEL & 1 KEROSENE PUMP

2 CONNECTED BUILDINGS WITH 4 BAYS
BUILDING 1: 28X48
BUILDING 2: 30X48

BUILT IN TIRE RACKS FOR 300 TIRES
3 HOISTS
12,000 LB JOHN BEAM ALIGNMENT RACK
HUNTER ALIGNMENT MACHINE
HUNTER TIRE BALANCE
HUNTER MACHINE
TOO MUCH TO LIST

SUCCESSFUL TOWING BUSINESS
POLICE AND AAA CONTRACTS
2 MEDIUM DUTY ROLLBACKS
10 TON WRECKER

GREAT LOCATION:
THINK POSSIBLE CONVENIENCE STORE

BUSINESS HAS GROSSED $3,000,000

CALL (607) 382-0948 FOR DETAILS ABOUT THIS EXCITING OPPORTUNITY

FREE MONEY

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

FREE MONEY

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

FAX this form back to:
518 452-1955

ARE YOU AN OWNER OR EMPLOYEE IN NEED OF TRAINING?

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

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

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

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

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

Garage Insurance Survey

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

Is so please check each that apply:

		Property & Casualty
		Workers Comp
		Disability
		Health

If you checked one or more of the above please provide the following information:
Name of Current Insurer:
Type of Insurance:
Renewal Date:
When/How is the best time to contact you?

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

NEW YORK STATE OF OPPORTUNITY. Department of Motor Vehicles

APPLICATION FOR CERTIFICATION AS A MOTOR VEHICLE INSPECTOR

FOR OFFICE USE ONLY					
CIA	CIO	CIC	CIS	CIG	CID

Certificate Number	County

CIRCLE ONE: **OE** **ADD**

*Note: Check or money order **must** be attached to enter OE or ADD*

Group(s)	1	2	3	
	A	A	A	A
		Y	N	

☐ Address Change

TEST RESULTS

Group(s)	1	2	3	
	P	P	P	P
	F	F	F	F
	N	N	N	N
	W	W	W	W
	Y	N	N	Y

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

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

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

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

4 Check all certification groups for which you are applying.

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

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

5 LAST NAME FIRST M.I.

6 DATE OF BIRTH Month / Day / Year

7 SEX ☐ Male ☐ Female

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

9 HEIGHT Feet Inches

10 EYE COLOR

11 STREET NAME **APT. NO.**

12 HOME TELEPHONE (Include Area Code) ( )

13 CITY OR TOWN STATE ZIP CODE

14 COUNTY

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

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.

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

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

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

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

22 **FOR ORIGINAL APPLICATIONS ONLY**

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

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

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

23 **FOR ORIGINAL APPLICATIONS ONLY**

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

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

24 **FOR ORIGINAL APPLICATIONS ONLY**

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

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

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

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

25 **NAME** (PLEASE PRINT) _____

SIGNATURE _____ Date _____

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

- **SEND APPLICATION AND CHECK TO:**

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

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

reset/clear