

ATTORNEY'S CORNER

by **Larry Culley**

A reminder to our members that the New York State minimum wage is in the process of increasing, and will rise again at the end of 2019. Please see the following for more details. If you fail to pay the required minimum wage to your workers as indicated below, you will have a serious problem with the Labor Department and can be subject to thousands of dollars in civil penalties.

The New York State minimum wage increased on December 31, 2018. In New York City, it is \$13.50 per hour for businesses with 10 or fewer employees, and \$15.00 per hour for businesses with 11 or more employees. In Nassau, Suffolk and Westchester counties, it is \$12.00 per hour. In the remainder of the state, it is \$11.10 per hour. There are different hourly rates for workers in the fast food industry and those who receive tips. These rates remain in effect until December 30, 2019. If you have questions, please review the information listed below. If you need additional assistance or want to file a complaint, please call: 1-888-4-NYSDOL (1-888-469-7365).

Location	12/31/16	12/31/17	12/31/18	12/31/19	12/31/20	2021*
NYC - Large Employers (of 11 or more)	\$11.00	\$13.00	\$15.00			
NYC - Small Employers (10 or less)	\$10.50	\$12.00	\$13.50	\$15.00		
Long Island & Westchester	\$10.00	\$11.00	\$12.00	\$13.00	\$14.00	\$15.00
Remainder of New York State	\$9.70	\$10.40	\$11.10	\$11.80	\$12.50	*

* Annual increases for the rest of the state will continue until the rate reaches \$15 minimum wage (and \$10 tipped wage). Starting 2021, the annual increases will be published by the Commissioner of Labor on or before October 1. They will be based on percentage increases determined by the Director of the Division of Budget, based on economic indices, including the Consumer Price Index.

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

**FOR EXPERT ADVICE AND REPRESENTATION IN BUYING AND SELLING GAS STATION, C-STORE AND REPAIR SHOP BUSINESSES OR PROPERTIES, LEASING COMMERCIAL PROPERTIES, FORMING CORPORATIONS AND LLCs, PREPARING BUSINESS OPERATING AGREEMENTS AND THE PURCHASE OR SALE OF RESIDENCES, TOO,
CALL
LARRY CULLEY AT 516-371-6201, x106**

FOR COVERAGE IN N.Y.C AREA AND ON LONG ISLAND

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June 2019

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ATTENTION**

Plastic Carryout Bags Banned as of March 1, 2019

New York Governor Andrew Cuomo signed legislation banning single-use plastic bags on Monday. The governor's office says the law will reduce litter, cut greenhouse gas emissions, and protect the environment. It's estimated that New Yorkers use 23 million plastic bags annually. New York joins California and Hawaii as the only states where single-use plastic bags are banned.

The ban on plastic carryout bags in retail stores was approved, effective March 1, 2020, along with authorization for cities and counties to levy a 5-cent tax on paper bags. The plastic bag ban has numerous exemptions, including SNAP and WIC recipients, trash bags, food storage bags and restaurant/tavern carryout bags.

Attorney: Payment in Settlement of Swipe-Fee Case Likely to Take Years

Retailers who decide to take part in the settlement of a lawsuit brought against Visa and Mastercard can expect to recover about 1% of interchange fees they paid from 2004 to the end of 2018, according to the attorney representing several fuel retail groups.

In a webinar Tuesday, attorney Doug Kantor also warned that although the process of paying out the settlements is beginning, it will likely be years before plaintiffs receive any money due them.

"It will literally be years before you get money, whether or not there are appeals," Kantor said. During the webinar, presented by NACS, the attorney laid out the timeline for the settlement process.

Earlier this month, U.S District Court Judge Margo K. Brodie gave preliminary approval to the settlement, which calls for Visa, Mastercard and other defendants to pay \$5.54 billion to \$6.2 billion to compensate plaintiffs who claim they were charged excessive interchange costs, known as swipe fees.

The settlement, however, leaves open the issue of the credit card companies' policies, which will likely be the focus of continuing litigation.

The settlement allows plaintiffs to either accept a portion of the payment or opt out of the agreement and pursue their own litigation with the credit card companies.

The size of the final settlement will be based on how many plaintiffs choose to accept the payment and how many pursue other litigation.

During the webinar, Kantor said he expects the final sum to be closer to the lower end of the agreement, since several large retailers, such as Walmart and Kroger, have already settled their portion of the suit while other large

companies will likely choose to opt out of the class-action settlement and pursue their own suits. Amazon, Target and Home Depot have already filed their own suits, he said.

Questions also remain about how major gasoline brands will respond to the settlement agreement. Kantor said some brands have said they will pass on any settlement funds to retailers and marketers who actually paid the interchange fees, but there are concerns that other brands will take the settlement money and not pass it on.

Kantor did not give an indication of how specific brands might approach the question, telling those listening to the NACS webinar to contact their brands for information. The court will be accepting objections about the settlement until July 23, and individual retailers who choose to participate in the settlement can use this process to raise concerns about the size of the payment or the issue of brands taking money the smaller plaintiffs feel they are entitled to, he said.

"Unfortunately, the court didn't give any great insight into how that will be resolved in the claims process," he said. "A lot of this will be left to the claims administrator to figure out at the end of the day."

Kantor said it is up to individual plaintiffs to decide whether to accept the settlement. He did, however, say that those who choose to opt out should then pursue separate legal action.

"If you are going to opt out, you want to make sure you are ready to join some other lawsuit, otherwise you won't be able to recover any funds," he said.

Kantor said he would have a better idea of which major brands accept the settlement after July 23, but thinks some of them will opt out and then try to reach separate settlements with the defendants. This could pose problems for retailers and marketers concerned about being cut out of any settlement payment, he said.

Those who choose to accept the settlement and fill out the claim form should receive documentation indicating how much they paid during the claim period in interchange fees. Kantor said this number should be checked against individual plaintiff's own records so they can confirm or dispute it.

"If you disagree, you should be ready to provide records that show you paid more than what they are claiming," Kantor said. "If you only have partial documentation, you can try it. But the more documentation, the better."

With the dispute about the credit card companies' policies still unsettled, Kantor said it's likely that portion of the litigation will continue on into the future.

"NACS feels that in order to resolve the case favorably, this must get to a trial," he said.

--Steve Cronin, scronin@opisnet.com

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Consumer Interest in Electric Vehicles Remains Steady, But Adoption Remains Slow

U.S. consumers may be interested in electric vehicles, however, only four in 10 consumers believe most vehicles will be electric in 10 years. The insights from AAA's recent

survey are in contrast to the results from an earlier poll by the association that found that more than half of Americans believe that in this same timeframe most cars will have the ability to drive themselves — a reality that is much less likely to happen, according to AAA.

Similar to other emerging technologies, a lack of knowledge and experience may be contributing to the slow adoption of electric vehicles despite consumers' desire to go green, the association added.

"Today, more than 200,000 electric cars can be found on roads across the country as almost every manufacturer sells them," said Greg Brannon, AAA's director of Automotive Engineering and Industry Relations. "But, like other new vehicle technologies, Americans don't have the full story and that could be causing the gap between interest and action."

AAA's annual survey that tracks opinions regarding electric and hybrid vehicles found that while consumer interest remains steady, Americans may not have a solid understanding of electric vehicle performance, which may driving their hesitation when it comes to considering one for their next purchase.

According to AAA, electric vehicles, unlike those running on gas, do better in stop-and-go traffic because the car can recapture energy to charge the battery when decelerating. However, its survey found that a majority of Americans (59 percent) were unsure of whether electric vehicles have better range when driving at highways speeds or in stop and go traffic.

However, 40 million Americans said they would be likely to consider an electric vehicle for their next car purchase, with millennials leading the pack, AAA said. Concern for the environment and lower long-term costs remain the leading reasons to go green (74 percent and 56 percent, respectively).

Previous objections to buying electric with regards to price and range anxiety continue to ease and have trended downward significantly. AAA's survey found:

- Concern that there are not enough places to charge – down 11 percentage points from 2017
- Concern about running out of charge when driving – down 11 percentage points from 2017
- Higher cost of battery repair or replacement – down 8 percentage points from 2017
- Higher purchase price – down 6 percentage points from 2017

"These vehicles are a big part of the future of transportation since self-driving cars, when they do arrive, will likely be electric," Brannon said. "The difference, of course, is that electric vehicles are already here and with the advancements in style and range that have been made over the last few years, they have become an even more viable option for many Americans."

EIA Sees Cheaper Summer for Fuels,

Suggests US Will Be Net Gasoline Exporter

The Energy Information Administration today released its "summer fuels" report, and analysts at the government agency are clearly not seduced by recent explosive increases in crude or gasoline.

EIA defines the summer season as April through September and predicts that the U.S. may be on track to be a net exporter of gasoline for the first time since 1960.

Despite spring refinery downtime and a cluster of operational events, EIA posits that domestic refiners will process about 80,000 b/d more feedstock than last summer. It suggests that gasoline exports will rise by 92,000 b/d from last summer, helping the country export more than it imports. Ethanol blending is also expected to rebound, with a prediction of a rise in use to 970,000 b/d.

Price expectations aren't very distant from current numbers. EIA models a U.S. retail regular grade average price of \$2.76/gal in the six "summer" months, compared with \$2.85/gal last year. The number is lower largely because EIA expects Brent crude will be about \$7/bbl cheaper than summer 2018. Brent is pegged at an average \$67/bbl this summer.

Some lumpiness is built into the forecast, with April gasoline averages assessed at \$2.74/gal, against a June peak of \$2.83/gal and a drop to \$2.66/gal in September.

Perhaps with acknowledgement of what is happening in California, EIA stresses that some regions could see average prices exceed national numbers by 50cts/gal or more. The West Coast might see a regional high of \$3.27/gal compared with a Gulf Coast target of \$2.51/gal.

The government group suspects an attractive picture for refiners, suggesting that gasoline margins (versus Brent) will average 41cts/gal this summer, reflecting a margin improvement of 6cts/gal when compared to summer 2018. Some probabilities are analyzed. EIA notes that the probability of RBOB futures exceeding \$2.25/gal is about 6%, and it would take a futures number that high to support a \$3/gal national retail average. The probability of an RBOB futures drop to \$1.75/gal (which would be supportive of retail numbers under \$2.50/gal) is put at 28%.

Consumption is expected to climb modestly by 29,000 b/d, to 9.54 million b/d. That would represent a rise of 0.3% versus last summer's level and virtually match the record summer average of 2017. The main factors behind the rise are increased highway travel, thanks to growth in employment and population, with an improvement of about 1% in fleetwide fuel efficiency.

Diesel consumption is predicted to rise by 24,000 b/d, to 4.1 million b/d, which would reflect the highest summer distillate consumption since 2007. EIA notes that 2018 saw the second-highest U.S. distillate demand growth of any year since 1977. Refiners appear up to the task with expectations that processors will manufacture 5.4 million b/d of summer distillate, up 117,000 b/d from last year.

Price expectations suggest cheaper values than last summer. EIA has a target price of \$3.09/gal for the summer period.

Interestingly, the agency acknowledged the possibility of dramatic changes thanks to upcoming International Maritime Organization 2020 regulations, mentioning that there would be upward adjustments on diesel refining margins.

But EIA took a pass on measuring the impact, saying only that the "timing and magnitude of the effects resulting from IMO 2020 are highly uncertain."

--Tom Kloza, tkloza@opisnet.com

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Exclusive: Cumberland Sale Could Fetch Billions; Timetable Unknown

Is the network of nearly 600 Cumberland Farms' c-stores about the best package to come on the market in this century?

OPIS confirmed this week that the family-owned chain has retained Bank of America for a possible sale, and the chain will undoubtedly command a premium price thanks to a frenzy of buying interest from existing retailers, as well as possible interest from refiners and even private equity houses.

Cumberland has a store count of approximately 560 locations in eight states, primarily through New England, New York, and Florida. In the old days, they were regarded as a "sleepy" retailer but this decade has seen the company move to much larger sophisticated footprints, and embrace payment and loyalty technology. CEO Ari Haseotes for example, was named "Retailer of the Year" in 2017 by CSP magazine.

OPIS tracks 529 Cumberland stores with fuel offerings and ranked the company 30th out of 335 brands in market share. The company boasts a 0.72% share of volume with a market presence of 0.43%. That results in a market efficiency rating of 1.53, which ranks them 68th in the country. Average rack-to-retail margins for the chain have been about 23.5cts gal, down from 28.7cts gal last year, but still among best-in-class metrics.

The company's presence in New York and New England is envied by marketers in other regions, since there are relatively few big box or "new Era" convenience store chains in that region. Cumberland typically prices regular unleaded at 3.38cts gal below competitors but doesn't have to go to the lengths of chains like QuikTrip, Wawa, or Sheetz to maintain strong volumes.

Observers estimate that a typical store moves perhaps 160,000 gal/month, but some of the newer sites move far more. Inside sales estimates are in the neighborhood of \$140,000 for the average site. Total annual fuel volume is close to 1-billion gallons.

That size along with the attractive regional concentration could make Cumberland a target for a refiner like BP, Irving, Marathon, Shell, or Motiva, whether through an outright purchase, a sweetened supply deal, or perhaps via a joint-venture format. But the leading candidates on the buy side include fast-growing EG, which has targeted a U.S.

network of 3000 sites; Giant Eagle; Couch-Tarde, and 7-Eleven. One of the many private equity firms in Boston may also look to get into the mix.

The price may be stratospheric, based on some of the high multiples to EBITDA seen in the last few years. Most acquisitions have been face-down, but sources say that some buyers have paid 10-14 times earnings. Cumberland Farms is of course private, but observers believe that the company may have EBITDA on course for a \$300-million number this year.

- Tom Kloza, tkloza@opisnet.com

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Tobacco-21 Purchase Age Sought by McConnell

Sen. Mitch McConnell (R-K.Y.) plans to introduce a bill next month to raise the national minimum age to buy tobacco products, including e-cigarettes and vaping devices, from 18 to 21, the Senate majority leader announced in a press conference Thursday. McConnell's support is the strongest yet in Congress for what's been dubbed "T21," CNBC reports.

"For some time, I've been hearing from the parents who are seeing an unprecedented spike in vaping among their teenage children. In addition, we all know people who started smoking at a young age and who struggled to quit as adults. Unfortunately, it's reaching epidemic levels around the country," Sen. McConnell said in prepared remarks.

Twelve states have enacted laws to raise the purchasing age of tobacco products to 21. McConnell said his legislation would be modeled after state T21 laws and include an exemption for members of the armed forces. At least 450 cities and counties have enacted T21 laws, according to the Campaign for Tobacco-Free Kids.

McConnell called vaping among teens a serious threat and pointed out that "18 year-olds who are still in high school and can legally buy vaping devices are sharing them with their younger classmates." Ben Chandler, president/CEO of the Foundation for a Healthy Kentucky, added, "Raising the legal age for sales of all tobacco products from 18 to 21 is key to stemming the youth vaping epidemic."

Senate Bill Seeks to Prevent Online E-Cigarette Sales to Minors

This week, U.S. Senators Barbara Feinstein (D-CA), John Cornyn (R-Texas) and Chris Van Hollen (D-MD) introduced S. 1253, the Preventing Online Sales of E-Cigarettes to Children Act, a bipartisan bill that seeks to prevent online sales of electronic cigarettes to minors by applying the same measures already in place for cigarettes and smokeless tobacco products.

"The convenience retail industry has always advocated for a level playing field regarding the lawful sale of tobacco products," said Anna Ready, NACS director of government relations. "A decade ago, our industry championed the Prevent all Cigarette Trafficking Act (PACT Act) to address the tax evasion that transpired among online sellers of

tobacco products, as well as ensure age-verification at the time of purchase and delivery. NACS supports updating the 2010 law to include electronic cigarettes, which will reduce underage sales online and provide a fair regulatory structure for businesses."

During NACS Day on the Hill in March, convenience retailers and industry stakeholders met with members of Congress and advocated for updating the PACT Act to include electronic cigarettes. More than 145 convenience retail industry leaders, representing more than 10,800 c-stores, participated in Day on the Hill, where 220 meetings representing 41 states took place with members of Congress and staff. During the meetings, retailers communicated a unifying message that age-restricted products should be sold on a level playing field. When an e-cigarette product is purchased in a convenience store, the age is verified at point-of sale-before the adult customer receives the product. Online retailers should also ensure age is verified by an in-person ID check when an e-cigarette product is delivered.

"We appreciate the efforts by convenience retailers at our NACS Day on the Hill event to share the industry's story with members of Congress, resulting in legislation that will prevent illegal access to e-cigarettes by minors," Ready said.

According to a study published by the American Journal of Health Promotion, the most common retail source of e-cigarettes to minors is the internet, with more than 32% of minors who bought e-cigarettes at retail reported to have acquired the products online.

The Senate legislation introduced this week would require online sellers of e-cigarettes to:

- Require online sellers to have delivery people verify the ID of an adult at the time of delivery.
- Comply with all state and local tobacco tax requirements.

NACS anticipates a companion measure to the Senate legislation will be introduced in the House soon. Stay tuned for information from NACS about asking members of Congress to support the Preventing Online Sales of E-Cigarettes to Children Act. The Food and Drug Administration (FDA) could begin its regulatory review of electronic cigarettes currently on the market sooner than the agency planned.

Federal Judge Orders FDA to Begin Reviewing All E-Cigarettes in the U.S. Market

On May 15, U.S. Judge Paul W. Grimm of the U.S. District Court for the District of Maryland ruled that the FDA sidestepped its authority when it pushed back deadlines set by its deeming rule.

The agency released the long-awaited deeming rule in May 2016, and the regulations — with spelled out deadlines — included in it went into effect in August of that year. However, one year later the agency said it was delaying the provision requiring manufacturers to submit applications for products on the market as of Aug. 8, 2016, for agency review.

Under the revised timelines, applications for newly regulated combustible products, such as cigars, pipe tobacco and hookah tobacco, would be submitted by Aug. 8, 2021, and applications for non-combustible products such as electronic nicotine delivery systems or e-cigarettes would be submitted by Aug. 8, 2022, as Convenience Store News previously reported.

In March 2018, seven public health and medical groups, and several individual pediatricians filed suit in the U.S. District Court for the District of Maryland challenging the change in deadlines.

On Wednesday, Grimm ruled in favor of the groups, which include the Campaign for Tobacco-Free Kids, American Academy of Pediatrics, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association and Truth Initiative.

Grimm ruled that the FDA's delay gave "manufacturers responsible for the public harm a holiday from meeting the obligations of the law," according to a statement from the groups.

"Instead of addressing public health concerns associated with tobacco use by minors and others, the August 2017 Guidance [which delayed the product review requirement] exacerbates the situation by stating, in essence, that manufacturers can continue to advertise and sell products that are addictive and that target a youth market ... at a time when minors' use of tobacco products like e-cigarettes is at an epidemic level and rising," Grimm wrote.

The judge gave the plaintiffs 14 days to tell him what remedial action they want him to order and the FDA 14 days to respond.

"It is now the FDA's responsibility to take immediate action to protect our kids and require manufacturers to apply to the FDA if they want to keep their products on the market, including products like Juul that have fueled the youth e-cigarette epidemic," the groups said.

Gregory Conley of the American Vaping Association said the government "must appeal this ruling" to "protect adult access to less harmful alternatives to cigarettes," according to The Associated Press.

Marc Scheineson, a former FDA official who now advises companies with the law firm Alston & Bird, told the AP that he expects the FDA to argue that it doesn't have the resources to process the flood of applications that industry would submit if the ruling is enforced.

"The courts are clearly pushing FDA — at behest of medical and consumer groups — to step up their regulatory pressure on industry," Scheineson said.

EPA Eyeing Partial Exemptions Under RFS

Politico reports that Environmental Protection Agency (EPA) Administrator Andrew Wheeler is considering issuing partial exemptions to small refiners that would relieve them of half their biofuel blending requirements under the Renewable Fuel Standard (RFS).

The EPA has received requests from 36 refineries for exemptions from their 2018 blending compliance

requirements. According to Politico, issuing partial waivers rather than the full waivers that EPA has been granting refiners could be a compromise to try to assuage both the biofuel backers and the oil industry.

Sources told Politico that Wheeler is weighing various options on RFS. "Corn and ethanol groups see the waivers as undermining the ethanol standard and reducing demand for biofuel," Politico reports.

"No decisions regarding 2018 [Small Refinery Exemptions] have been made," agency spokesperson Michael Abboud said in a statement. "EPA continues to implement the Renewable Fuel Standard program in accordance with the Clean Air Act, taking into consideration additional direction from Congress, recommendations from Department of Energy, and relevant court decisions."

San Francisco Joins Other Cities in Banning Cashless Stores

San Francisco is the latest city to mandate that brick and mortar retailers accept cash as a form of payment. The city's Board of Supervisors voted unanimously in favor of the measure on May 7.

Supervisor Vallie Brown introduced the legislation, which she said "will go far in ensuring all San Franciscans have equitable access to the city's economy," reported The Associated Press.

Brown pointed to young people, victims of identity theft, immigrants and the homeless as examples of those without access to bank accounts or credit cards.

The city's Chamber of Commerce did not take a position on the proposal.

San Francisco joins Philadelphia and the state of New Jersey in banning retailers from refusing to accept cash. Similar legislation has been proposed in New York and Rhode Island, as Convenience Store News previously reported.

Following the legislation's approval in San Francisco, brick and mortar stores within the city are required to accept cash for goods and some services. Temporary pop-up stores, food trucks and Internet-only businesses such as ride hailing are exempt from the requirement.

Businesses that previously did not accept cash are primarily located in San Francisco's Financial District and South of Market neighborhoods, catering mainly to white collar employees, according to the report. They include coffee chain Bluestone Lane, Freshroll Vietnamese Rolls & Bowls and organic fast food chicken restaurant The Organic Coup.

Amazon Go, the highest profile retailer to go cash-free at its stores, opened its first location that accepts cash in New York on May 7. The company plans to explore ways of allowing customers to pay with cash and may change the process in the future, according to Cameron Janes, vice president of Amazon's physical retail division.

Salad chain Sweetgreen also backed off on its cashless plan, announcing in April that it will accept cash at all locations by the end of 2019.

DMV Record Retrieval

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 516-371-6201

MVAC Training

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

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

This restriction does not apply to do-it yourselfers.

Sexual Harassment Compliance Date -- 10/09/18

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

UST 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 substituted for the OBD-II part of the test. We have no defense for these violations. DMV has the ability to trace the OBD-II inspection to the vehicle used for the inspection.

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

All Petroleum Bulk Storage Facilities

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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?
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5. Have a small claims case?
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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.**



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

PROPERTY FOR SALE



**LOCATED ON AVENUE U IN
MARINE PARK, BROOKLYN
60'X100' CORNER PROPERTY
ZONED R-4 WITH A VARIANCE FOR
AUTOMOTIVE REPAIRS
ASKING \$1.795 MILLION**

**INTERESTED PARTIES
PLEASE CONTACT WAYNE AT THE GASDA OFFICE
516-371-6201 EXT.101
OR ERIC BEHM AT 516-493-7236**



Garage Insurance Survey

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

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



GASDA Legal Service Plan

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

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

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

516-371-6201

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

CERTIFICATION OF A CLERK WHO SELLS TOBACCO PRODUCTS
POINT REDUCTION CLASS

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

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

WHERE:

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

WHEN:

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

COST:

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

PLEASE CALL FOR RESERVATIONS AT (516) 371-6201

SPONSORED BY: GASDA/LIPDRA

FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

FILL OUT THIS FORM AND FAX BACK TO US

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

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

PUT THE MONEY IN YOUR POCKET

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

FREE MONEY

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

FAX this form back to:

518 452-1955

AutoPass Private Label Credit Card Program



Why Choose CFNA?

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

Who is CFNA

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

Card Benefits

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

The AutoPass Program provides:

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

When

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

In store advertising collateral



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



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		

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

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

♦ **REQUIRED FEES**

Non-refundable application fee (\$10) and three-year certification fee (\$15).
Make check or money order for \$25 payable to the Commissioner of Motor Vehicles. You MUST send your check with this application. Starter checks are not accepted.

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

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

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

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

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

5♦ LAST NAME		FIRST		M.I.	6♦ DATE OF BIRTH Month / Day / Year			7♦ SEX Male <input type="checkbox"/> Female <input type="checkbox"/>	
8♦ MAILING ADDRESS (Include Street No., Rural Delivery and/or Box No.)					9♦ HEIGHT Feet Inches		10♦ EYE COLOR		
11♦ STREET NAME				APT. NO.	12♦ HOME TELEPHONE (Include Area Code) ()				
13♦ CITY OR TOWN			STATE	ZIP CODE	14♦ COUNTY				
15♦ HOME ADDRESS (If Different From Mailing Address) NUMBER AND STREET (Include Street No., Rural Delivery and/or Box No.)				APARTMENT NO.	CITY	STATE ZIP CODE			

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

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

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

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PLEASE CONTINUE, AND SIGN ON PAGE 2.



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

18 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 <i>(be specific)</i>

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

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

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

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

25 **NAME** (PLEASE PRINT) _____

SIGNATURE _____ Date _____

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

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

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

