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# GRANY

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## Attorneys Corner

New Bad Check Law

By Larry Culley

Not every Dealer realizes that there is a very helpful law in effect statewide which allows him or her to sue deadbeats for substantially more than the face value of dishonored checks. We're speaking of the N.Y.S. "Bad Check Law", which operates as follows:

First, there is a statutory version of the Notice which must be given to the deadbeat who gave you the check which was dishonored either for 'Insufficient Funds' or because the checking account was closed. The Bad Check Law does not apply when someone simply stops the check. The Notice must be given in both English and Spanish, whether or not the deadbeat even speaks Spanish. The two language Notice should be on both sides of a single sheet, English on one side and Spanish on the other. The Notice form must be mailed three times in two separate mailings, to wit, a first Notice by certified mail, RRR, and also by regular first class mail. Fifteen days after the first Notices were mailed you mail a second Notice just by regular 1st class mail.

30 days after the 2nd Notice was mailed you can sue the deadbeat for the face amount of any check returned for insufficient funds for twice the face amount of the check or for \$400 extra, whichever is less. If the account was closed you can then sue for twice the face value of the check returned for a closed account for twice the face amount of the check or \$750, whichever is less. It's always prudent to send with the Notice a copy of any dishonored check, and also a copy of any invoice, work order, etc.

As long as you follow the prescribed procedure you have the valuable right of being able to sue a deadbeat for up to several hundred dollars more than the face amount of the check. Often, the mere threat of your using this remedy in an initial contact with the deadbeat will convince him or her to settle up with you before you send the statutory Notice. The forms needed to invoke the statute are on the final four pages of this newsletter.

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

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### **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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### **New York Bans CBD Food Products**

This month, the New York Department of Agriculture and Markets clarified its position on the inclusion of cannabidiol (CBD) in food products. The department’s policy states that “No food or beverage product may be made or sold in New York State if it contains CBD as a food, a food additive or an ingredient.”

Any food or beverage products that are found by department inspectors, in either a processing facility or in the marketplace, to contain CBD are considered adulterated. These products are subject to enforcement actions taken by the department or the U.S. Food and Drug Administration (FDA).

Enforcement actions may include:

- Voluntary removal of products
- Seizure and/or destruction of products
- Issuance of a fine and/or a failing sanitary inspection.

Retailers with any questions about this clarification should contact the department’s Division of Food Safety and

Inspection at [FSIWebInquiries@agriculture.ny.gov](mailto:FSIWebInquiries@agriculture.ny.gov), the Division of Milk Control at [MCDS@agriculture.ny.gov](mailto:MCDS@agriculture.ny.gov) or 518/457-1772.

### **The Fed Wants to Speed Up Payments**

The Federal Reserve Board on Monday announced that Federal Reserve Banks will develop a new around-the-clock real-time payment and settlement service, called the FedNow<sup>SM</sup> Service, to support faster payments in the United States. The Board anticipates the FedNow Service will be available in 2023 or 2024.

The Federal Reserve said it believes faster payment services, which enable the near-instantaneous transfer of funds day and night, weekend and weekdays, have the potential to become widely used and to yield economic benefits for individuals and businesses by providing them with more flexibility to manage their money and make time-sensitive payments.

The Federal Reserve last year announced plans to update its payments system to process transactions almost instantly. Currently, the government’s system doesn’t operate on weekends and can take days to process bill payments and direct deposits.

The Board said it is requesting comments on how the new service might be designed to most effectively support the full set of payment system stakeholders and the functioning of the broader U.S. payment system.

In December 2018 comments to the Federal Reserve, NACS urged the Fed to update the U.S. payments system, specifically to adopt and administer a real-time gross settlement system.

Big banks, meanwhile, are fighting the Fed’s effort to speed up how quickly money moves through its payments system, claiming that plans for near real-time payments could derail the private bank-developed network operated by the Clearing House Payments Co., reports the Wall Street Journal.

### **Tire Repair Bill**

IN ASSEMBLY  
(Prefiled)  
January 9, 2019

Introduced by M. of A. D'URSO, COOK, GALEF, WILLIAMS -- read once and

referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law, in relation to tire safety

The People of the State of New York, represented in Senate and Assem-

bly, do enact as follows:

1 Section 1. Section 398-d of the vehicle and traffic law is amended by

2 adding a new subdivision 8 to read as follows:

3 8. No motor vehicle repair shop shall repair a tire  
unless such tire,

4 upon completion of such repair, would meet the  
standards for the use of

5 tires on vehicles operated in this state as established by  
the commis-

6 sioner pursuant to paragraph (a) of subdivision thirty-  
five of section

7 three hundred seventy-five of this title.

8 § 2. This act shall take effect on the ninetieth day  
after it shall

9 have become a law.

*The above bill received a lot of attention in the 2018/2019  
State legislature. It did not pass but will be back next year.  
We will keep you informed*

### **Wawa Agrees to Pay \$1.4M to Settle Employee OT Suit**

Convenience store chain Wawa Inc. has agreed to pay about \$1.4 million to settle claims by more than 300 assistant managers who said they were forced to work overtime but weren't paid for it.

The settlement of the federal class-action lawsuit was approved by a federal judge in New Jersey last week.

In the suit, the assistant general managers (AGMs) said Wawa classified them as salaried employees and only paid them for 40 hours work even though the work performed didn't include any managerial responsibilities, according to court papers in the case. The AGMs said their primary job duties included "working the cash registers, making deli sandwiches, stocking shelves, cleaning the store, assisting customers, unpacking merchandise, and other manual tasks" normally performed by hourly employees, the court papers said.

Lead plaintiffs in the case said they were required to work 50-60 hours per week while only being paid for 40. The plaintiffs claimed Wawa's classifying the workers as salaried workers was part of a company-wide policy aimed at minimizing labor costs.

Under the settlement, a total of \$892,640.00 will be paid to the 333 plaintiffs, with each of the plaintiffs receiving an average \$86.74 per week for each week in 2015 that they worked without overtime. The average payout will be \$4,268.29 per plaintiff, according to court papers. In addition, four of the lead plaintiffs will receive an additional \$5,000 "service award," while three others will receive an additional \$1,000.

The plaintiffs' law firm, Hepworth Gershbaum & Roth of New York, will receive \$466,666.66 in fees, according to court papers.

The suit was filed in January 2017 against Wawa and its parent company Wild Goose Holdings, but the allegations of improper payment dated back to before Dec. 28, 2015, when Wawa reclassified AGMs so they were eligible for overtime. The plaintiffs in the suit included people who

worked as AGMs at Wawa between Jan. 12, 2015 and Dec. 28, 2015.

Wawa did not respond to a request for comment Monday afternoon.

Wawa operates more than 840 convenience retail stores, with about 600 of those offering fuel, in Pennsylvania, New Jersey, Delaware, Maryland, Virginia, Florida and Washington, D.C.

--Steve Cronin, scronin@opisnet.com

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### **Marathon Petroleum Settles Gas Price Gouging Challenge in Kentucky**

Marathon Petroleum Corp. (MPC) settled a 12-year-old lawsuit related to fuel price gouging claims at locations in Kentucky following Hurricane Katrina.

The \$22.5-million settlement resolves the challenge with no admission of liability, wrongdoing or violation of the law, according to the company.

"Marathon Petroleum Corp. welcomes the resolution of the long-standing litigation with the Office of the Attorney General of the Commonwealth of Kentucky. [MPC] and Speedway dispute the allegations made against them by the attorney general's office and expressly deny any liability, wrongdoing or violation of the law," the company said in a statement on July 31. "With this resolution, and the attorney general's office acknowledgment of no admission of liability or wrongdoing, we welcome putting our differences behind us."

MPC and Attorney General Andy Beshear are recommending the settlement funds — after fees and costs — be appropriated for improving rural roads, navigable waterways, and/or emergency management to mitigate the impact of weather events.

According to Beshear's office, the settlement resolves claims that MPC and its retail arm, Speedway LLC, violated Kentucky's Consumer Protection Act by engaging in price gouging in the wholesale and retail sale of gasoline in the wake of Hurricane Katrina, and that MPC engaged in wholesale price gouging following a 2011 flood event.

"This settlement was 12 years in the making and I am proud to finally see its conclusion," Beshear said. "Since taking office, I have worked to protect Kentuckians and I am pleased by the resolution in this matter."

Half of the agreed payment is due within 20 days of the settlement becoming effective with the remainder paid annually in two equal installments.

The attorney general's office, under then-Attorney General Greg Stumbo, filed the lawsuit in May 2007. Then-Attorney General Jack Conway's office amended the complaint in 2011. A trial in the case was set to begin in Franklin Circuit Court on August 19.

A separate lawsuit, filed in federal court in 2015, alleges MPC violated antitrust laws. That case is still pending, according to the attorney general's office.

## **Judge Sets May 2020 Deadline for E-Cigarette Applications**

The countdown is on for electronic cigarettes and vapor companies to file marketing applications with the Food and Drug Administration (FDA).

On July 12, District Judge Paul Grimm of the U.S. District Court for the District of Maryland set a May 12, 2020 deadline for companies to submit premarket tobacco applications (PMTA) to the agency. The FDA must approve PMTA bids for e-cigarette and vapor products to stay on the market.

"Given the uncertainty in the efficacy of e-cigarettes as smoking cessation devices, the overstated effects that a shorter deadline may have on manufacturers, the industry's recalcitrance, the continued availability of e-cigarettes and their acknowledged appeal to youth, and the clear public health emergency, I find that a deadline is necessary," Grimm wrote in his order.

The order also imposes the May 2020 deadline on cigar manufacturers to submit their applications to the FDA.

Grimm's decision came in a response to a lawsuit filed by seven public health and medical groups, and several individual pediatricians challenging the FDA's deadlines.

The FDA spelled out application deadlines in its 2016 deeming rule — which established its authority to regulate electronic cigarettes and other tobacco products including cigars. However, in July 2017 the agency pushed back the deadline from non-combustible products such as electronic nicotine delivery systems to Aug. 8, 2022.

The lawsuit was then filed in March 2018, as Convenience Store News previously reported.

On May 15, Grimm ordered the FDA to move up its review of the products, stating it sidestepped its authority when it pushed back deadlines set by its deeming rule. In a court filing on June 12, the agency proposed a 10-month deadline for the PMTAs followed by a one-year period for FDA review.

### **RULING REACTION**

In a joint statement, 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 said it was critical that FDA use this legally required review process to remove from the market products that appeal to underage users.

"While our organizations had urged an even shorter application deadline of 120 days from the judge's order, the new deadline is a dramatic improvement of more than two years from the current deadline of August 2022 set by the FDA," they said. "It is also an improvement that the judge set a one-year deadline for the FDA to consider product applications, compared to current FDA policy of allowing products to stay on the market indefinitely during review."

American Academy of Pediatrics and its Maryland chapter, American Cancer Society Cancer Action Network, American Heart Association, American Lung Association, Campaign for Tobacco-Free Kids, Truth Initiative and five

individual pediatricians filed the legal challenge which spurred the July 12 ruling.

The ruling was met with mixed reactions for vapor companies.

According to Bloomberg, San Francisco-based Juul Labs Inc. said it was supportive of the application process and had been preparing research on its products and how they're used by smokers. "We're confident in the content and quality of the materials we will submit with our application," said spokeswoman Lindsay Andrews.

However, Fontem US Inc. voiced concern about the pushed-up deadline. Charlotte, N.C.-based Fontem is the marketer of blu electronic cigarettes.

"We are disappointed with the court's decision imposing an accelerated timeline on the premarket review process. This will undoubtedly hamper the ability of manufacturers to conduct the scientific research needed to ensure that potentially less harmful products are available to adult smokers seeking to make the switch from combustible tobacco products," the company said in a release.

"Fontem has worked in good faith with the FDA as it seeks to establish an appropriate and effective regulatory framework. We share the priority of keeping tobacco products out of the hands of minors and have taken several proactive steps aimed specifically at youth access prevention," the company added. "The FDA's initial decision to delay the PMTA process was intended, in its own words, to allow for 'a multi-year roadmap to better protect kids and significantly reduce tobacco-related disease.'"

Fontem added that as recently as June 11, the FDA acknowledged the importance of retaining an achievable timetable even as the court's initial ruling required the agency to move the goalposts for manufacturers.

"While we continue to believe that the originally outlined process was the most reasonable approach, Fontem is committed to complying with all applicable laws and regulations wherever our products are sold and will continue to work cooperatively with the FDA," the company concluded.

## **Sunoco Reports Record Fuel Volume in Q2**

Sunoco LP sold a record-high 2.05 billion gal of fuel in the second quarter, up 4% from the year-ago quarter, the company said as it announced quarterly results.

On a weighted-average basis, fuel margin for all gallons sold was 9.1cts/gal, or 9.4cts/gal excluding a one-time expense of about \$8 million related to a reserve for an open contractual dispute, Sunoco said.

Net income for the period was \$55 million, down 19% from \$68 million in the second quarter last year. However, adjusted EBITDA was \$152 million versus the year-ago \$140 million.

"Results were supported by an increase in the partnership's fuel volumes and lower operating expenses," the company said in its announcement.

Sunoco also said it has closed on a diesel pipeline to West Texas that's a joint venture with Energy Transfer LP. The pipeline will transport diesel fuel from Hebert, Texas, to a terminal in the Midland, Texas, area. Sunoco said it expects to invest about \$50 million cash in the pipeline, which will be operated by Energy Transfer and is expected to have an initial capacity of 30,000 b/d. The pipeline was commissioned in this month.

--Donna Harris, dharris@opisnet.com

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### **EG/Cumberland Deal Should Close in 2020; Supply Deal Looms First**

EG's purchase of Cumberland Farms is expected to close in six to nine months, but sources expect clear sailing through the regulatory process. They also do not expect any pushback from various members of the Haseotes family that have shares in the company. What is not yet clear is the identity of the company or companies that will supply the gasoline and diesel to Cumberland stores as a long-term agreement with Gulf Oil expires at the end of this year.

Multiple OPIS sources now estimate that the Cumberland Farms' chain moved at a price valuing the company at \$2.75 billion, or about 12-13 times EBITDA. That should be enough to satisfy all family members, some of whom have staged contentious battles in court through the years.

The sales process was exclusively first reported by OPIS on April 12, 2019 and OPIS later identified EG as one of the two top bidders on the package.

A letter from president and chief executive officer Ari Haseotes to employees penned on July 31 identified the decision as an "opportunity" for the company to innovate and grow further. No purchase price was mentioned in the letter, but Haseotes noted that EG was the third-ranked global c-store chain with over 5,000 sites and expectations of pro forma revenue approaching \$30 billion.

EG founder and co-CEO Zuber Issa praised the "talented team" at Cumberland Farms, and EG group has indicated that they will retain the Cumberland Farms name on all the acquired stores. EG is also looking at adding the Cumberland Farms private label to other sites. The last decade has seen Cumberland vastly increase its assortment of private label food and beverage items, and Haseotes indicated that the company would "invest heavily in 'food to go'" offerings.

The Cumberland Farms deal shouldn't raise any FTC concerns since there is virtually no overlap with EG acquisitions of Kroger c-stores, Fastrac Markets, Minit Market or Certified Oil. Many observers believe that EG will now look at station packages that pop up from New Jersey south to Georgia, with the possibility of having a contiguous Maine-to-Florida East Coast network.

The dedicated sale of gallons to Cumberland Farms will be highly coveted, traders tell OPIS. One has to go back approximately three decades to see a Cumberland supply arrangement independent of Gulf Oil. The supply deal with

Gulf, a company now owned by private equity giant ArcLight, expires at the end of 2019. Aggressive offers might come from BP, Irving and Motiva as well as other companies interested in "having a short position" in the North Atlantic to balance often sophisticated trading strategies.

Meanwhile, upon taking possession of Cumberland, EG will have about 1,700 c-stores across the U.S. in addition to about 3,300 sites in Europe and Australia.

Thanks to its size and seed money from private equity, there is speculation that EG might ultimately be looking at an initial public offering on a London or New York exchange. Since EG remains private, there is no definitive word on how much debt the company has on its balance sheet.

--Tom Kloza, tkloza@opisnet.com

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### **Marathon Begins Transitioning NOCO Express Stores to Its Speedway Network**

Convenience store shoppers are beginning to say goodbye to the NOCO Express banner.

Three months after Marathon Petroleum Corp. (MPC) inked a definitive agreement to acquire the majority of NOCO Express stores in upstate New York, MPC started reimaging the c-stores to its Speedway brand.

Under terms of the transaction with NOCO Energy Corp., MPC is acquiring 33 NOCO Express locations and a 900,000-barrel capacity light product and asphalt terminal in Tonawanda, N.Y., as Convenience Store News previously reported.

NOCO Energy President James Newman told The Buffalo News that a "staged closing" of the deal is underway. The fuel terminal changed ownership on July 15 and MPC is converting three to five c-stores a day through July 24.

The former NOCO Express on Lake Street in Hamburg, N.Y. was the first to sport the Speedway banner. MPC is the parent company of the Speedway LLC retail network.

According to Newman, the c-stores will continue to feature their Tim Hortons, Subway and Charlie the Butcher locations.

"They already deal with many of our suppliers, whether it be the beer guys or the product people," Newman said, referring to Marathon officials. He expects the Speedway stores to be "pretty aggressive" with gasoline prices, the report added.

The six locations not included in the deal will continue to maintain the NOCO Express banner but will probably transition to a new identity in September once NOCO Energy completes lease transactions for the sites. The six c-stores are in Depew, East Aurora, Webster, Macedon, Wayland, and Lima, N.Y.

Newman called the rebranding of the c-stores "very emotional," according to the news outlet.

"It's been a big part of our existence. My brother, Mike, and I grew up working at these gas station locations. I'm also

excited about the pivot of the business model going forward," he said.

After the sale, Tonawanda, N.Y.-based NOCO Energy will move forward focusing on its energy services business, which includes home, commercial and farm services. The family-owned company also has expansion and acquisitions on its to-do list, notably in the highly fragmented home heating oil and propane business.

Findlay-based MPC is a leading integrated downstream energy company, which operates the nation's largest refining system with more than 3 million barrels per day of crude oil capacity across 16 refineries. MPC's marketing system includes approximately 7,800 branded locations across the U.S., including approximately 5,600 Marathon-brand retail outlets.

Enon-based Speedway LLC, an MPC subsidiary, owns and operates approximately 4,000 retail convenience stores across the United States.

#### **UPDATE: Calif. Regulators Change Rules to Allow Underground Storage of B20** (Adds information throughout.)

California regulators have approved storing biodiesel blends of up to 20% (B20) in underground storage tanks, handing the biodiesel industry a victory in what was a 10-year effort.

The state's Water Resources Control Board amended Underground Storage Tank (UST) regulations on Tuesday, making the state the last in the country to allow such storage.

he regulations are expected to go into effect on Oct. 1, a board spokesperson said, provided that they are approved by California's Office of Administrative Law.

The National Biodiesel Board (NBB) said that it, several member companies and the California Advanced Biofuels Alliance provided "data necessary to demonstrate B20 compatibility in underground storage tanks."

NBB CEO Donnell Rehagen in a statement said the move "fulfills a high-priority industry objective" and was a major victory in the effort to increase use of biodiesel in the state. The vast majority of diesel fuel is stored in underground storage tanks, according to NBB, particularly at retail fueling locations.

"Although biodiesel biodegrades in water as fast as sugar, regulators had concerns that any degradation of UST materials could allow diesel fuel to compromise the water supply," it said.

The language reverses the previous wording of the regulation, which in effect required tank owners to prove that every component of the tank was compatible, according to NBB.

Supporters say biodiesel significantly reduces greenhouse gases compared to fossil fuels, making it an important part of efforts to meet California's Low Carbon Fuel Standard.

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--Michael Schneider, [mschneider@opisnet.com](mailto:mschneider@opisnet.com)

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#### **The Electric Car Revolution May Be Closer Than You Think**

The day when electric cars are just cars instead of futuristic vehicles or a novelty for early adopters is coming sooner than many people might think.

In 20 years, more than half of cars sold will be electric, according to analysts at Bloomberg New Energy Finance (BNEF), reported CNN Business.

"We see a real possibility that global sales of conventional passenger cars have already passed their peak," said Colin McKerracher, head of advanced transport for BNEF.

Electric cars currently average around 200 miles per charge, and are likely to reach an average of 300 miles within a decade. This is already far longer than most people drive each day, according to the report.

Better batteries will store more energy and manufacturing improvements will make those batteries cheaper, causing electric car batteries to drop from \$176 per kilowatt-hour (kWh) to \$87 per kWh by 2025, BNEF analysts said.

Increased efficiency in tires and electric motors are also likely to let electric vehicles travel farther.

However, to see a significant shift toward electric, drivers will need to feel sure that they can make a long-distance trip without worrying about where they will charge their cars. The efforts of various companies and industry groups is contributing to the availability of fast chargers.

"It is critical to put those highway chargers in place at appropriate distances so it's not overbuilt," stated Pasquale Romano, CEO of electric car charger network ChargePoint. "And you've got to build that a bit ahead of the consumer demand because, optically, they need to see that so they can get over the hump mentally."

General Motors is teaming up with the construction company Bechtel to build a network of fast chargers, with data from both electric and standard vehicles to be used in determining placement, and Electrify America, a charging network financed by Volkswagen, is building out a charging network with deals to allow it to work seamlessly with others.

The chargers themselves are also increasing in speed, although progress will depend on the rate at which electric vehicles can accept a charge.

The final step necessary for an electric car revolution is sufficient choices for consumers, noted CNN Business. Consumers' needs vary, and as more manufacturers enter the market, drivers will be more likely to find particular electric vehicles that meet them, especially as overall cost comes down.

Resale value, which is beginning to grow along with vehicle range, is also a factor, as is getting consumers to recognize incentives such as lower maintenance costs.

## **Report: Below-\$20/bbl Oil Needed to Compete Against EVs and Renewable Elec.**

The price of oil needs to drop to \$10-\$20/bbl in the long-term if it is going to compete against battery electric vehicles powered by wind and solar energy projects, according to a new report by BNP Paribas SA.

"The oil industry has never before in its history faced the kind of threat that renewable electricity in tandem with EVs poses to its business model," wrote author Mark Lewis in "The Death Toll for Petrol." "We conclude that the economics of oil for gasoline and diesel vehicles versus wind- and solar-powered EVs are now in relentless and irreversible decline, with far-reaching implications for both policy makers and the oil majors."

Lewis' report introduces the concept of energy return on capital investment (EROCI), which it says calculates how much useful energy is delivered "at the wheels" for a specific amount of capital outlay. He writes that his analysis indicates that for the same amount of capital outlay, new wind and solar-energy projects in tandem with battery-electric vehicles will produce six to seven times more useful energy than oil priced at \$60/bbl for gasoline-powered light-duty vehicles and three to four times for LDVs running on diesel.

The report calculates that oil would need to be priced between \$9 and \$10/bbl for gasoline to remain competitive as a fuel for LDVs while for diesel the price would need to be between \$17 and \$19/bbl.

"Even if we add in the cost of building new network infrastructure to cope with all the new wind and/or solar capacity implied by replacing gasoline with renewables and EVs, the economics of renewables still crush those of oil," Lewis wrote.

When comparing oil to electricity, Lewis wrote that the latter is cleaner, easier to transport, could replace about 40% of global oil demand if it had the necessary scale and has a short-run marginal cost of zero. Renewable electricity generated by wind and solar also has low, stable prices while the price of oil "is notoriously volatile," the report said.

About 36% of demand for crude oil comes from light-duty and other types vehicles "susceptible to electrification" while another 5% is used for power generation, according to the report.

Lewis' report concedes that the oil industry's size means that large amounts can be purchased on spot markets to provide "very large and effectively instantaneous flows of energy."

By contrast, renewable projects deliver energy over a 25-year operating life. But looking at energy delivered over the course of the cycle shows that oil can't compete with the economics of renewable, the report said.

Lewis also warns that while his report might sound far-fetched, readers should consider the speed with which wind and solar power altered the landscape of the European utility industries, leaving billions of euros' worth of fossil-fuel generation assets "stranded." That example, he said, "should be a flashing light on the oil industry's dashboard."

--Steve Cronin, scronin@opisnet.com

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## **EV Charging Network Expands**

Amid the increasing popularity of electric vehicles (EVs) c-stores, parking garages, and related industries are adapting to better serve these new clientele. Last week, Pennsylvania-based Wawa said it will double the number of Tesla Supercharger stations to more than 30 of its c-stores by the end of 2020. There are currently 16 Wawa stores on the East Coast with Tesla charging stations, reports the Philadelphia Inquirer.

Wawa charging sites typically have eight Tesla Superchargers. The fast-charging units are located at certain WaWa c-stores in Delaware, New Jersey, Virginia and Florida.

In 2018, the United States reached a record 208,000 new registrations of electric vehicles, according to HIS Markit. Analysts at Bloomberg New Energy Finance have forecast that in two decades, more than half of new car sales will be electric. However, the lack of charging stations is a stumbling block to widespread EV adoption in the United States. Drivers who get too far from home can have trouble finding a station to recharge.

In February, Royal Dutch Shell PLC announced a deal to acquire Greenlots, an EV-charging and power management company based in Los Angeles, to enlarge its EV footprint in the U.S. Chevron has invested in ChargePoint Inc. of California, a leading network with EV stations in the U.S., Europe and Australia, and has partnered with EVgo to add fast-charging EV stations to some of its gasoline stations in California. Baltimore, Md.-based Royal Farms also has teamed up with ChargePoint to offer fast-charging stations at some locations in Delaware, Maryland and Pennsylvania.

## **Couche-Tard Expands Testing of Electric Vehicle Charging in Europe**

By Melissa Kress - 07/18/2019

As the future of mobility evolves, so too does Alimentation Couche-Tard Inc. The global retailer is continuing to expand its network of electric vehicle (EV) charging stations in Europe to meet consumers' changing mobility needs.

To date, the Laval-based convenience store operator has opened nearly 150 EV charging stations at its Circle K locations in Europe. The plan is to top more than 200 stations by the end of this fiscal year, President and CEO Brian Hannasch said during Couche-Tard's fourth-quarter fiscal year 2019 earnings call, held July 10.

At these Circle K locations, Couche-Tard has redesigned the food offering and store layouts in order to drive more customers into the store and encourage larger basket purchases while customers are waiting for their EV charging to be completed.

"Small locations have a handful of speed chargers, while we also have opened the first Circle K highway

locations with large charge parks offering up to 20 and 30 speed chargers at the same locations," Hannasch reported.

Since at least last year, Couche-Tard has been testing the new mobility offering in Europe. It also designated Norway as a laboratory for testing different approaches to the changing fuels market, as Convenience Store News previously reported.

As of April 28, Couche-Tard's network in North America comprised 9,866 convenience stores, including 8,629 stores with fuel. Its North American network consists of 19 business units, including 15 in the United States covering 48 states and four in Canada covering all 10 provinces. In addition, through CrossAmerica Partners LP, Couche-Tard supplies road transportation fuel under various brands to approximately 1,300 locations in the U.S.

In Europe, Couche-Tard operates a broad retail network across Scandinavia, Ireland, Poland, the Baltics and Russia through 10 business units. As of April 28, Couche-Tard's European network comprised 2,709 stores.

In addition, under licensing agreements, more than 2,150 stores are operated under the Circle K banner in 15 other countries and territories, which brings the worldwide total network to more than 16,000 stores.

### **Florida Turnpike to Get EV Charging Stations**

This week, Florida Gov. Ron DeSantis announced that the state would construct charging stations for electric vehicles at all Florida Turnpike service plazas by 2020, the News Service of Florida reports. Other major highways also will get charging stations.

"If you have a trip, you're going to drive 200, 300 miles. You're not going to have to worry. I mean there's definitely going to be a place [to charge]," DeSantis said. "It's just like if you're getting in your car now. I don't worry if I'm driving from Tampa to Daytona on I-4 that there is no gasoline."

The governor said the state would work with private firms to install the stations along other major thoroughfares. To pay for the charging stations, Florida will use about \$25 million out of the \$166 million it received as part of the Volkswagen settlement with the U.S. Justice Department.

"One of the things that we're doing as part of that plan is allocating the maximum amount of dollars allowable under the plan for electric charging infrastructure," DeSantis said. The state will use some of the settlement funds on transitioning public and school buses to ones that run on diesel fuel.

### **BP Joins Didi Chuxing on China Charging Stations**

BP has partnered with Didi Chuxing, a ride-hailing company, to open charging stations across China, CNN Business reports. The new standalone charging points will be available for the general public, as well as Didi drivers.

The two companies have been operating a test with 10 stations in Guangzhou. BP and Didi said that they want to

"quickly become the leading electric vehicle charging provider in China."

Didi has approximately 600,000 EVs on its platform, which has 550 million users. Didi also partnered with China's State Grid in a deal that allows Didi drivers access to the utility's 50,000 charging stations.

Experts say China is the largest marketplace for electric vehicles, with about half of all EVs being sold in that country. The Chinese government is looking to expand the country's 770,000 charging points to 4.8 million by next year.

In the United Kingdom, BP has been expanding its network of charging stations. "The lessons we learn [in China] will help us further expand BP's advanced mobility business worldwide, helping drive the energy transition and develop solutions for a low-carbon world," said Tufan Erginbilgic, a BP executive.

Meanwhile, General Motors and Bechtel in May announced a partnership to build thousands of fast-charge points in the United States.

### **No Ease in Sight for U.S. Truck Driver Shortage**

The U.S. truck driver shortfall is not slowing down. A recent study by the American Trucking Associations (ATA) shows that the driver shortage jumped more than 10,000 to hit 60,800 last year, Bloomberg reports.

While the deficit will slow a little because of a slight dip in freight demand, the relief isn't long-term in an industry with aging drivers, especially in long haul, said Bob Costello, ATA chief economist. "If things do not change, that's where we will end up," he said. "At some point, you go from being an operational pain-in-the-neck for the supply chain to real issues for all of us as consumers."

Trucking companies have offered higher pay and are actively recruiting former military, young people and women. "The trucking industry needs to find ways to attract more and younger drivers," Costello said. "Right now, the average age of an over-the-road driver is 46 years old, and almost as alarming is that the average age of a new driver being trained is 35 years old."

In order to meet the nation's freight demand, the trucking industry will need to hire 1.1 million new drivers over the next decade—an average of 110,000 per year to replace retiring drivers and keep up with growth in the economy.

### **Did you know? Questions and Answers : HFO-1234yf Refrigerant**

Q. You can buy a do-it-yourself kit for the HFO-1234yf.

A. *True.*

Q. You can buy the freon in one pound containers.

A. *False since Jan 2018, DIYers cannot purchase Freon or HFC-134a, but HFO-1234yf can be purchased in lots up to 2lbs.*

Q. You do NOT need a certification for this.



A. *DIYers do not need a certification. All repair technicians must be 609 certified.*

Q. You do NOT need a machine to do this.

A. *DIYers can vent as much product in the air as they like. Technicians must use a machine.*

Q. I can walk in off the street and buy as much as I want.

A. *False. See above 2lbs. is the limit.*

Q. Some shops are doing this to skirt the law.

A. *We hear such rumors.*

Q. Should there be an effort restrict the purchase of refrigerants to other than registered technicians

A. *????*

### **MVAC Training**

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

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

This restriction does not apply to do-it yourselfers.

### **DMV Record Retrieval**

DMV record retrieval is available to association members and affiliates at a cost of \$12 per record. Additionally, you may order DMV certified paper abstracts of driver's license, vehicle registration, and vehicle title records for an additional fee of \$2 per abstract. Please call 518-452-4367

### **Sexual Harassment Compliance Date -- 10/09/18**

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

### **UST Compliance Materials**

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

### **Selling Your Inspection License**

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

### **Attention Inspection Stations**

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

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

### **All Petroleum Bulk Storage Facilities**

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

THIS WAS MORE THAN TWO YEARS AGO

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

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

Or call the association office

### **SERVICE STATIONS REPAIR SHOPS USED CAR DEALER ATTENTION**

Do you have problems

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

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

Just call us 518-452-4367

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

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

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

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**Ralph Bombardiere**  
*Executive Director*

August 19, 2019

To: Andres Wheeler, Administrator,  
US Environmental Protection Agency

From: Ralph Bombardiere, Executive Director  
NYS Association of Service Stations & Repair Shops

Regarding: Motor Vehicle Air Conditioning Repair

The repair shop industry throughout the country is trying to accommodate EPA regulations, rules, and guideline to legally repair motor vehicle air-conditioners. The requirements along with the expense of equipment are cumbersome and confusing. We are doing our best to comply but do not fully understand EPA's position which permits individuals to purchase the refrigerants without a federally approved certification. The latest product is 1234YF.

It is our request that EPA review these non-certified purchases and prohibit sales to the "do it yourself" motorist. We believe it permits an individual without certification to compete with those who are legally certified.

We respectfully request a review of the regulation and to determine that this practice has an adverse impact to the atmosphere.

Listed below is the regulation and the requirements as we understand them to be. We would appreciate a response to this letter and a contact person we can communicate with that can answer additional question and/or to clarify concerns.

- Freon 12 is restricted to 20lb cans only be sold to certified technicians.
- HFC-134a and HFO-1234yf can be sold in any amount to certified technicians,
- HFC-134 and HFO-1234F can be sold up to 2lbs to DIYers, but cannot be sold to uncertified technicians.

## Refrigerant Sales Restriction -

Under EPA regulations, only EPA-certified technicians may purchase refrigerants. Beginning January 1, 2018 this extended to non-ozone depleting refrigerants like HFCs and HFOs except small cans (fewer than 2 pounds) of substitute refrigerants (e.g., HFC-134a) sold to DIY-ers for servicing MVACs.

- Section 608 technician certification is required to purchase ozone depleting or, non-exempt substitute refrigerants, such as HFC refrigerants.

- Section 609 technician certification is required to purchase CFC-12 or EPA approved substitutes for MVACs containing an ODS
- Section 609 technicians cannot purchase HCFC-22 in any size container.

### **Ozone-Depleting Refrigerants: Sales Restrictions & Recordkeeping Requirements –**

- The sale or distribution of any refrigerant containing ozone-depleting CFCs or HCFCs is restricted to technicians certified under section 608 or section 609 of the CAA.
- CFC-12 in a container of less than 20 pounds may only be sold to technicians certified under section 609.
- Any person who sells or distributes CFC-12 in containers less than 20 pounds must verify that the purchaser has obtained certification by an EPA-approved section 609 technician training and certification program.
- An exception to these requirements is when small containers are purchased for resale only. In this case, the seller must obtain a written statement from the purchaser that the containers are for resale only. The statement must include the purchasers name and business address. Records must be maintained for 3 years.

In all cases, the seller must display a sign where sales occur stating the certification requirements for purchasers.

Respectfully submitted:

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

**NYVIP2 MESSAGE No.248**

**DATE: 7/8/2019**

**TO: ALL INSPECTION STATIONS**

**FROM: OPUS INSPECTION INC**

**SUBJECT: NYVIP2 CONTRACT EXTENSION**

**PLEASE BRING THIS MESSAGE TO THE ATTENTION OF THE STATION OWNER AND/OR MANAGER**

Under contract with the New York State Department of Motor Vehicles (NYSDMV), Opus Inspection Inc. (Opus) is the provider of NYVIP2 inspection equipment, inspection data transmission, and information management for the New York Vehicle Inspection Program (NYVIP2). Your inspection station has a contract with Opus for those services.

DMV has recently extended Opus's contract which was to end November 30, 2020.

The amended contract will now end at midnight on November 30, 2021. During this extension period, services provided by Opus will remain the same as you receive today.

If you have any questions, please contact Clean Air at (518)473-0597 Option #4.

# FOR SALE

## REPAIR SHOP

### ALBANY AREA

4 lifts – Benwil TP7	7000 lb	
Benwil GP7	7000 lb	
Benwil TP7	7000 lb	with alignment rack
Challenger3900	9000 lb	

Snap-On EEW B304D balancer plus older Hunter DSP 9500

Snap-On EEWH 311A tire changer plus older Gorgi A-200

Ingersol T-30 10 hp air compressor

Nearly new Clean Energy CE250 waste oil furnace with  
500 gallon & 250 gallon tank

Hydraulic press

Engine hoist

Torches, Grinders, Benches, Floor Jack

Office set-up, Counters, Parts Department Shelving

Canon PC 940 Copier

ALSO

Customer files consisting of

650 very loyal long term customers

And

750 newer customers.

## FOR MORE INFO

### CALL 518-452-4367

# Lawley & NYSASSRS

New York State Association of Service Stations & Repair Shops

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

## NYS Worker's Compensation Program Highlights

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



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

**Bill Adams**

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

[lawleyinsurance.com](http://lawleyinsurance.com) | 361 Delaware Ave, Buffalo, New York

**Lawley**

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

**FOR SALE  
REPAIR SHOP  
KINGSTON, NY**

4000 square feet

(4) 10x10 overhead doors

(2) stand-up lifts

(1) post lift

Hunter Hawkeye Elite 4 wheel alignment machine

Tire machine and balancer

Engine lift and presses

Waste oil furnace and Radiant heat facility

Many Fleet Maintenance and Repair Contracts

Large Local Customer Base

*Current Business*

*Being Sold For Turnkey Operation*

**FOR MORE INFO  
CALL DAVE  
845-401-8645**

**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.**



**Heartland**

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

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

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

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

## **About Heartland:**

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

**For more information contact:**

**Chandler James**

**518-452-4367**

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

## FREE MONEY

BE A MEMBER OF OUR ASSOCIATION OR AFFILIATES

FILL OUT THIS FORM AND FAX BACK TO US

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

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

PUT THE MONEY IN YOUR POCKET

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

## FREE MONEY

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

**FAX** this form back to:

518 452-1955

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

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

OR

THE POSSIBLE LOSS OF YOUR:

TOBACCO LICENSE

LOTTO LICENSE

ALCOHOL LICENSE?

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

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

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

ALL INFORMATION AND MATERIALS ARE PROVIDED  
THROUGH OUR WEBSITE AT:

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

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



## Garage Insurance Survey

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

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

# **Bradley & Associates, Inc.**

---

## **ACCOUNTANTS & CONSULTANTS**

P.O. Box 1093 • Latham, NY 12110  
417 Troy-Schenectady Road

- *Monthly Financial Statement*
  - *Quarterly Payroll & Sales Tax Reports*
    - *Year End Reports & Tax Returns*
- 

*Specialized Reports For The  
Service Station Industry*

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Call For Your Free Consultation & Evaluation  
**(518) 783-8492**

# GRANY

## 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 (518) 452-4367. 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.



**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  
6 Walker Way  
Albany, New York 12205

WHEN:

The First Tuesday of every month at 2:00 PM  
The Third Wednesday of every month at 10:00 AM

COST:

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

**PLEASE CALL FOR RESERVATIONS AT (518) 452-4367**

**SPONSORED BY: GRANY**





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: <b>OE</b> <b>ADD</b>					
Note: Check or money order <b>must</b> 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.

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.

17♦ 

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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 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** \_\_\_\_\_

(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.



# GRANY

GASOLINE & REPAIR-SHOP ASSOCIATION OF NEW YORK, INC.

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6 Walker Way, Albany, NY 12205

grany@nysassrs.com

(518) 452-4367

(518) 452-1955 Fax

## ***AFFILIATED WITH***

Service Station Dealers of America

New York State Association of

Service Stations & Repair Shops, Inc.

DEAR MEMBER:

ENCLOSED, YOU WILL FIND A COPY OF THE STATUTORY DEMAND LETTER, TO BE SENT TO THE DRAWER OF THE DISHONORED CHECK'S LAST KNOWN RESIDENCE OR PLACE OF BUSINESS ADDRESS. BOTH ENGLISH AND SPANISH SIDES OF THE LETTER MUST BE COMPLETED.

THE FIRST DEMAND LETTER MUST BE SENT BY FIRST CLASS AND BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. THE SECOND DEMAND LETTER NEED ONLY BE SENT BY FIRST CLASS MAIL. IT MUST BE SENT ON OR AFTER THE 15TH DAY FOLLOWING THE DATE OF RECEIPT OF THE FIRST DEMAND LETTER.

DELIVERY OF THE CERTIFIED DEMAND LETTER MUST BE RESTRICTED TO THE DRAWER OF THE CHECK.

IF YOU HAVE NOT RECEIVED PAYMENT OF THE FACE AMOUNT OF THE DISHONORED CHECK WITHIN 30 DAYS AFTER MAILING THE SECOND DEMAND LETTER, YOU MAY THEN SUE IN COURT FOR THE FACE AMOUNT OF THE DISHONORED CHECK AND FOR THE APPROPRIATE PENALTY AMOUNT.

THE FOREGOING APPLIES ONLY TO CHECKS RETURNED FOR INSUFFICIENT FUNDS AND FOR A CLOSED ACCOUNT. IT DOES NOT APPLY TO CHECKS UPON WHICH A "STOP" HAS BEEN ISSUED.

MAKE COPIES OF THE ENCLOSED DEMAND LETTERS FOR FUTURE USE AND KEEP THIS LETTER ON FILE AS A REMINDER OF PROPER MAILING PROCEDURE.

POST THE ENCLOSED POSTER FOR YOUR CUSTOMERS.

## DEMAND FOR PAYMENT OF DISHONORED CHECK

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

\_\_\_\_\_ 1<sup>st</sup> Notice

To: \_\_\_\_\_  
(Name of drawer)

\_\_\_\_\_ 2<sup>nd</sup> and Final Notice  
WARNING: You may be  
sued 30 days after the  
date of this notice if you do  
not make payment.

\_\_\_\_\_  
(Last known residence address or  
place of business)

Your check in the amount of \$ \_\_\_\_\_ dated \_\_\_\_\_ payable to the order of  
\_\_\_\_\_ has been dishonored by the bank upon which it was  
drawn, because:

- \_\_\_\_\_ you had no account with that bank.  
\_\_\_\_\_ you had insufficient funds on deposit with that bank.

If you do not make payment, you may be sued under Section 11-104 of the General Obligations Law to recover payment. If a judgment is rendered against you in court, it may include not only the original face amount of the check, but also additional liquidated damages, as follows:

If you had no account with the bank upon which the check was drawn, an additional sum which may be equivalent to twice the face amount of the check or seven hundred fifty dollars (\$750.00), whichever is less; or

If you had insufficient funds on deposit with the bank upon which the check was drawn, an additional sum which may be equivalent to twice the face amount of the check or four hundred dollars (\$400.00), whichever is less.

Please make payment in the amount of \$ \_\_\_\_\_ to:

\_\_\_\_\_  
(Name of payee)

\_\_\_\_\_  
(address to which payment should be delivered)

If you dispute any of the facts listed above, contact the payee immediately.

SAMPLE BAD CHECK DEMAND LETTER  
(MUST BE IN AT LEAST 10 POINT TYPE IN BOTH ENGLISH AND SPANISH)

DEMANDA PARA BAGO DE CHEQUE DISHONRABLE

Fecha: \_\_\_\_\_

☐ Primer Notificacion

To: \_\_\_\_\_  
(Nombre de persona que  
va la validacion)

☐ Segundo y Ultimo Notificacion

AVISO: Usted puede ser  
demandado 30 dias despues  
de la fecha de esta  
notificacion, su usta no  
hace su pago.

\_\_\_\_\_  
(La ultima dirreccion, residencia  
o sitio de negocio)

Su cheque de suma \$ \_\_\_\_\_ fechada \_\_\_\_\_ pagable a la  
orden de \_\_\_\_\_ ha sido deshonrado por el banco  
en que el cheque es valido porque:

☐ usted no tiene cuenta con este banco.

☐ usted no tuvo suficiente fondos depositado con este banco.

Si usted no manda su pago, usted puede ser demandado bajo la Seccion  
11-104 de la Ley General Obligatoria para recuperar la cantidad adeudada.  
Si una decision es determinada contra usted en la corte, puede ser usted  
responsable no solo por la suma del cheque original, pero por danos de  
liquidacion como los siguientes:

-- Si usted no ha tenido una cuenta con el banco en que el cheque ha  
sido valido, le cargaremos un multa que puede ser el equivalente de dos  
veces mas de la suma de el pago original o siete ciento cincuenta dolares  
(\$750.00), cualquiera que sea menos; o

-- Si usted ha tenido fondos insuficiente en deposito con el banco en  
que el cheque es valido, le cargaremos una multa que puede ser el  
equivalente de dos veces mas de la suma de el pago original o cuatro  
cientos dolares (\$400.00), cualquiera que sea menos.

Por favor haga su pago en la suma de \$ \_\_\_\_\_ a:

\_\_\_\_\_  
(Nombre de persona que pueda cambiar)

\_\_\_\_\_  
(Dirreccion en que pago  
debe ser mandado)

Su usted disputa cualquiera de estas medidas o necesita llegar a un  
acuerdo acerca de su cuenta, comunicase con nosotros imdiatamente.

# W A R N I N G

## BAD CHECKS MEAN STIFF PENALTIES

YOU CAN NOW BE SUED FOR THE FACE VALUE OF A CHECK DISHONORED FOR INSUFFICIENT FUNDS OR A NONEXISTENT ACCOUNT, PLUS AN ADDITIONAL AMOUNT UP TO \$750.00 AS A PENALTY.

BAD CHECK WRITERS MAY ALSO FACE CRIMINAL PENALTIES.

N.Y.S. GENERAL OBLIGATIONS LAW, SEC. 11-104, DEALS WITH CHECKS THAT ARE RETURNED FOR A LACK OF FUNDS OR FOR A NONEXISTENT ACCOUNT. IT PROVIDES FOR NEW CIVIL PENALTIES IN ADDITION TO EXISTING CRIMINAL PENALTIES.

ANY PERSON WHO WRITES SUCH A DISHONORED CHECK MAY NOW BE CIVILLY LIABLE FOR THE AMOUNT OF THE CHECK PLUS TWICE THE VALUE OF THE CHECK UP TO \$750.00.