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GASOLINE & AUTOMOTIVE
SERVICE DEALERS ASSOCIATION

372 DOUGHTY BLVD., SUITE 2C, INWOOD NY 11096
TEL: 516-371-6201 FAX: 516-371-1579

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BP Retailers Targeted

Americans are voicing their frustration with BP over the massive oil spill by taking it out on the wrong folks: the retailers. AOL's DailyFinance.com writes that boycotting BP by not buying gasoline sold "under the oil company's name" will do very little to BP's bottom line. BP, like ExxonMobil and ConocoPhillips, exited the retail side of operations and today only owns about 100 sites. The rest of the stores are owned by independent operators.

One dealer is worried about BP boycotts, noting that he's worried consumers are so angry with BP that they'll stop coming to his stores. "If they don't buy that gallon of gas from the local BP store, they are hurting the local business more than anybody else. "Where we really make our money is in inside the store. Gasoline sales have been down. Yeah, it's tough.

Meanwhile, BP is providing retailers with information about the cleanup, advising retailers how to respond to public inquiries but is not at the point of offering financial support. And because of standing contracts, retailers who wanted to distance themselves from the BP brand are likely out of luck. These contracts stretch multiple years and are just about impossible to break.

BP boycotts are popping up all over the Internet, including Facebook and dedicated websites. Ralph Nader's Public Citizen site has an online petition for consumers to sign, sending "a clear message to BP by boycotting its gas and retail store products."

Tyson Slocum, director of the group's Energy program, told the news source that the boycott is a legitimate way for consumers to vent their frustrations with BP actions. "We don't mean [station owners] any harm," Slocum told the news source, adding that he's aware that BP doesn't own

the stations. "The vast majority of our members are angry, extremely angry," he said, noting that the boycott is intended to "tarnish" BP and that impact on the retailers would be minimal.

Association Executive Director Ralph Bombardiere dismissed this notion as "ridiculous."

Protesters, are finding other ways to show their anger. At a Manhattan BP station in New York, protesters painted the sign black. "They don't understand that they're not hitting BP, they're hitting an independent business man," the owner of the site told the *New York Daily News*.

"BP station owners are finding that the spilled oil's spreading stain is unavoidable -- and the effects are beyond their control," writes the news source, adding, "About the only thing that they can do is hope that the country's worst oil disaster begins getting resolved before their businesses are further destroyed."

Editorial

Paul Fiore
Executive Vice President
Service Stations Dealers Association – Allied Trades

The smell of blood is in the air again and, as usual, innocents will be harmed. This mob mentality forming against BP-branded service station owners is frightening. As an organization that represents thousands of dealers in the United States, we have to say that we understand the frustration the public feels. But as for all of the special-interest groups calling for this boycott of BP stations, we say "SHAME ON YOU"! You are actively destroying families. We are a trade association and we understand the value of publicity, but to promote your organization (or your own name as a pundit) at the expense of peoples' livelihoods is unforgivable and you would be quick to condemn others who behaved in this fashion under similar circumstances. And to the public we say – "PLEASE THINK ABOUT THE HARM YOUR ACTIONS WILL CAUSE". We will not defend BP here and make no attempt to do so. But please consider the following facts:

- BP owns very few service stations in this country. Almost all of the major refiners are out of the retail business.
- The majority of BP service station dealers are contractually obligated to buy the BP-branded product from a specific supplier for years at a time. (The same is true for all branded dealers.)
- When you stop buying BP product and there is a surplus of supply, BP will simply and quickly wholesale it to one of the large chain stores that sell gasoline without a brand name – you know who they are.
- These dealers exist on slim margins and will suffer serious financial harm quickly – these family businesses will undoubtedly lose everything: life savings, college tuition savings and finally, their homes, in an effort to stay in business. We witness this on a regular basis.

As a consumer, do you really want to harm families just like yours in a misguided attempt to get back at a corporation that is far-removed from your neighborhood? It may be a cliché to talk about businesses in the community but don't forget how much these folks give back to the neighborhood with sponsorships for sporting teams, scholarships at local schools, car washes for any cause – the list goes on. Please take a few minutes to think about what you are really trying to accomplish. Unless you simply must draw blood of any kind,

boycotting your local BP station will be a waste of your efforts. Please contact us if you'd like to know more about what it's like to be a neighborhood dealer.

Distributor To Enjoy Fruits Of BP Rebate Program

Fuel distributor Atlas Oil Co. is considering investing in capital improvements and image-building for its network of BP gas station retailers, according to a report by *Crain's Detroit Business.* Atlas is still deciding what to do with as much as $300,000 in BP rebates, Executive Vice President of Business Development Mike Evans told the magazine. The first payout will be made next week.

BP is paying regional distributors of its gasoline a 1-cent per-gallon rebate on gasoline sold at stations in Midwestern states. The funds are meant to help offset the impact of a consumer boycott in response to the Deepwater Horizon drilling rig explosion and subsequent crude oil spill, which began April 20, the magazine noted. Distributors in the Gulf Coast markets will receive a sum equal to 2 cents per gallon. Those who own and operate stores may pass on the rebates in lower prices on the street.

Atlas Oil distributes to approximately 70 BP stations in Indiana and Illinois, including 11 it owns and operates. It also supplies to a network of business and government customers in 21 states. "We've seen about a 10-percent reduction in use at BP stations through Indiana and Illinois. You can't really attribute it to really anything other than the Gulf right now," Evans said. "Demand's not real robust right now in the market as a whole, but the decline doesn't account for all of that."

Atlas has made a few advertising media buys in newspapers the Chicago area, hoping to educate buyers that a consumer boycott impacts local small-business owners more directly than BP, *Crain's* reported. The distributor is also considering using some of the rebate money toward a capital improvements fund to make enhancements to its network of BP retailers.

BP owns fewer than 5 percent of its 11,100 branded stations in the United States and began a push to sell off stations two years ago to franchisees and distributors, including Atlas Oil, the magazine noted.

The new rebates actually go to the distributor, and the distributor then figures out how best to help the retailers grow their business, in terms of helping them rebuild in their markets," Evans said. "So we're looking at programs where we invest capital in a location, to make it friendlier to the consumer, whether it be a new sign or curb appeal, or a new service it can offer. We're kicking around those ideas." BP has said the cash to distributors is for gallons purchased in June, July and August. Evans told the magazine Atlas will reach a final decision on how to allocate the funds by mid-July.

If BP stations average more than 100,000 gallons sold per month over the affected period, Evans said the rebate could amount to more than $1,000 per station, or nearly $100,000 per month each of the three months.

General Counsel Corner
By Peter H. Gunst, Esquire
How to Get Out of (or Avoid) a Bad Marriage

Recently, reports have surfaced that BP jobbers are consulting lawyers about their long-term supply contracts because of the significant sales fall-offs they are encountering following BP's Gulf fiasco, and its detrimental impact on the BP brand.

Oil Express reported one jobber as saying "do the math on a 20 million gals/yr jobber losing 20% of his business because of their screwup."

The issue of getting out of or avoiding an odious long-term supply agreement can arise in many contexts.

A dealer may be presented with the "bona fide" offer to purchase his station, which is required under the Petroleum Marketing Practices Act before the dealer can be nonrenewed and his station sold out from under him. The supplier may well attempt to tie up the dealer in a long-term supply contract as a condition of sale.

In L.M.P. Service, Inc. v. Shell Oil Co., 128 F. Supp. 2d 287 (D. Md. 2000), Shell tried that tactic in order to have its cake and eat it too by requiring the nonrenewed dealer to sign up for a long-term supply agreement as a condition to the offer to purchase that it presented to the dealer.

That way, Shell could pocket the sales price for the premises and still enjoy the fruits of a profitable long-term exclusive supply arrangement.

When the dealer filed suit attacking the validity of Shell's offer, Shell responded that the dealer was "entirely in error in asserting that there is some illegality in the former property owner's having a supply

agreement with the new owner, whether that new owner is a third party or the former franchisee itself."

Rejecting Shell's contention, and entering judgment for the dealer, the court said that although having a supply agreement with a new owner does not violate the PMPA, "making a supply agreement a term of the offer to sell the premises … does ."

Another scenario arises where the supplier's actions – like BP's – have significantly impaired its brand value, with resultant damage to a customer bound by the terms of a long-term, exclusive supply agreement.

In 2006, Getty Petroleum Marketing, which was then licensed to supply Mobil-branded products, informed Pennsylvania jobber Shipley Fuels Marketing of its intention to rebrand the products sold through Shipley's stations to LUKOIL.

Shipley feared that replacing the well-known Mobil brand name with that of a Russian refiner having little or no market acceptance would adversely affect both its volume and profitability. It therefore refused to permit Getty to change the signage at its stations and began the process of debranding its stations.

Relying upon the terms of the fifteen-year distribution agreement entered into between Shipley and Getty's predecessor, the now defunct Mobil Oil Corporation, Getty filed suit in federal court and sought a preliminary injunction requiring Shipley to rebrand its stations to LUKOIL for the remainder of the term of the supply agreement.

Denying Getty's request for relief, the court found that, under a strict reading of the terms of the parties' supply contract, Getty did have the right to discontinue its sale of Mobil branded products and to offer substitute products to Shipley, but that Shipley was under no obligation to accept those substitute products.

The result in that case turned on a precise reading of the parties' rights as set forth in the distribution agreement, so the court was not required to determine whether the detrimental impact of rebranding – in and of itself – could justify a customer's repudiation of its obligations under a long-term exclusive supply agreement. Nevertheless, the case does suggest that a customer cannot in all circumstances be compelled to adhere to the terms of a long-term, exclusive supply relationship, when its supplier has materially altered the situation for the worse.

A third circumstance, yet to be litigated, could arise under the state and local laws enacted to supplement the PMPA. Recognizing that suppliers have circumvented the PMPA's bona fide purchase offer by assigning dealers' supply and lease agreements to a third-party purchaser of the station premises rather than nonrenew those agreements, some jurisdictions have expanded upon the PMPA by requiring the supplier to make a bona fide offer even where no nonrenewal has occurred.

Under those laws, can the supplier require the dealer to accept a long-term exclusive supply commitment as a condition to the offer to purchase afforded to the dealer? The analogous language and complementary purpose shared by the PMPA and those laws suggests that the conclusion reached in the L.M.P. Service case should apply equally in both contexts, and that the dealer should not be compelled to accept a long-term supply contract as a condition to acquiring his or her service station property.

Wine License Bill Unacceptable

One of the budget bills originally had provisions to permit conveniences stores and grocery stores to sell wine. The stores would need to purchase a one-time franchise for the State. Each retails outlet that wanted to participate in the franchise would pay a fee the State Liquor Authority per a fee schedule based on gross sales.

For a motor fuel station, the gross sales at first included diesel and gasoline sales. It was later amended to remove motor fuels sales and cigarettes due to heavy lobbying by the industry.

Had the bill passed in this form many services stations may have chosen to participate. The governor changed the bill to include grocery and conveniences stores only after three years. We as well as other groups have removed our support. We believe the bill will not pass unless it reverts to a form we can accept.

Financial Reform Package Headed For Presidents Approval

The convenience and petroleum retailing industry's nearly decade-long battle to rein in outrageous interchange fees became a reality yesterday as the U.S. Senate voted 60 to 39 in support of the financial reform package known as the Dodd-Frank Bill.

Thiss vote removes the last hurdle in getting this bill enacted into law, given that President Obama has said that he will sign the legislation once it clears Congress. The House of Representatives passed the legislation on June 30.

Provisions within the package, known as the Durbin Amendment, direct the Federal Reserve to issue rules to ensure that debit card interchange fees, also known as swipe fees, are reasonable and proportional to the processing costs incurred. Visa and MasterCard currently charge debit swipe fees of around 1 percent to 2 percent of the

transaction amount — among the highest rates in the industrialized world. Swipe fees have been the convenience and petroleum retailing industry's top pain point and second largest expense item — behind only labor costs — for a number of years.

The vote to pass the financial reform package followed intense lobbying by the banking industry in opposition to the Durbin Amendment.

From the phone calls and letters that flooded congressional offices in support of this legislation to the record-setting 5.4 million customer signatures that our industry collected demanding reform, we have made our voices heard and Congress has listened.

The legislation includes a provision directing the Federal Reserve to issue rules preventing card networks from requiring that their debit cards can only be used on one debit card network — ensuring that retailers will have the choice of at least two networks upon which to run debit transactions. In addition, the amendment would allow merchants to choose to decline credit cards for small dollar purchases because swipe fees often exceed profits on such sales. The amendment also clarifies that retailers can offer discounts to consumers who choose to pay with cash, check or debit card.

"At its core, this legislation simply introduces competition to a market that has not had any," said NACS Vice Chairman of Government Relations Tom Robinson, president of Santa Clara, Calif.-based Robinson Oil Corp. "Both consumers and retailers will see benefits as debit card fees will be aligned more closely with the cost of checks, as opposed to credit cards."

Earlier this month, Sen. Durbin announced that an agreement had been reached with key conferees regarding minor, clarifying changes to his amendment.

Credit and debit card swipe fees — called "interchange fees" by the big banks that set these rates — are a percentage of each transaction that Visa and MasterCard and their member banks collect from retailers every time a credit or debit card is used.

The Durbin Amendment would direct the Federal Reserve to issue rules to ensure that debit card swipe fees are reasonable and proportional to the processing costs incurred. Visa and MasterCard currently charge debit swipe fees of around 1 percent to 2 percent of the transaction amount — among the highest rates in the industrialized world. A number of independent research reports have confirmed what retailers have long argued: Swipe fees are considerably more than the actual cost of processing transactions and provide no commensurate benefits to retailers or consumers.

The Durbin Amendment also includes a provision directing the Federal Reserve to issue rules preventing card networks from requiring that their debit cards can only be used on one debit card network — thereby ensuring that retailers will have the choice of at least two networks upon which to run debit transactions. In addition, the amendment would allow merchants to choose to decline credit cards for small dollar purchases because swipe fees often exceed profits on such sales. In addition, the amendment clarifies that retailers can offer discounts to consumers who choose to pay with cash, check or debit card.

In 2008 alone, Americans paid more than $48 billion in swipe fees. These fees are non-negotiable and set in secret by the credit card companies and their member banks, and increase the cost of goods and services purchased by consumers.

The decision to advance swipe fee reform came despite intense lobbying pressure from the financial community, which sought to discredit the amendment by inaccurately portraying it as damaging to small, community banks. The legislation, however, provides exemptions for small banks and credit unions. Banks with less than $10 billion in assets would not be affected by the legislation. Included in this exemption would be 99 percent of banks (all but 86), 99 percent of credit unions (all but 3) and 97 percent of thrifts (all but 11).

Swipe fees have been the convenience and petroleum retailing industry's top pain point and second largest expense item — behind only labor costs — for a number of years. As a percentage of overall sales, card fees increased in 2009, from 1.35 to 1.45 percent of total industry sales dollars, factoring in all forms of payment, including cash and check. Total credit card fees ($7.4 billion) also surpassed overall convenience store industry pretax profits ($4.8 billion) for the fourth straight year in 2009.

Expanded Definition for "Dependant Child" in the Family Medical Leave Act

The Department of Labor (DOL) has issued a clarifying statement regarding the definition of "son or daughter" under the Family Medical Leave Act (FMLA) with respect to non-military leave. The newest interpretation grants leave rights to any individual who assumes the responsibilities of a parent by providing day-to-day care or financial support for a child, regardless of whether there is a legal or biological relationship between the individual and the child. "The Labor Department's action today sends a clear message to workers and employers alike: All families, including LGBT [lesbian-gay-bisexual-transgender] families, are protected by the FMLA." Hilda Solis, United State Secretary of Labor stated.

The FMLA allows eligible employees to take up to 12 weeks of protected leave for three reasons related to an employee's son or daughter:

1) To care for a son or daughter with a serious health condition
2) Because of the birth of a son or daughter of the employee and in order to care for such son or daughter and
3) Because of placement of a son or daughter with the employee for adoption or foster care.

Senators Want to Make Sure the Government Gets Its Share of Your Estate

Senators Bernie Sanders (I-VT), Sheldon Whitehouse (D-RI), Tom Harkin (D-IA) and Sherrod Brown (D-OH) introduced another bill aimed at taxing inheritances. Although not confirmed by the Congressional Budget Office the sponsors of the bill believe that it could raise $264 billion over a decade.

"This legislation would ensure that the wealthiest Americans in our country, millionaires and billionaires, pay their fair share while exempting 99.7 percent of Americans from paying any estate tax whatsoever," Sanders said.

The breakdown of estate values and tax rates prescribed in the bill are as follows:

- Between $3.5 million and $10 million, 45 percent
- Between $10 million and $50 million, 50 percent
- More than $50 million, 55 percent
- Ann additional 10 percent tax on estates valued over $500 million

This is an issue that could come up before the election and it could give both Republicans and Democrats more ammunition to fire at each other. Unless Congress acts, in 2011 the estate tax exemption will drop to $1 million per person and the maximum estate tax rate will increase to 55 percent.

Calling Card Legislation Passes the House

H.R. 3993, the Calling Card Consumer Protection Act passed the House this week by a vote of 381-41. The bill would regulate the way manufacturers detail the descriptions of how many minutes are on calling cards, how they can be used, and what the restrictions are.

NACS worked successfully to ensure that innocent parties who have no control over the production or marketing materials associated with pre-paid calling cards, i.e. retailers would not be subject to the enforcement provisions associated with fraudulent or deceptive products. These parties will still be subject to injunction and required to remove such calling cards from commerce.

State Tax Implements Emergency Regs On Tax-Free Sales Of Cigarettes To Indians

New York State Department of Taxation and Finance Acting Commissioner Jamie Woodward has announced the adoption of emergency regulations outlining amendments that implement significant changes enacted Monday regarding the sale of tax-free cigarettes to Indian reservations.

The regulations will ensure that an adequate quantity of tax-free cigarettes will be available for purchase for the use of each Indian nation or tribe and for the personal consumption of the nation's or tribe's members. At the same time, they will prevent the unlimited flow of tax-free cigarettes to reservation retailers.

The emergency regulations detail the dual statutory system for the delivery of an adequate supply of stamped, but tax-free cigarettes to Indian nations or tribes. The Indian nations or tribes may elect to participate in the Indian tax exemption coupon system, otherwise a system of prior Departmental approval will be used. Under both systems, the quantity of tax-free cigarettes is based on the probable demand of the Indian nations and their members and is determined by the Department based on Census data and federal consumption figures.

The regulations are effective immediately and apply to cigarettes sold to Indian nations and tribes on and after September 1, 2010. A summary of the amendments and a link to the regulations is provided on the Department's website at www.nystax.gov.

EPA to Give Partial Waiver For E15

The Environmental Protection Agency (EPA) will probably give a partial waiver for 15 percent ethanol blends of gasoline (E15) for model year 2007 automobiles and newer, the Bureau of National Affairs reports.

On July 1, Gina McCarthy, the agency's assistant administrator for air and radiation, told attendees at a future of renewable energy conference that the EPA waiver could be granted in September. "Now I will tell you that we are very confident, because

of the way newer vehicles are constructed and engineered, that E15 will be amenable for use in newer vehicles," she said. "As the vehicle gets older, we have less certainty about the use of E15."

Growth Energy applied last year for a exception to let E15 gasoline be sold at the pump. The Clean Air Act only allows E10 fuel to be sold. In January, NACS, along with several other groups, sent a letter to the EPA asking the agency to deny the 15 percent ethanol fuels (E-15) waiver.

Results from E15 testing by the U.S. Department of Energy (DOE) on model year 2007 cars will be finished by mid-September, which will let EPA make a ruling on those vehicles. A decision on E15 in model year 2001 and newer vehicles will likely be forthcoming by Nov. 30, as DOE testing on those vehicles will be finished by then.

"We are very confident that in November, we can make a waiver decision on the use of E15 in those vehicles as well," said McCarthy. "We are very positive about the outlook, but we're waiting for that data to come forward."

McCarthy also revealed that the agency is testing E20 blends.

Bill Number: A8687B – S8020
Sponsor: Rosenthal – Senator Perkins

The following is our response to a bill which has passed the senate and the assembly. We have lobbied against it and will continue to in these efforts.

The subject bill amends the New York State Environmental Conservation Law concerning a prohibiting for the sale and use

of wheel weights containing lead to balance tires on automobiles by April 1st, 2011.

The weights are used to prevent automobile tire from shimming at certain speed. The weights are placed on the wheels in strategic spot to balance the tire a rim. They are a necessity in the operation of a motor vehicle.

The elimination of use of lead for these weights may not be a good idea. While some state have banned them the federal government has not address the issue. Banning their use in individual creates a boutique product, which will force the prices to rise for the parts needed to balance a tire. The cost must be passed on to the consumer.

For the above reasons the New York State Association of Service Stations and Repair Shops, Inc its affiliates and members must oppose the legislation and urge it be defeated.

EPA To Change Waste Oil Burner Rules

The EPA is considering changing the "Identification Non-Hazardous Secondary Materials". That Are Solid Waste". (Docket ID No. EPA-HQ-RCRA-2008-0329). This will probably affect the legality of the burning of waste oil. While our national affiliate is getting clarification on the changes, They are asking us to get a feel for how many of our members actually burn waste oil in their shops. Please contact with information as to whether or not you burn waste oil.

Massachusetts Right to Repair Battle Needs Your Help

With the passage of Right to Repair legislation in the Massachusetts Senate, car company and dealer opponents have increased efforts to try to kill the widely supported bill in the state's House of Representatives. A state newspaper reported that Right to Repair bill sponsors were stating that they were receiving phone calls from constituents that appeared to be orchestrated by the vehicle manufacturers charging that Right to Repair legislation will cause the hiring of illegal aliens by independent shops. While representatives from the manufacturers denied the charge, a major tenant of the arguments being launched by the anti-Right to Repair coalition is that the bill would cause jobs to be lost in the state since it will make it easier for independent repair shops to obtain parts specifications. However, this argument fails to take into account the fact that the bill, as currently drafted, fully protects car company proprietary information, only requiring repair information and tools to be provided at a reasonable cost to independent shops.

The Boston Herald ran an editorial last week calling on the House of Representatives to pass Right to Repair legislation. "The "right" for an independent mechanic to repair any car that drives into his garage is hardly enshrined in the Constitution. Still, the pending "Right to Repair" bill that would give mom-and-pop shops access to the same repair information that dealers have (for a price) is in the interest of Bay State consumers."

The passage by the state Senate and support from major newspapers points to the possibility that Massachusetts could be the first in the nation to pass Right to Repair legislation. However, the intensified efforts by the car company/dealer/ASA coalition to defeat the bill reinforces the need for the repair industry in Massachusetts to make its voices heard by the House of Representatives. Therefore, any companies with locations in Massachusetts are strongly urged to immediately contact their

representative and urge them to support passage of Right to Repair legislation. Since the legislature in NYS will likely be affected by this bill's passage, shop owners are also urged to contact the state legislature. For information on the bill and how to contact state legislators, visit www.massrighttorepair.com.

Electric Vehicle Bill Draws Administration Support

The Obama administration announced its support last week for legislation directed at promoting the development and use of electric vehicles. Sponsored by Senator Byron Dorgan, D-N.D., The Promoting Electric Vehicles Act (S. 3495) would increase incentives for electric vehicle purchases; provide money for electric vehicle infrastructure, establishing a pilot program for electric vehicle infrastructure in five to 15 communities; and increase electric vehicle research and development funding.

David Sandalow stated that "electric vehicles are the future" and that the legislation would encourage the development for vehicles with lower greenhouse gas emissions and energy use than gasoline-powered vehicles.

However, Republicans on the committee expressed concerns that the legislation would put too much focus on electric technology, while ignoring other potential energy alternatives. Further, the Alliance of Automobile Manufacturers announced that they could not support the bill, stating that the legislation fell short of a comprehensive approach to reducing emissions in the transportation sector. "We believe the legislation should allow manufacturers, fuel providers and communities the flexibility to invest in multiple electric drive pathways, including fuel cell electric vehicle and related hydrogen infrastructure," the Alliance stated.

The Energy Committee likely will vote on the legislation in the near future in hope of including it in comprehensive energy legislation that might be considered by the full Senate sometime this summer.

Bill to Suspend Repair Shop's License Pending Hearing, Passes Senate, Now Resides in Assembly Transportation Committee

Bill A11158 -- S7438 has passed the Senate, and now resides in the Assembly Transportation Committee. The bill is dangerous to repair shops statewide. The bill calls for DMV to be empowered to suspend a repair shops license pending a hearing. Additionally, the Repair Shop Review Board is to be eliminated. The Review Board was originally put in place to ensure that repair shops were fairly treated.

The Association has attempted to resolve the matter with DMV. Their response is "so". Apparently those we have talked to think DMV should be Homeland Security, with repair shops labeled terrorists. The association has requested a meeting with the Commissioner of Motor Vehicles.

Do what can you do. Contact the people in your area that are on the Assembly Transportation Committee and let them know that you feel the bill is unfair and ask them to oppose it. While you're at it call Chairman Gantt and ask him to hold the bill. Call the association if we can be of any help. The committee members and their phone numbers are listed below.

•David F. Gantt (Chair)	518-455-5606
•Marc S. Alessi	518-455-5294
•Jim Bacalles	518-455-5791

•Marcos A. Crespo	518-455-5514
•Michael Cusick	518-455-5526
•Francine DelMonte	518-455-5284
•Michael G. DenDekker	518-455-4547
•Joseph A. Errigo	518-455-5662
•Dennis H. Gabryszak	518-455-5921
•Sam Hoyt	518-455-4886
•Janele Hyer-Spencer	518-455-5716
•Tony Jordan	518-455-5404
•George S. Latimer	518-455-4897
•Donna A. Lupardo	518-455-5431
•Alan Maisel	518-455-5211
•David G. McDonough	518-455-4633
•Joan L. Millman	518-455-5426
•Dean Murray	518-455-4901
•N. Nick Perry	518-455-4166
•Bill Reilich	518-455-4664
•Michelle Schimel	518-455-5192
•Frank K. Skartados	518-455-5762
•Fred W. Thiele, Jr.	518-455-5963
•Matthew Titone	518-455-4677
•Lou Tobacco	518-455-4495
•Harvey Weisenberg	518-455-3028

Minimum Age For Cashiers Who Sell Alcoholic Beverages

The regulations for clerks who sell alcoholic beverages taken from page 7 of the State Liquor Authority Handbook are as follows:

1. Clerks and cashiers who handle and receive payment for alcoholic beverages in drug stores, grocery stores and convenience stores must be at least 16 years old and must be supervised by someone who is at least 18 years old.
2. Clerks and cashiers in liquor and/or wine stores must be at least 18 years old.

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 drivers license, vehicle registration, and vehicle title records for an additional fee of $2 per abstract. To use this service, please call 516-321-6201.

We Have Changed Our Web Address

The Association is pleased to announce a new web site. The old website has been completely revamped to provide you with easier faster access to the information you need. The new address is

www.nysassrs.com

Our e-mail address has changed to:

state@nysassrs.com

In addition to being able to read back issues of newsletters, and providing you with links to important sites we have added a bulletin board to keep you better informed as stories break.

WARNING

YOU CANNOT DO INSPECTIONS IF ANY OF YOUR EQUIPMENT IS MISSING OR INOPERABLE.

PERFORMING AN INSPECTION UNDER THESE CONDITIONS CAN RESULT IN REVOCATION OR SUSPENSION OF YOUR INSPECTION LICENSE.

FORM 1099 NIGHTMARE COMING IN 2012
SSDA-AT WANTS YOU TO HELP STOP IT

As a result of the Patient Protection and affordable Care Act signed this year, beginning with payments made in 2012 every business will be required to issue to any vendor of services OR property to which the business has paid more than $600 a year for those services or property, an information reporting form known as Form 1099. The Form 1099 must also be sent to the Internal Revenue Service. In addition to issuing the forms, a business will have to get Taxpayer Identification Numbers (TINs) from all of those vendors and withhold payments to any such vendor until it receives the TIN. Penalties apply if you fail to issue the Forms 1099.

Under the existing law, businesses issue the Form 1099 only to individuals who provide services to a business. The new law makes two changes: the Form 1099 must be issued to corporations of all sizes and shapes as well as to individuals AND a Form 1099 must also be issued to individuals and corporations that provide property to a business.

The payments that are included under this are not only those made directly by check but also those made by other means such as credit cards, for example. Think about the airlines, hotels, rental cars, and restaurants that appear on your credit card bill. You might not think of them as vendors of goods and services, but that is what they are. Also, if you are in the business of selling or distributing goods, all of your suppliers of products are also vendors under the new law. (Under existing law there are regulations that provide narrow exceptions for some types of vendors (telegrams, telephone, freight, storage) and some individual vendors that accept payment from you by credit card and meet qualifications set forth by the IRS. Even if some regulatory exceptions are carried over under the new law, you will still be the one responsible and liable for issuing the information report and it will not be easy.) And Congress is considering doubling the penalties.

And, of course, any business that pays you more than $600 will be sending *you* a Form 1099.

Representative Daniel Lungren (R-CA) has introduced bill H.R. 5141, The Small Business Paperwork Mandate Elimination Act. Senator Mike Johanns (R-NE) has introduced S.3578, its sister bill.

SSDA-AT, as well as other organizations, has signed a letter of support to Rep. Lungren and Sen. Johanns.

TAKE ACTION

If you want to send emails to your Senators and Representative, go to www.stopform1099.org.

But do not stop there, call your Senators and Representatives (202-224-3121) and deliver the message you will find at www.stopform1099.org.

GASDA

Gasoline and Automotive Service Dealers Association

HEALTH INSURANCE PROGRAM

If you are going without health insurance, you are taking a big risk. Now is the best time to stop exposing yourself to high medical costs. Even if you have insurance, you will want too check how our health insurance programs can better suit your needs. Here are some of the benefits of our program:

- **Reduced premiums by being a member of our groups.**
- **Programs provided by a variety of providers.**
- **Choose from a wide selection of plans.**
- **Tailor your insurance to best suit your needs.**
- **Participating employees may choose different plans.**

Let us work with you to find the best program at the best price. We will send you more information, and help you to navigate the selection of plans and options to find the one that is best for you.

To find out more information call Wayne Bombardiere at (516) 371-6201

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 LOCATI0N 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

Keep Your Customers Coming Back

Repair Information Services | Shop Management Solutions | **Business Performance Services** | Business Intelligence Services

Mitchell1 eCRM™

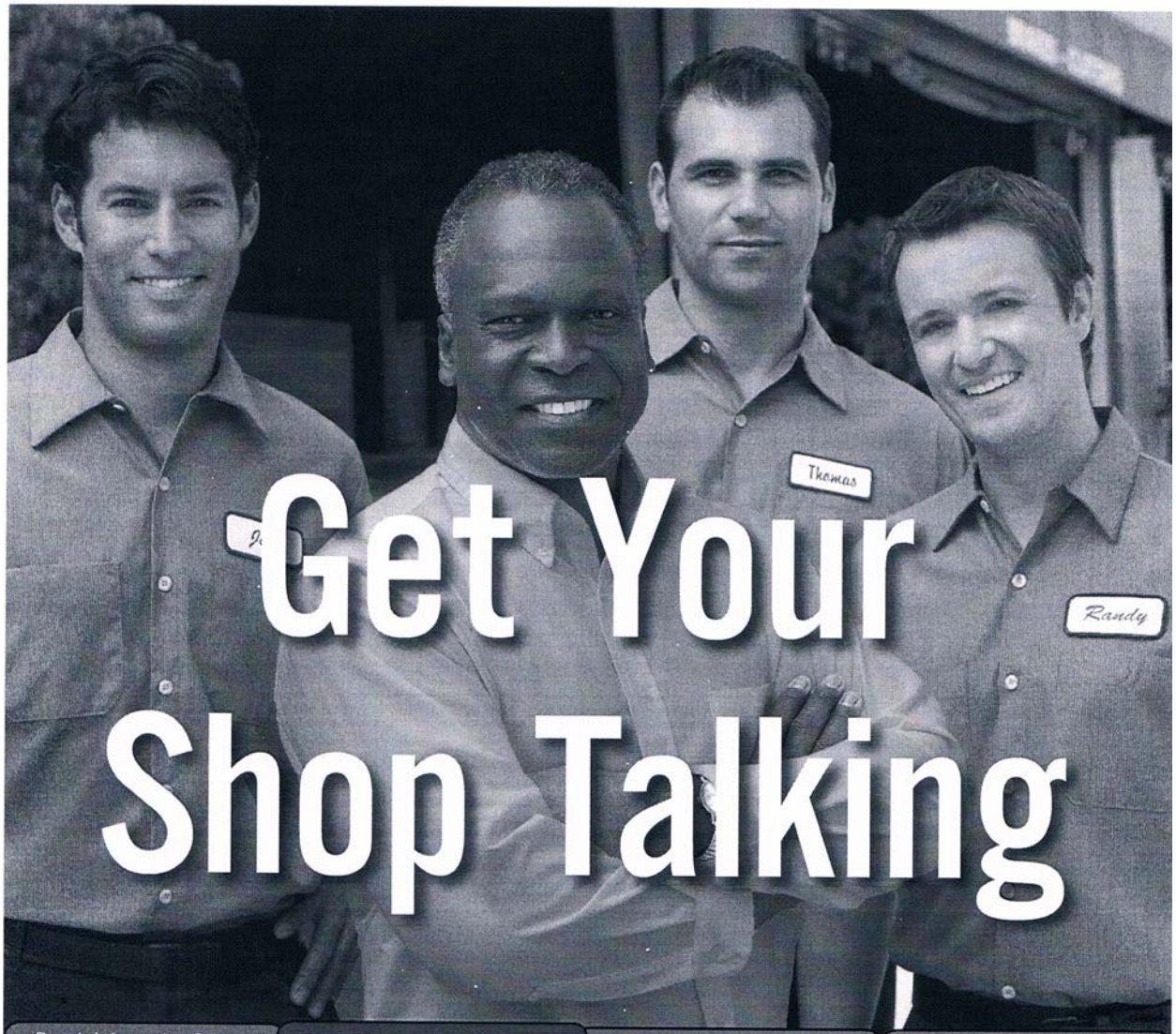
Now you can turn customers into loyal, profitable repeat customers easily. Mitchell 1 CRM integrates seamlessly with your shop management system to track your customers' vehicle history and send timely scheduled service reminder postcards and e-mails automatically. You choose the postcards and customize with your logo and message – finally, a way to communicate your message to your customers that they'll be glad to receive.

- Service Reminder E-mails & Postcards
- Consumer Vehicle History Website
- Service Recommendations
- Custom Promotions
- Dedicated Marketing Support Center
- Return on Investment Reporting

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

800.410.0529
mitchell1.com/eCRM

Mitchell1 Business Performance Services



Get Your Shop Talking

Repair Information Services | **Shop Management Solutions** | Business Performance Services | Business Information Solutions

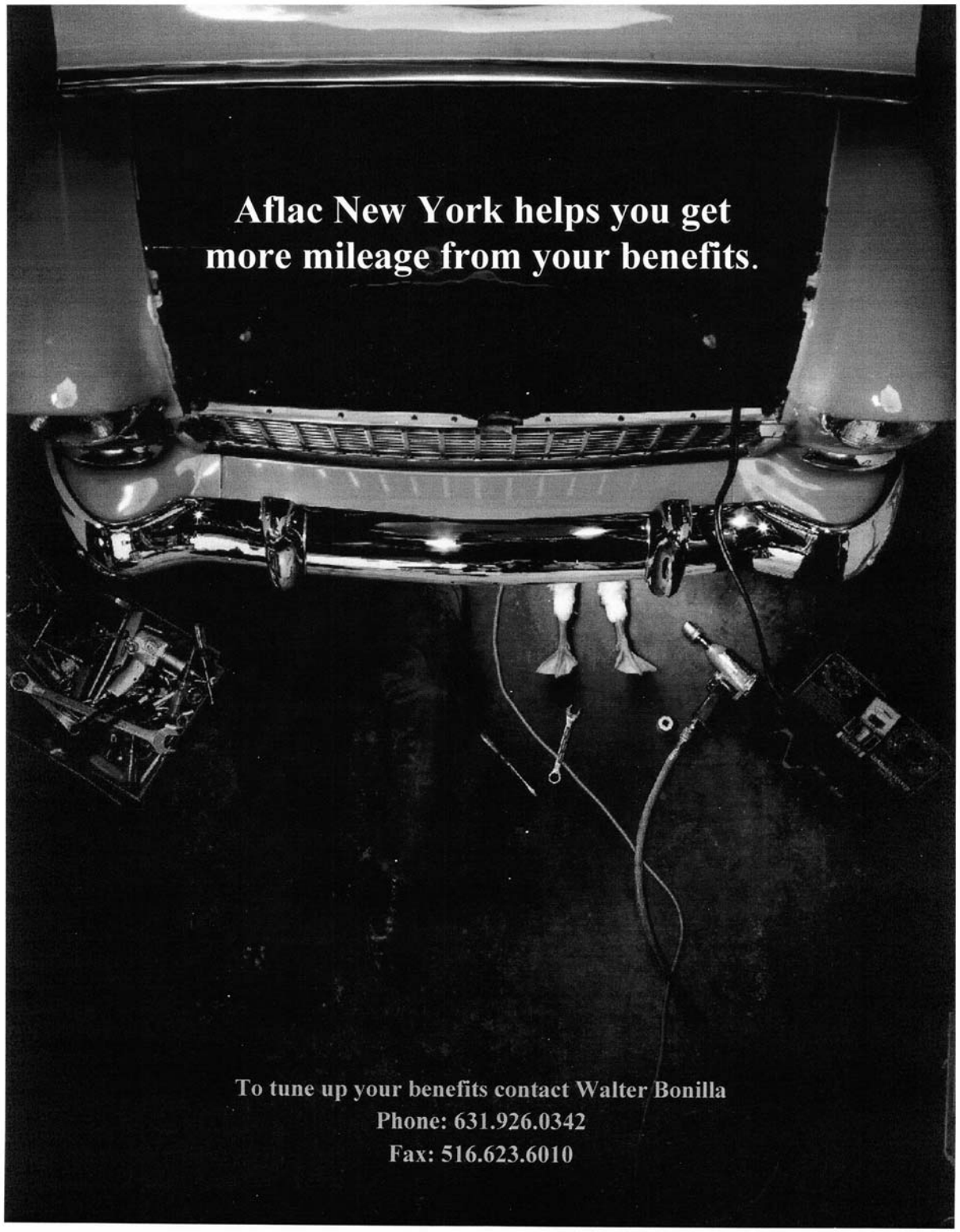
Mitchell1® TeamWorks™

Mitchell 1 TeamWorks combines the features of Manager, Estimator and Repair to seamlessly integrate all parts of your shop. From the moment your customer walks in the door, TeamWorks allows your Service Advisor to look up customer and vehicle information, calculate time to diagnose, check TSBs and prepare an estimate. Parts advisors order and track parts from your favorite vendors. Techs pull up work requested with associated diagnostic and service information, and enter recommended service. That's the kind of shop talk you can turn into profit!

AASP NATIONAL ALLIANCE OF AUTOMOTIVE SERVICE PROVIDERS

888-724-6742
mitchell1.com

Mitchell1® Shop Management Solutions


Aflac New York helps you get
more mileage from your benefits.
To tune up your benefits contact Walter Bonilla
Phone: 631.926.0342
Fax: 516.623.6010

Aflac™

HERE'S HOW AFLAC NEW YORK CAN HELP:

Many industries-like specialized auto repair and customization-require highly skilled talent that is not easy to find and retain. Great benefits are a top priority for these talented professionals when considering where to work. With Aflac New York, you can provide a wide range of benefits that gives them coverage in the areas they need most, and with a brand they know and want. You can attract and retain new talent by providing the kind of benefits they'd expect from a bigger company, helping your business stand out from the crowd.

THE BEST PART ABOUT AFLAC!

NO DIRECT COST TO YOUR COMPANY

Aflac New York's insurance policies are paid entirely by your employees; therefore, adding value to your employee benefits plan without incurring direct costs.

OFFERS A WIDE RANGE OF POLICIES

Aflac New York offers a wide range of policies that can help cover health events from accidents to hospitalization. You choose the ones that are best for you, your employees, and your business.

POTENTIAL TAX SAVINGS

Aflac New York's tax-advantaged plan allows employees to use pre-tax dollars to pay for certain benefit costs, through a Section 125 cafeteria Plan. This plan may also reduce your FICA taxes, helping you counterbalance the challenges you face in today's economic environment.

ATTRACTIVE TO YOUR EMPLOYEES

Aflac New York insurance complements your major medical insurance to help you create a more attractive employee benefits package. Our wide range of policies is designed to provide cash benefits to your employees if they become injured or sick. With Aflac New York policies, there are no deductibles, copayments, doctor networks, or pre-authorization requirements.

Join the 16,500 companies* that Already include Aflac New York as an essential part of their benefits package. Find out more:

Walter Bonilla **1.631.926.0342** **walter_bonilla@us.aflac.com**

American Family Life Assurance Company of New York (Aflac New York)

The NAPA Major Account Program

***** FREE MONEY GIVEAWAY*****

GASDA

Want to put more money in your pocket and do nothing more than you do now?

NAPA

You already buy parts and supplies for your business so why not buy from NAPA and earn 2% rebate!

The Association and NAPA developed a complete, competitive supply program designed to boost your backroom profits and meet your customer needs. Here's what it includes:

BENEFITS TO ASSOCIATION RETAILER

Quality Products that meet or exceed OEM specifications
Customized Pricing -Reduced Parts Costs
Improved Inventory Turnover
Less Downtime -Higher Gross Profitability
Increased Field Contacts -700 Factory Representatives
Consistent Manufacturers Throughout Our System
Consistent Nationwide Parts Warranty
Availability -Up to 342,000 Part Numbers
Broader Inventory Coverage
Obsolescence Protection
Tailored Local Inventories
Recognized Consumer Brand
More Effective Shop Inventory -Reduced Investment and Higher Productivity
Prolink Internet based catalog, 24/7 parts availability and pricing

PROFIT PLAN

Very competitive pricing on **NAPA** Premium and Value Line products
Special quarterly stocking incentives
Quarterly product discounts to enhance competitive pricing during key selling seasons
Discount on electronically ordered parts from participating stores
Prompt payment discount terms (2% 10, Net 20)

A BRIEF LOOK AT NAPA

Since 1925, **NAPA** (**National Automotive Parts Association**) has helped businesses expand their parts coverage and maximize turnover and ROI. They offer an unparalleled package for people, products and programs to increase your productivity:

More than 5,800 **NAPA AUTO PARTS** Stores Nationwide

- Strategically located Distribution Centers servicing all 50 states
- Computerized inventory control linked to your station
- Highly trained Factory Reps.
- Training for you and your employees

(O V E R)

Now…what do you have to do to participate in the NAPA Program? It's easy. You just have to:

Register in **NAPA** Major Account Program with the Association
Stock a minimum of four product lines
Designate **NAPA** as first call supplier, and
Purchase a minimum of $7,500 per quarter (Average $2,500 per month)

It couldn't be easier so why not join today. **No risk**….if you don't meet the quota you just don't receive the rebate, nothing lost….but additional profit could be gained!

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